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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 17 April 2008, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

- a) Future of Healthy Community Project

Reason for confidentiality. Local Government Act s.5.23(2)(a) – A matter affecting an employee or employees.

7. CONFIRMATION OF MINUTES

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of 21 February, adjourned and resumed on 6 March 2008, be confirmed as a true and correct record of proceedings.

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

10.1 PRESIDENT

10.2 COUNCILLORS

11. DISCLOSURE OF INTERESTS

12. REPORTS OF COMMITTEES

13. REPORTS OF OFFICERS

13.1 WORKS

13.1.1 WORKS REPORT

File: N/A
 Author: Cliff Hodder, Works Foreman
 Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 10 April 2008
 Attachments: None

MATTER FOR CONSIDERATION

Works Report for the past two months

BACKGROUND

Overview of works for the past two months

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

a) Construction

- construction of a 3 km section on Morawa Road commenced in March, and by Council meeting, waterbinding will be underway in preparation for bitumen sealing
- sealing of the following is planned for the first week of May –
 - o Ninghan Road – second coat to both stages, totalling approx. 13 km
 - o Morawa Road – first and second coats to 3 km
 - o Morawa Road – floodway previously damaged
 - o North Road – floodway near Carlaminda homestead

b) Maintenance

- following Cyclone Nicholas, and other storms, damage to roads has been widespread, over the whole of the Shire. The town was isolated for some time with all roads closed. An inspection of the roads known to be most damaged, was carried out by Kim Edmeades, MRWA, Michael Keane, Greenfields Technical Services, and the Works Foreman.
- The roads identified by them and others, included –
 - o most urgent included – Ninghan Rd, Paynes Find Rd, Burnerbinmah Rd, Tardie Rd and Greenough River crossing
 - o work needed on – Old Warriedar Rd, sections of Maranalgo Rd, sections of Morawa Rd, North Rd, Cue-Dalgaranga Rd, Uanna Hills Rd, Dalgaranga-Mt Magnet Rd, Muralgarra Rd
- contractors have been engaged to carry out grading in the south east section of the Shire, to get the roads trafficable and safe.
- due to rains, public holidays and various interruptions, the crew has been unable to attend to all areas needing grading. Rain has both delayed grading since the roads has been too wet to be

workable, and on two occasions, two graders have been stranded and been inaccessible for a total of 4-5 days.

- Greenfields will be submitting a claim to Main Roads for flood damage. As yet, there has been no indication from MRWA
- Yalgoo-Ninghan Rd – the inspection revealed that one of the metal culverts on the lakes section of the Ninghan Rd is badly corroded and there is the possibility of it collapsing. Accordingly, the road is still closed to traffic. It is intended that the pipe be removed and the section lowered to form a floodway, as soon as possible. There are at least 6 floodways that need cement stabilisation, as they seem to get washed out nearly every time it rains.
- some maintenance done on Morawa Road, particularly on some severely scoured areas. Proposing to do cement stabilisation on a number of floodways

c) Plant

- backhoe, car trailer and one fuel tanker serviced and repaired –
 - o this should be the last major servicing required of plant and equipment
 - o other than Caterpillar equipment, records indicate that it has been quite some time since the fleet was fully assessed
 - o it is proposed to engage an appropriate firm to carry out an annual inspection of plant, and to carry out necessary servicing and maintenance
 - o one fuel tanker still to be serviced
- Iveco – sent to Perth for chassis check and repair. During maintenance of the Greenough River crossing, a part of the road collapsed after having been used for several days by both the Iveco and Volvo, resulting in panel damage, bull bar being broken off, and possibly the chassis bent. The truck was loaded with rock at the time. Insurance claim to be made.

d) Other

- works staff – long weekends, rain, Easter and more rain, has meant that the past 6 weeks or so has been difficult and very disjointed
- Wayne Hodder commenced in February, replacing Andrew Scrivener on a grader
- Cliff Hodder Junior has resigned and the job is being advertised

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Works Foreman's report for February to April 2008 be received.

13.2 DEVELOPMENT

13.2.1 EHO – ACTIVITY REPORT FEB-APRIL

File: E9
 Author: Dave Williams EHO
 Interest Declared: No interest to disclose
 Date: 1 April 2008

Date	Activity	Details/Comment
5-Feb	Environmental Health	Swap with Morawa due to work load
8-Feb	Local Planning	Liaise with the Department of Planning for updates required for the Shire of Yalgoo, continue with modifications and discuss the same with DPI mapping department
12-Feb	Building Control	BCA update seminar in Perth
19-Feb	Environmental Health	Continue with waste management strategy for Council
	Local Planning	Liaise with the Department of Planning Geraldton for updates required for the Shire of Yalgoo Forward documents from Mingenew for inclusion in Yalgoo LPS
22-Feb	Environmental Health	½ day due to excess rain and long trip home via Mt Magnet Inspect dysfunctional septic also needed, trees cut and repairs to water pipes.
26-Feb	Environmental Health	Modifications completed for Local Planning Scheme text and Local Planning Scheme Strategy currently waiting for completed maps and forwarding to WAPC
27-29 Feb	Environmental Health	Officer on sick leave
03-Mar	Environmental Health	Public Holiday
04-07 Mar	Environmental Health	Unable to travel, worked from Morawa
12-Mar	Environmental Health	Waste management work shop in Geraldton – then to Perth for LGMA
12-14 Mar	Environmental Health	LGMA conference Perth (professional development)
18-Mar	Local Planning	Liaise with DPI for completion of LPS planning Maps
25-28 Mar	Environmental Health	Good Friday and Easter Tuesday PH
1-April	Environmental Health	Activity report for Council
	Building Control	Discuss Administration area of Extension Hill with Mt Gibson. Fee for licence \$3,400
	Local Planning	Discuss Administration area of Extension Hill with Mt Gibson Fee for Development application \$4,175 invoice sent Agenda item commenced
4-April	Environmental Health	Provided advice for location of septic tanks Provided advice on waste management to client Discuss same with CEO
	Occupational Safety and Health	Discuss and confirm availability of staff for Mosquito Fogger training
	Local Planning	Agenda for Mt Gibson Council Access and review Mt Gibson Closure Plan

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the EHO's Activity Report to April 1 2008 be received.

13.2.2 MOUNT GIBSON EXTENSION HILL PROJECT
M/59/338/339 Workshop and Administration Offices

File: M5-5
 Author: David Williams, Environmental Health Officer
 Interest Declared: No interest to disclose
 Date: 1 April 2008
 Attachments: Regional Map and Routes
 Mine and Locality Plan
 Administration and Workshop Site Plan (all sand colour)

MATTER FOR CONSIDERATION

The purpose of this report is for Council to approve the development of a workshop and administration offices located at the Mount Gibson Extension Hill M/338/339 project as detailed on the attached location and site plan.

BACKGROUND

The Mount Gibson Extension Hill Iron Ore Project is located approximately 350km north east of Perth on the Great Northern Highway between Wubin and Paynes Find. A summarised description of the project is also included in the Public Environmental Review document submitted to the Shire of Yalgoo in November 2004.

Mount Gibson Mining Limited proposes to mine and process iron ore (hematite and magnetite) from Extension Hill and Extension Hill North and transport the ore to the Geraldton Port for export. The operation will yield approximately 13 million tonnes of hematite over 8 years and 230 million tonnes of magnetite over 20 years. Extension Hill and Extension Hill North are part of a ridge of Banded Ironstone Formations (BIFs) within the Mt Gibson ranges in the Midwest region of Western Australia.

The Environmental protection Authority approved the project in November 2006 subject to compliance with the report and recommendations of the Authority.

The operational component of the project includes the need for a workshop and administration offices and the location has been included as an attachment for Council.

The proposed mine is located on land zoned 'Rural/Mining' as prescribed in the Shire of Yalgoo Town Planning Scheme No.1 Scheme text.

STATUTORY ENVIRONMENT

Shire of Yalgoo Town Planning Scheme No.1 Scheme Text.
 Town Planning (Local Government Planning Fees) Regulations 2000.

STRATEGIC IMPLICATIONS

The project provides for further development of the iron ore mining industry in the Midwest region and will be required to comply with all Environmental and sustainability objectives and be of benefit to the surrounding communities.

POLICY IMPLICATIONS

The Shire of Yalgoo does not have a policy concerning workshops and administration offices on mine sites but the application does align with the *Shire of Yalgoo Town Planning Scheme Policy No.4 'Residential Development in the Rural/Mining Zone'*.

FINANCIAL IMPLICATIONS

There is a fee for the application, \$4175.00, calculated on the value of \$1.7M to construct the workshop and administration office.

There is also an additional benefit being negotiated through a community benefit contribution from the mining company.

CONSULTATION

Discussions have been held with Mr Peter Panek the project officer for Mt Gibson Mining.

COMMENT

The Shire of Yalgoo Town Planning Scheme No.1 Scheme Text 3.2.6 provides several objectives for land use in a *Rural Mining Zone* and includes the following;

- (a) *the zone shall consist of predominately rural and mining uses and,*
- (e) *To provide for and monitor mining activity and its associated works, however restricting the development of the residential component to areas with specific additional use rights.*

Furthermore 5.12 of the Scheme text provides that development in the Rural/Mining zone shall comply with the objectives of the zone as detailed above and with *such requirements as council sees fit relative to the proposed use*. The project will require further assessment for compliance with the Building Code of Australia and the provisions of the Health Act 1911.

As the workshop and administration building is contained within the mining lease and is only a small footprint compared to the overall project there should be no need for Council to impose additional requirements relative to the proposed use. When mining is complete rehabilitation of the site will be as detailed in the '*Conceptual Closure Plan Mt Gibson Iron ore Mine and Infrastructure Project.*' A copy of the document is available for Council's perusal.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council approve the development of a workshop and administration offices located at the Mount Gibson Extension Hill M/338/339 project as detailed on the attached location and site plan.

13.2.3 HEALTHY COMMUNITY PROJECT – Notes of Meetings

File: H2-4
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: Reference Group Meeting Notes of 5 February and 8 April 2008 (gold)

MATTER FOR CONSIDERATION

To receive the Notes of the Reference Group Meetings held 5 February and 8 April 2008.

BACKGROUND

The Reference Group is not a Committee of Council, and the notes of the meeting are presented for Council's information.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

No matters arising at the meetings require Council's endorsement or authorisation.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Notes of the Healthy Community Reference Group meeting held on 5 February and 8 April be received.

13.2.4 PROPOSED RECREATION CENTRE – Lot 49 Campbell St

File: S18
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 7 April 2008
 Attachments: None

MATTER FOR CONSIDERATION

Possible purchase of Lot 49 Campbell Street, to include in the reserve being created for the proposed Recreation Centre.

BACKGROUND

Council is pursuing the acquisition of lots 50 and 51 and the separating right of way, for inclusion with Reserve 35346 facing Gibbons Street. If Lot 49 is included, a good sized rectangular area will be created.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.2.7 (2) – Council to oversee allocation of local government finances and resources
- s.3.1 – general function of the local government is to provide for the good governance of the district

STRATEGIC IMPLICATIONS

Provision for future development of recreation facilities.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost to acquire lots 49

CONSULTATION

None

COMMENT

As the block has been released for sale and is currently on the market, enquiries with Landcorp indicate that in order to obtain the lot, it will have to be purchased by Council, in order that Landcorp can recover costs.

In an email from them they have stipulated that they would sell the lot to the Shire at the current asking price of \$10,000.

While the Recreation Centre may be able to be built without this lot, it could place constraints on the design, and create some difficulty.

Dept for Planning and Infrastructure have advised that they will wait on closure of the right of way until a decision is made regarding the acquisition of Lot 49.

As with the freehold block owned by the Shire to be included in Yalgoo Community Park, it may be necessary for the ownership of the lot to be transferred to the State at some point, so that it can be included into the Recreation Centre reserve. If the lot is only to be used as parking or gardens, it may not be required. However, unlike the Community Park where the block separated the lots to be incorporated into the reserve, Lot 49 is on the corner, and may be able to remain as freehold. However, it is likely that a portion of a building will need to be constructed on the lot, and so incorporation into the whole reserve would be required.

It has been previously noted that re-zoning would be necessary, and this issue can be addressed in the review of the Town Planning Scheme currently underway.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

1. That an offer of \$5,000 for the purchase of Lot 49 Campbell Street Yalgoo be made to Landcorp, free of any encumbrances or conditions.
2. That the CEO be authorised to negotiate a purchase price of up to \$10,000 for the purchase of Lot 49 Campbell Street from Landcorp.
3. That the expenditure for the purchase of Lot 49 Campbell Street be authorised from unbudgeted funds.
4. That the President and CEO be authorised to affix the Common Seal to the Contract of Sale.

13.2.5 YALGOO TOWN BUSH FIRE BRIGADE – AGM Minutes

File: B5-7
Author: Ron Adams, Chief Bush Fire Control Officer
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: Minutes of Yalgoo Town Bush Fire Brigade AGM (sea green)

MATTER FOR CONSIDERATION

Council to receive the Minutes of the AGM of the Yalgoo Town Bush Fire Brigade held on 4 March 2008.

BACKGROUND

The Yalgoo Bushfire Brigade must have and submit to Council the minutes of an Annual General Meeting by 31 March in each year.

STATUTORY ENVIRONMENT

Bushfires Act 1954

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The minutes of the meeting are reasonably self explanatory. The Brigade has elected all positions as required by the Act and several recommendations to Council.

Their recommendation listed at 5.2 (iii) that the local law be changed to allow the Brigade's finances to be controlled by the Shire will require the Shire's administration to have the local law changed to reflect this unique circumstance.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the minutes of the Yalgoo Town Bush Fire Brigade AGM held on 4 March 2008 be received.

13.3 FINANCE

13.3.1 FINANCIAL ACTIVITY STATEMENTS – February and March 2008

File:

Author: Ron Adams, Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 7 April 2008

Attachments: Financial Activity Statements for February 2008
 Balance Sheets for February 2008
 Income Statement Detail for February 2008
 Income Statement by Nature & Type for February 2008
 Income Statement Summary for February 2008
 Trust Balance Sheet February 2008
 Actual vs Budget February and March 2008 (all green)

(March reports to be presented at meeting – still with UHY Haines Norton)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for February and March 2008.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 31 March 2005 and became effective from 1 July 2005 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9–Provides that as a base standard for preparation of monthly statements, staff are to prepare a Profit & Loss Vs Actual Report and make comment of items of a 10% variance or \$5,000 from the previous month.

FINANCIAL IMPLICATIONS

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

CONSULTATION

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopt the financial statements for the periods ending 29 February 2008 and 31 March 2008, as attached.

13.3.2 ACCOUNTS PAID DURING THE MONTHS OF February and March 2008

File:
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: EFT & Cheque Detail for February and March 2008 (green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of February and March 2008

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account.

CONSULTATION

None

COMMENT

Payments made during the month of February and March 2008 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That:

1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 60 totalling \$166,558 paid during the month of February 2008, be received;
2. Cheque payments covering cheque numbers 10735 to 10765 totalling \$30929 paid during the month of February 2008, be received; and
3. Salaries and Wages totalling \$63359 paid during the month of February 2008, be received.
4. The Cheque Detail of payments covering vouchers EFT 1 to EFT 43 totalling \$60,420.91 paid during the month of March 2008, be received;
5. Cheque payments covering cheque numbers 10766 to 10799 totalling \$16074.93 paid during the month of March 2008, be received; and
6. Salaries and Wages totalling \$63807.89 paid during the month of March 2008, be received.

13.3.3 DRAFT BUDGET 2008-09 – CONSULTATION REQUESTS

File: B3-1
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: None

MATTER FOR CONSIDERATION

Review requests from councillors, staff and the community for inclusion in the draft budget for 2008/09

BACKGROUND

During 2007 it was resolved by Council to have a budget process in order to adopt timely budgets. Part of this policy was to ask councillors, staff and the community to submit requests for the draft budget. This being a new process for Yalgoo advertisements were placed in the Yalgoo Bulldust in December and February and it was resolved at the Ordinary Council meeting on March 6 to extend this timeframe through to the end of March.

STATUTORY ENVIRONMENT

Local Government ACT 1995
Section 6.2–Requires that each year a local government prepare and adopt an annual budget.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9 Preparation of Annual Budget.

FINANCIAL IMPLICATIONS

None

CONSULTATION

See Attached-

COMMENT

COMMUNITY REQUESTS

Submissions from the community were invited to be received until 31 March 2008. The following submissions were received and a staff comment is provided.

YALGOO JOCKEY CLUB

Power to Stable Area –The Jockey Club requests that a permanent power arrangement be made for lighting the horse stall area.

RA: Kevin Crowe has inspected the power source from the building. He has suggested that we will need to run the power from the central box in Piesse St. Approx Cost \$12,000.

Pergola – The Jockey Club requests that a new permanent pergola be erected at the front of the jockey showers/toilet area.

RA: the current arrangement is a piece of shade cloth lodged up. A new more permanent structure would enhance the look of the general ablution area. Cost:\$5,000.

RAILING – The Jockey Club requests another 200m of Sterline Racing Panel. The Jockey Club would supply the labour to install. Cost \$5000

Councillor Requests

Cr Anderson requested that:
None

Cr Rowe requested that:
None

Cr Morrissey requested that:

None

Cr Hodder requested that:

None

Cr Iturbide requested that:

None

Cr O'Connor requested that:

None

Cr Grey requested that:

None

VOTING REQUIREMENTS

Simple majority

Staff Requests

CEO requests:

1. Purchase of the MRWA depot in Campbell St
2. Purchase of Lot 49 for the Recreation Complex
3. Purchase of 2nd hand 12T SP multi tyre roller
4. Purchase of fourth grader, possibly S/H

WORKS FOREMAN requests that:

1. IVECO truck be traded in. As the plant has increased, the Iveco has become inefficient in the Shire's plant. The IVECO could also be converted to a prime mover, which is considerably cheaper option and it would then become more efficient. Cost \$20,000.
2. A new side tipper be purchased to be used on the IVECO or Volvo. This would increase the efficiency during construction now that both roads are in excess of 50kms from the depot.

OFFICER RECOMMENDATION

That the following items be included in the draft budget for 2008/09.

1. Provision for power to stable area
2. Pergola to be fitted to the western end ablutions
3. Railing of 200m to the race track
4. Purchase of MRWD depot in Campbell St
5. Purchase of Lot 49 Campbell St for Recreation Complex
6. Purchase of 12T multi tyre roller
7. Purchase of S/H Grader
8. Purchase of new side tipper
9. Conversion of Iveco to prime mover

13.3.4 ELECTED MEMBERS' ALLOWANCES AND FEES

File: B3-1
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 29 February 2008
 Attachments: None

MATTER FOR CONSIDERATION

To determine the following elected members allowances and fees for inclusion in the 2008/09 draft budget:
 Per meeting attendance fee for President and Councillors
 President's allowance
 Deputy President's allowance
 Monthly telecommunications allowance

BACKGROUND

The Local Government Act 1995 requires Council to determine the fees and allowances payable to Elected Members each year. The following fees and allowances were adopted by Council at its meeting on 19 April 2007 (refer Council Minute OC0408) and were included in the 2007/08 Budgets:

Attendance fee for elected members of \$120 per council and special meetings,
 Attendance fee for the President of \$200 per council and special meetings,
 Allowance for the President of \$6000 per annum,
 Allowance for the Deputy President of \$1000 per annum,
 Monthly telecommunication allowance \$50 per month for elected members,
 Travel allowance to be paid at Local Government Officers' Award, currently \$0.737 per kilometre.

All fees and allowances are to be paid monthly in arrears.

Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

Meeting Attendance Fees – Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulations 30 and 34 of the Local Government (Administration) Regulations 1996.

President's Allowance – Section 5.98 of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996.

Deputy President's Allowance - Section 5.98A of the Local Government Act 1995 and Regulation 33A of the Local Government (Administration) Regulations 1996.

Telecommunications Allowance – Section 5.99A of the Local Government Act 1995 and Regulation 34A of the Local Government (Administration) Regulations 1996.

Local Government (Administration) Regulations 1996 prescribe the maximum annual allowances payable and these are:

Regulation 33 specifies the maximum annual allowance for a mayor or president is \$12,000 or 0.002 of the local government's operating revenue, up to a maximum of \$60,000;

Regulation 33A specifies the maximum annual allowance for a deputy is 25% of the mayor or president;

Regulation 34 specifies the minimum annual attendance fee for elected members is \$2,400 and the maximum \$7,000. The minimum attendance fee for a mayor or president is \$6,000 and the maximum \$14,000; and

Regulation 34A specifies the maximum annual telecommunications allowance is \$2,400.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 1.2- Councillors' Travel Allowance
Policy 1.3- Councillors' Fees and Expenses
Policy 4.9-Preparation of Annual Budget

FINANCIAL IMPLICATIONS

Allowances and fees endorsed by Council will be included in the 2008/09 draft Budget. As it is proposed the allowances and fees will remain at the same level, there will be no significant variance in expense in the forthcoming year.

CONSULTATION

None

COMMENT

Fees and allowances payable to elected members in accordance with the Local Government Act 1995 are either entitlements or discretionary.

Entitlements

Entitlements are fees, expenses and allowances that an elected member must receive should they request to receive them. Generally, Council can determine the amount to be paid within minimum and maximum parameters specified by legislation. Examples are elected members' attendance fees, the President's allowance and reimbursement of telecommunication equipment rental charges for a phone line and a fax line.

Elected members are entitled to attendance fees and these can be paid per meeting in which case the minimum amount payable is \$60 and the maximum \$140 and the amount paid cannot exceed \$7,000 per year; alternatively an annual attendance fee ranging from a minimum of \$2,400 to a maximum of \$7,000 can be set. The President is also entitled to attendance fees and on a per meeting basis they can range from \$120 to \$280 with the amount paid not exceeding \$14,000 per year; or an annual attendance fee ranging from \$6,000 to \$14,000 can be paid.

An allowance in recognition of the additional duties required of the President is entitled to be paid and can range from \$600 to \$12,000 or 0.002 of the local government's operating revenue provided the result does not exceed \$60,000.

Discretionary

Discretionary fees, expenses and allowances are those that Council has the right to determine whether they should be provided, and if so their amount. (For example, the Deputy President's allowance and annual telecommunications allowance.) Should Council decide to continue to pay a Deputy President's allowance, the maximum amount of the allowance is 25% of the President's allowance.

Council has previously determined that elected members will be provided a telecommunications allowance rather than reimbursement of telecommunication equipment rental charges. The maximum annual amount allowed is \$2,400 per member.

Suggested Fees for 2007/08

A comparison of fees and allowances for the current financial years and the fees proposed for 2008/09 are shown in the following table.

	2007/08	2008/09
PRESIDENT		
-Council and Special Meeting Attendance Fee	\$200	\$200
-Committee Meeting Attendance Fee	\$70	\$70
- President's Allowance	\$6000	\$6000
- Telecommunications Allowance	\$50	\$50
-Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.737
DEPUTY PRESIDENT		
-Council and Special Meeting Attendance Fee	\$120	\$120
-Committee Meeting Attendance Fee	\$70	\$70
- Deputy President's Allowance	\$1000	\$1000
- Telecommunications Allowance	\$50	\$50
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.737
COUNCILLOR		
-Council and Special Meeting Attendance	\$120	\$120
- Committee Meeting Attendance Fee	\$70	\$70
- Telecommunications Allowance	\$50	\$50
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.737

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That Council:

Set a per meeting attendance fee for elected members of Council for council and special meetings of \$120 for 2008/09 and that this be paid monthly in arrears;

Set a per meeting attendance fee for the President for council and special meetings of \$200 for 2008/09 and that this be paid monthly in arrears;

That the President's Allowance be \$6,000 for 2008/09 and that this be paid monthly in arrears;

That the Deputy President's Allowance be \$1000 for 2008/09 and that this be paid monthly in arrears;

Set a per meeting attendance fee for Council committee meetings of \$70 for 2008/09 and that this be paid monthly in arrears;

A telecommunications allowance be paid to elected members of \$50 per month paid in arrears;

Determine a travel allowance be paid at the Local Government Officers' Award Rates currently \$0.737 per kilometre, for travelling to and from council, special council, committee and selected committees as per Council Policy 1.3

13.3.5 UNBUDGETED EXPENDITURE – WORKS UTE YA 456

File:
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: None

MATTER FOR CONSIDERATION

To approve a reallocation of funds from E168707 Works vehicle to E168708 Foreman's vehicle.

BACKGROUND

The Adopted budget for 2007-08 allows for the change over of the Works Foreman's vehicle two times during the financial year. The budget also allows to change one of the works utes in 2007/08. YA453 works ute has been changed and is allowed for in the budget. YA899 Foreman's ute has only been changed once this year. This has been due to vehicle availability that has caused YA899 to be only changed once. YA456 has exceeded our general rule of kilometres, and should be changed over whilst at the optimum time.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.8—States that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- a) is incurred in a financial year before the adoption of the annual budget by the local government.
- b) is authorised in advance by resolution; or
- c) is authorised in advance by the mayor or president in an emergency.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None, as this is just transferring funds from one account to another.

CONSULTATION

Niel Mitchell, CEO

COMMENT

None

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That Council approve the transfer of \$11639 from account E168707 Foreman's vehicle to E168708 Works vehicle, to change over vehicle YA456.

13.3.6 JOINT VENTURE HOUSING – Loan 52 Payout

File:
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared. No interest to disclose
Date: 28 March 2008
Attachments: Indicative Loan Termination (green)

MATTER FOR CONSIDERATION
To approve the payout of Loan 52

BACKGROUND
Loan 52 was raised in 2002 for the purchase of the Joint Venture Housing Project at 28A + B Selwyn St.

Council resolved to dispose of the property to Department of Housing and the process has nearly been completed.

STATUTORY ENVIRONMENT
Local Government ACT 1995
Section 6.8–Provides that expenditure from the municipal fund not included in the annual budget is authorised in advance by resolution.

STRATEGIC IMPLICATIONS
None

POLICY IMPLICATIONS
None

FINANCIAL IMPLICATIONS
The payout of Loan 52 is to be financed from the Building Reserve.

CONSULTATION
None

COMMENT
Indicative payout of Loan 52 is as at 21 April 2008, \$82,270.44
Council is in strong financial position and would not be severely affected by paying out this loan.

VOTING REQUIREMENTS
Absolute majority

OFFICER RECOMMENDATIONS
That
1. Loan 52 be paid out on 22 April 2008
2. Funds to be transferred from Building Reserve to municipal account.

13.3.7 FEES AND CHARGES SCHEDULE – PROPOSALS FOR 2008/09

File: B3-1
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 29 February 2008
 Attachments: Draft 2008/09 Schedule of Fees and Charges (green)

MATTER FOR CONSIDERATION

Adoption of the draft schedule of fees and charges for the 2008/09 financial year.

BACKGROUND

In preparing Council’s Draft Budget, approval of the draft schedule of Fees and Charges prior to the budget meeting is required. Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2–Requires that each year a local government prepare and adopt an annual budget.

Section 6.16–States in part that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide; and that fees and charges are to be imposed when adopting the annual budget.

Cemeteries Act 1986

Section 53 (2)–States that a fee or charge set by resolution under subsection (1) shall not come into effect until not less than 14 days notice of the fee or charge has been given in the Gazette.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

4.9- Preparation of the Annual Budget

FINANCIAL IMPLICATIONS

The fees and charges when adopted will determine the amount of revenue to be received during the 2008/09 financial year for certain areas. There is a small cost for placement of Cemetery Fees and Charges in the Government Gazette.

CONSULTATION

None

COMMENT

The schedule attached shows the Fees and Charges fee including GST that was agreed for the 2007/08 financial year. The proposed fees for 2008/09 are shown on the right hand side and are only shown if it is proposed it will differ to the 2007/08 fee.

Fees and charges that are set by other Government regulations are noted as such and the relevant legislation is also identified. These fees are only changed if it has been directed by the Government organisation.

The following details include some of the changes made to the Schedule of Fees and Charges.

Law, Order and Public Safety

The Emergency Services Levy remains at \$38.

Fees for impounding and sustaining impounded animals have not increased.

Seizure fee for dogs remains the same to improve cost recovery and provide an increased deterrent to dog owners.

Health

Some charges have been increased in line with regulatory requirements.

Education & Welfare

None

Recreation and Culture

Hall facilities hire charge includes the kitchen hire. Similarly if hiring the kitchen this will include hiring of the hall if required.

An alcohol bond of \$1000 has been included as per Council resolution on 14 December 2006 (Item 10.5.1)

Other Property and Services

The hire charge for hire of plant has been increased to better reflect their running cost.

VOTING REQUIREMENT

Absolute majority.

OFFICER RECOMMENDATION

That Council approve the 'Recommended 2008/09 Fees' as outlined in the attachment for inclusion in the 2008/09 budget.

13.4 ADMINISTRATION

13.4.1 CEO – ACTIVITY REPORT Feb 2008 to Apr 2008

File:
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 10 April 2008
 Attachments: None

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

None

Harmony Gold

Harmony Gold finished hauling along the Uanna Hills Road in early January 2008 as the treatment works in Mt Magnet closed. The Works Foreman inspected the road several weeks after and reported that it was in good condition. The independent road assessment was carried out on Tuesday, 12 February 2008 by Western Geotechnics, who also did the initial assessment. A satisfactory report was received from them, and the Bank guarantee lodged with the Shire accordingly returned.

Mt Gibson Mining

Still awaiting a response from Australian Wildlife Conservancy regarding a land exchange for the current Gazetted alignment to the road as constructed. I spoke with the AWC regional manager recently, and he advised that it should be going to their next Board meeting (was due to be considered at the February Board meeting).

Negotiations for the road are not complete, as Shire of Perenjori is still negotiating several aspects. Main provisions to be finalised –

- standard of road at handover on conclusion of haulage
- annual amount to be contributed for reseal / maintenance of the road, which will depend on standard of road at handover
- annual amount of Community Benefit contribution

Development and building applications have been received.

Telecommunications

Letters were sent to Federal and State Parliamentarians and agencies regarding the lack of mobile telephone and ADSL broadband in Yalgoo. The replies received are generally not encouraging, although the State Minister for Resources, Hon. Fran Logan did refer our letter to the Federal Minister for Communications, Hon. Stephen Conroy. Mr Conroy had previously replied, and also referred the letter to the Regional Telecommunications Independent Review Committee. On 3 April 2008 Mr Paco Iglesias, from the RTIRC, contacted me to advise that the letter referred to them by Fran Logan and Stephen Conroy would be treated as a formal submission to their Inquiry.

Meetings

27 Feb	Mr Shane Matthews, Director, Mid West Health Region
27 Feb	Ms Lindy Richmond, Yalgoo School Principal re SIDE and HCP
4 Mar	Brendin Flanigan and Paul Frick, Mid West Development Commission, Darryl Ingvarsson, Small Business Centre
6 Mar	WA Local Government Grants Commission – Public Hearing in Yalgoo
12-14 Mar	LGMA Annual Conference
18 Mar	Ms Helen Anselm, TAFE Geraldton re Yalgoo Arts
19 Mar	Kim Edmeades, MRWA, and Michael Keane, Greenfield Tech Services re flood damage to roads as the result of Cyclone Nicholas and storms. Kim and Michael, with the Works Foreman subsequently made an inspection of roads to the south and east of the town.
26 Mar	Mr Stan Scott CEO Shire of Perenjori, re Mt Gibson Mining road use and community benefit contribution agreements

- 30 Mar With the Shire President, met with Hon. Vince Catania for discussion of Yalgoo and regional issues and concerns
- 2 Apr With the Deputy President met with Ferrowest Directors and their guests from Dongbu Steel and Korean Resources. Dongbu Steel signed an MOU with Ferrowest some 6 months or so ago, and are likely to be possibly the largest single customer for Ferrowest. Korean Resources are a Government corporation with the responsibility of ensuring access to raw materials worldwide, for Korean companies.
- 3 Apr Mr Darren Seinor, Garden Solutions, re proposals for Yalgoo Community Park

Future meetings –

- 16 Apr Ms Jess Bucak, WALGA Tender Bureau Service
- 19 Apr Jockey Club Races
- 1 May Northern Wheatbelt Health Scheme – CEOs Meeting
- 9 May Murchison Country Zone – half yearly meeting in Cue
- 19 May Northern Wheatbelt Health Scheme – Full Meeting

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the CEO's Activity Report to 10 April 2008 be received.

13.4.2 MURCHISON COUNTRY ZONE – Meeting 9 May 2008

File: W1-3
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 9 April 2008
 Attachments: Shire of Sandstone – Late item to MCZ (sand)

MATTER FOR CONSIDERATION

To consider matters to be raised at the MCZ Meeting

BACKGROUND

The Zone meets every six months in Cue.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Bill Atkinson, CEO Shire of Sandstone
 Peter Money, Acting CEO, Shire of Cue

COMMENT

Yalgoo's representatives to MCZ meetings are –

- Delegate/s – Crs Anderson, Rowe
- Deputy delegate/s – Cr O'Connor

Observers to the meeting are welcomed.

Other than administrative items, the matters for consideration are –

1. Local Government Elections (Shire of Yalgoo) – as previously raised by Council
2. Law and Order Issues (Shire of Cue)
 Draft resolution – That the Murchison Zone continue to express its concern on various law and order issues and the need for a larger Police presence in the Murchison Region. The information set out above and information on previous Zone resolutions relating to Law and Order be again forwarded to WALGA and also to the Premier of Western Australia.
 If no positive response is received within 4 weeks that the Zone Chairman issue a media release on this issue.
3. Proposed Rail Route – Jack Hills to Geraldton/Oakagee (Shire of Cue)
 Draft resolution – That WALGA be requested to urge the State Government to support the construction of a rail line to the port at either Geraldton or Oakagee to be built on the existing rail corridor.

A late item from the Shire of Sandstone relating to WALGA SSS Report – *The Journey* has been circulated, as per attached.

4. Endorsement of the “The Journey” – Sustainability Into The Future Draft Paper (Shire of Sandstone)

Draft resolution – That the Western Australian Local Government Association be requested to include as an agenda item at either its 2008 or 2009 Annual General Meeting the endorsement of the final draft paper on “The Journey”- sustainability into the future, in order that all member delegates are given the opportunity to debate and vote upon this matter.

Extracts of the SSS Report have been circulated to Councillors previously. Initially, WALGA had proposed to chop off submissions on 15 April, but as the result of some pressure, have extended the submission period until 16 June. More detailed comment on the Report will be made to the May 2008 Council meeting.

I am aware that there has been significant discontent with the Report and WALGA's actions, to the point that at least one Zone has had a special meeting to discuss it. The Zone resolved to request that an open Forum be held to discuss the Report, however, a motion to hold such a Forum was defeated at WALGA State Council.

The Great Eastern, Central and Avon-Midland Country Zones, are holding a joint meeting of all three Zones in Merredin to formulate a common response. These three Zones comprise of 45 of the 142 member Councils of WALGA. They have been requested to keep the MCZ Executive Officer, informed of the outcomes of the meeting.

Given the high level of disquiet regarding some of the recommendations of the Report, particularly in relation to the quasi-compulsory formation of Regional Councils to take over some roles of local Councils, I believe it is appropriate that WALGA does fully explain their position, and support for this model. It should be noted that Regional Councils under the Local Government Act, are able to override the decisions of their member Councils, resulting in loss of autonomy, and potentially, decisions which would not be supported by the individual Shire.

At the recent Local Government Managers Conference, the Minister for Local Government referred to the Report in her speech, and it was very clear, that she sees this as the preliminary to amalgamation.

While WALGA have consistently stated their opposition to forcible amalgamation, and support of those Councils that do wish to do so, it seems that their actions are shouting much louder than their words, as the consistent feedback from many Councillors and CEO's is one of disbelief.

In the Executive Summary of the Report, the following statements are made on p.xiv –

- *whilst further discussion is encouraged ... further extensive debate is not proposed*
- *the proposals in this paper should be taken as clear statements of intent*
- *as with the SSS Panel Report, this paper represents public disclosure on the state of Local Government in WA. It cannot now be undone.*
- *Comments will be considered and ... submitted to State Council meeting of 4 June 2008 for endorsement of the final document.*

It would be appropriate that WALGA be required to explain to their members –

- why they support the model,
- why they do not wish extended debate,
- why they are making decisions not supported by many of their members,
- why members are not given the opportunity to publicly endorse or oppose the Report.

There are other matters in the Report which are viewed with concern, such as the establishment of a Local Government Standards Office, potentially a semi-regulatory body, thereby moving WALGA from their current representational role to one that could be directive.

It is suggested that a further recommendation be added to Shire of Sandstone's late item –

That the Murchison Country Zone request WALGA to convene a Statewide Forum to consider the SSS Report – The Journey, and its recommendations, to be held prior to the WALGA Annual General Meeting in August 2008.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the following recommendation be submitted to the Murchison Country Zone Meeting to be held on 9 May 2008, as an additional recommendation to the Late Item submitted by the Shire of Sandstone –

That the Murchison Country Zone request WALGA to convene a Statewide Forum to consider the SSS Report – The Journey, and its recommendations, to be held prior to the WALGA Annual General Meeting in August 2008.

13.4.3 CHURCH OF THE HOLY TRINITY, SELWYN STREET

File: Asst 598
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 8 April 2008
 Attachments: None

MATTER FOR CONSIDERATION

To consider acquisition of the Anglican Church of the Holy Trinity, Lots 32 & 33 Selwyn Street

BACKGROUND

This matter originally came to Council in September 2007, as the result of an approach by Rev. Bill France of the Mt Magnet Parish.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- s.6.8–States that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by resolution; or
 - c) is authorised in advance by the mayor or president in an emergency.

STRATEGIC IMPLICATIONS

Future use of the land and/or building

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Purchase of the property, insurance of the property, re-development of the building for appropriate community uses, subject to grant funding, ensuring safety and building integrity for a minimum period of 18 months to 2 years.

CONSULTATION

Anglican Diocese of North West Australia

COMMENT

At the September 2007 Council meeting, it was resolved –

That –

- *Council seek the comment of the Anglican Diocese regarding possible alternative uses such as an art gallery etc, rather than as a place of worship,*
- *should the response be favourable, enquiries be made for the cost and funding of any restoration, and report made to Council prior to proceeding,*
- *should the response not be favourable, but limit future use to a place of worship, that the Shire not accept responsibility for the building, but recommend to the Diocese that the building be sold and re-located for restoration.*

Since that time, there have been enquiries made with the Diocese, Heritage Council of WA and LotteryWest.

Heritage Council advises –

- eligibility for grants is limited to privately owned properties, that are on the Heritage Register
- the building is not listed on the State Heritage Register, so cannot access either their or Federal Heritage grants
- the main source of heritage funding is LotteryWest

LotteryWest do have a range of grants available –

- Conservation Plans – of about \$10,000, can be fully funded, one round closing in October each year
- Restoration grants – can be fully funded
 - o prefer some contribution but not essential

- o contribution can be in kind, such as fencing, earthworks, clean up etc
- o would have a better chance after a Conservation Plan is done

Given LotteryWest advice, it would seem that the most likely timetable, should the various grant applications be approved would be –

- October 2008 – grant for Conservation Plan submitted
- March 2009 (?) – Conservation Plan grants announced
- April-July 2009 – preparation of Conservation Plan by appropriate consultant
- August-October 2009 – application for restoration grant made to Lottery West, DITRDLG etc
- By early 2010 – restoration grants announced
- 2010-2011 year – restoration work commences

The Diocese advised in a letter dated 26 February 2008 –

The Trustees wish to re-affirm that in their proposal to you it was always their intention that we divest ourselves of the property.

The grants process for a conservation plan and restoration, could therefore take up to two years before restoration work commences, and the Diocese appears keen to divest itself of responsibility for the building as soon as it can.

Accordingly, it is suggested that Council acquiring the property now, with the intention of restoring the Church, but on the clear understanding that this may not be possible, for future community use.

Should grants not be forthcoming, the Church could be relocated or demolished. The land would remain under Council's ownership and as freehold, could be used for any suitable purpose, subject to zoning under the Town Planning Scheme.

It should be noted that the Church of the Holy Trinity is listed in Council's Municipal Heritage Inventory.

A search of the title has revealed that the property (both Lots 32 and 33) is not a reserve as originally thought, but is held in freehold by the Anglican Church on a single title since 1896.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

1. That the Shire offer to accept the freehold of Lots 32 and 33 Selwyn Street Yalgoo from the Anglican Church Diocese of North West Australia, free of any encumbrances or conditions, advising that –
 - the Shire does not give any firm commitment to restoration of the building, or to its future community use, but that the intention is –
 - o to seek funds for the restoration of the Church,
 - o to use the restored building for community purposes, such as an art gallery or other appropriate use,
 - should funds not be available to undertake the work within a reasonable time, Council reserves the right in its sole discretion to dispose of the building by relocation, demolition or other means
 - provision for the purchase of Lots 32 & 33 will be made in the 2008-09 Budget
 - settlement to be arranged for 1 August 2008
 - the Shire will bear all land costs incurred from 1 July 2008 such as Emergency Services Levy, rubbish rates etc.
2. That the CEO be authorised to negotiate a purchase price of up to \$10,000 for the purchase of Lots 32 & 33 Selwyn Street from the Diocese.
3. That provision of the agreed purchase price of Lots 32 & 33 Selwyn Street, Yalgoo from the Diocese, be made in the 2008-09 Budget.
4. That grants for a Conservation Plan and the restoration of the Church continue to be pursued.
5. That the President and CEO be authorised to affix the Common Seal to the Contract of Sale.

13.4.4 DELEGATIONS REGISTER

File: P11
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 8 April 2008
 Attachments: Current delegations adopted in August 2007 (blue)
 Draft Delegations Register (blue)

MATTER FOR CONSIDERATION

To review and adopt Delegations.

BACKGROUND

The Delegations made by Council to the CEO and by the CEO to other staff under the Local Government Act are required to be reviewed at least annually.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.42 – provides that a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this act
- s.5.43 – A local government cannot delegate to a the CEO any of the following powers or duties –
 - a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
 - b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
 - c) appointing an auditor;
 - d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
 - e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
 - f) borrowing money on behalf of the local government;
 - g) hearing or determining an objection of a kind referred to in section 9.5;
 - h) any power or duty that requires the approval of the Minister or the Governor; or
 - i) such other powers or duties as may be prescribed.
- s.5.44 – CEO may delegate powers and duties to other staff
- s.5.46 – delegations to be reviewed at least once every financial year by the delegator

Administration Regulations 1996 –

- r.18G – limits on delegations to CEO
- r.19 – records to be kept by delegates

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Adoption of specific Delegations

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The current delegations were last reviewed and adopted in August 2007, and had previously been due to have been reviewed and confirmed in June 2006.

A draft of the suggested replacement delegations was circulated to all Councillors with a covering memo on 4 March 2008.

It should be noted that as this is the first time a Delegations Register has been prepared detailing specific delegations, there may be matters that will need to be addressed or amended in time, as issues are identified.

As noted in the memo, the Draft Delegations Register –

This is a complete revision of delegations so that they are specific. There are two major drawbacks to the current delegations, I believe –

- *as it is a requirement that use of delegations be recorded, the current non-specific delegation makes it impossible to know what is use of a delegated power or not. The adopted delegation implies everything, in which case the CEO will need a person to follow them around recording almost every decision.*
- *The current delegation is so broad, and has no guidelines or requirements in the exercise of delegated authority, that the CEO is left with no clear instructions and almost no limits on what they may do.*

There are many matters that are simply functions of a job and can be exercised by “acting through” as defined by the Department’s Guidelines, No. 17 – Delegations.

The Delegations Register is prepared on the basis that where possible, the concept of “acting through” should be utilised, reducing the number of delegations needed, and therefore the need for review and recording.

“Acting through” –

- *may be directed by an adopted policy or specific resolution of Council, but is not required to be,*
- *is often required by legislation or the result of a decision of council (eg: notification of rights of appeal, advertising of tenders etc), so separate or additional instructions are superfluous*
- *frequently, is considered a part of expected duties required of an employee to fulfil their role.*

The Delegations Register attached is amended from the draft circulated, by the insertion of a new Part 4 –

- Part 1 – Delegations to Committees – Council has no formal standing Committees at this time, although the Local Emergency Management Committee is a statutory requirement under the Emergency Management Act 2005
- Part 2 – Delegations by Council to CEO – as permitted by the Act, at Council’s discretion
- Part 3 – Delegations by Council to other Officers – not strictly required, as these delegations are made under legislation other than the Local Government Act, and therefore do not require annual review. For the sake of consistency, it is suggested that they be included, and reviewed annually
- Part 4 – Delegations by CEO to Other Officers – delegations made by CEO, not requiring Council authorisation, as provided for by the Local Government Act and other legislation. There is no requirement that these be advised to Council, however, to ensure consistency and annual review they are included in the Delegations Register. Under the Local Government Act s.5.44, the CEO may delegate functions to other officers, however, these officers may not further delegate authority. These delegations are not subject to Council decision, but are a statutory provision to be made at the CEO’s discretion.
- Part 5 – Other Statutory Matters not being Delegations – these matters are at the discretion of the named person or as otherwise directed by legislation

The Act requires that Delegations be reviewed once each financial year, but is silent regarding the period to which the delegations are to apply. It is suggested that the Delegations Register be reviewed in November or December each year, to apply to the following calendar year. As local Government elections have changed to October, review at this time means that the delegations will be brought to the attention of any new Councillors as a matter of course.

It would be appropriate that the Policy Manual also be reviewed, and a report made to Council regarding relevance, proposed amendments etc at the same meeting.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That the Delegations as contained in the Delegations Register, sections 1, 2 and 3 be adopted, to apply from 1 July 2008.

13.4.5 MURCHISON RAIL CORRIDOR

File:
Author: Niel Mitchell
Interest Declared: No interest to disclose
Date: 9 April 2008
Attachments: Shire of Cue – draft Murchison Country Zone letter (yellow)

MATTER FOR CONSIDERATION

To consider the preferred route of the proposed Murchison Rail Corridor

BACKGROUND

The rail corridor is intended to link in at Mullewa with the existing rail network for transport of ore to Geraldton, and to the proposed Oakajee Port if/when constructed.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

Rail services to mines throughout the Murchison

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Mr Peter Money, Acting CEO, Shire of Cue

COMMENT

Shire of Cue are keen to see the rail corridor extend eastwards from Mullewa through Yalgoo to Mt Magnet, then northwards to Cue and Meekatharra. As noted in their draft letter, they consider that this route would serve a far larger area, avoid many difficulties and issues, as well as be more available to additional users.

It is felt that one of the proposed routes north east of Mullewa towards Jack Hills, is essentially a single service route, making access by additional users problematic.

Certainly, if the route was to come through Yalgoo, generally on the alignment of the old railway line, there would be a far higher prospect of Ferrowest linking in, and potentially Oxiana. As the rail extended eastwards, Windimurra and others would also be more likely to use it. This route could remove an enormous amount of the current tonnage on the Geraldton-Mt Magnet Road, significantly improve safety on the road, and extend its life.

The Minister for Planning and Infrastructure is due to make a decision on the route of the rail corridor within the next few months.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That proposal of the Shire of Cue for the Murchison Rail Corridor to extend eastwards from Mullewa through Yalgoo to Mt Magnet, and then northwards to Cue and Meekatharra, be strongly supported at the Murchison Country Zone meeting to be held on 9 May 2008, and by writing to the Minister for Planning and Infrastructure.

13.4.6 WALGA ASSOCIATION HONOURS

File: A18
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: WALGA information re Honours (lime green)

MATTER FOR CONSIDERATION

Nomination of members or staff, current or previous, for Association Honours

BACKGROUND

WALGA Honours are an annual process for which nominations may be made by individual Councils.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

A Member Council may make nominations for WALGA Honours in three categories –

- Life Membership
- Long and Loyal Service Award
- Distinguished Service Award

A State Councillor or Zone may nominate a person for a Certificate of Appreciation, and only a State Councillor may make a nomination for Local Government Medal.

Last year, a number of Yalgoo Councillors received Long and Loyal Service Awards.

Nominations close 2 May 2008.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

For Council consideration

13.4.7 WALGA ROADS AND TRANSPORT FORUM

File: T8
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 April 2008
Attachments: Program for Roads Forum (lilac)

MATTER FOR CONSIDERATION

To consider sending a delegate to the Roads and Transport Forum

BACKGROUND

The Forum is held annually to raise issues of importance

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of registration, travel and accommodation

CONSULTATION

None

COMMENT

The Forum is a one-day event and is to be held at the Hyatt Regency Hotel in Perth on Tuesday 6 May 2008 from 8.30am to 5.30pm.

Looking at the program, there are a number of sessions that may be of interest, however, few that appear to hold any particular relevance to Yalgoo.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Cr _____ and the CEO be authorised to attend the 2008 Roads and Transport Forum, and that Council meet the costs of registration, travel and accommodation.

13.4.8 APPLICATION TO COLLECT REPTILES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 April 2008
Attachments: None

MATTER FOR CONSIDERATION
To clarify approval to collect reptiles.

BACKGROUND

Mr Gary Davies, of West Aussie Reptiles Pty Ltd, requested permission to collect reptiles from Shire controlled lands, which was approved at the February Council meeting, resumed on 6 March 2008.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
- s.3.54 – management of lands vested in the Shire

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 10.10 – Commercial Collection of Reptiles, Amphibians and Birds

That as a matter of policy, applications for the commercial collection of reptiles, amphibians and birds within the Shire of Yalgoo be declined.

FINANCIAL IMPLICATIONS

None

CONSULTATION

Adrian Coleman, Dept of Environment and Conservation
Gary Davies, West Aussie Reptiles Pty Ltd

COMMENT

As advised at the last meeting of Council, Mr Davies is one of a very few licensed collectors of reptiles in WA, and both displays the reptiles in Two Rocks, as well as visiting many schools educating students on the dangers of snakes, the appropriate behaviour to avoid them, and First Aid.

In approving his application to collect reptiles, there was a clear assumption made that Mr Davies' purpose for collection, was for display and for educational purposes. However, Dept of Environment and Conservation in an email of 2 April 2008, has advised that the licence they would be issuing would include the sale of the reptiles collected.

Council policy is that applications for commercial collection are to be declined. The CEO has no discretion to vary Council's instruction, and direction is accordingly sought.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council confirms the approval given to Mr Gary Davies of West Aussie Reptiles Pty Ltd to take herpetofauna (reptiles) from all lands under the Shire's control, for the purposes of display, education, and sale, subject to the prior issue of a licence by the Department of Environment and Conservation.

13.4.9 PURCHASE OF LOT 217 STANLEY STREET

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 April 2008
Attachments: Map of Lot 217 (white)

MATTER FOR CONSIDERATION

To consider the purchase of Lot 217 Stanley Street.

BACKGROUND

This block is a large lot surrounding the old MRWA Depot site, and adjacent to Lot 185, under option to Ferrowest.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

Future use of the land.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Purchase of \$18,000 ex GST in 2008-09 Budget

CONSULTATION

Dept for Planning and Infrastructure.

COMMENT

This lot is a very large lot to the east of King Street, south of Stanley Street prolongation, and adjoins Lot 185 which is under option to Ferrowest for accommodation. It is currently Unallocated Crown Land.

This area could be used for future superblocks, an extension to the Ferrowest site if needed, or subdivision for residential. It is currently zoned “Rural / Mining”, and if necessary, this zoning could be amended in the Town Planning Scheme review underway.

As UCL it has not been subdivided, has no services, and would require full development. It has been cleared now through the native title processes, and is offered to Council for purchase for \$18,000 excl GST.

No provision has been made in this year’s Budget, although there are more than sufficient funds on hand to purchase the block immediately, should this be Council’s wish. If so, the decision would need to be by absolute majority, as the funds are unbudgeted.

There is no urgency for immediate purchase, although a commitment by both Council and DPI would ensure that the Shire controls the future use and disposition of the land.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

1. That the Dept for Planning and Infrastructure be advised that –
 - Council does wish to purchase Lot 217 Stanley Street Yalgoo for the advised price of \$18,000 excl. GST,
 - provision for the purchase will be made in the 2008-09 Budget
 - settlement be arranged for 1 August 2008.
2. That provision of \$18,000 excl GST be made in the 2008-09 Budget for the purchase of Lot 217 Stanley Street, Yalgoo from the Dept for Planning and Infrastructure.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

15. URGENT BUSINESS

As permitted by resolution of the Meeting

16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.23 – Meetings generally open to the public, but the council or committee may close to members of the public the meeting, or part of the meeting for specific purposes.
- s.5.92 – Access to information by council, committee members
- s.5.93 – Improper use of information

Local Government (Rules of Conduct) Regulations 2007

- r.6 – Use of information –
 - o information arising from a meeting or part of meeting closed to the public, is not permitted to be disclosed
 - o documents marked as confidential are not permitted to be disclosed

Attachments: Extracts from Local Government Act provisions and Regulations referred to.

Motion to Go Behind Closed Doors

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the meeting be closed to the public to discuss the following matters –

1. Future of Healthy Community Project

The meeting was closed to the public at _____. Councillors and Executive staff remained in the meeting, and were joined by Ms Leanda Adams, Healthy Community Coordinator Team Leader.

16.1 FUTURE OF HEALTHY COMMUNITY PROJECT

Reason for Confidentiality –

- Local Government Act s 5.23(2)(a) – A matter affecting an employee or employees.

Motion to Return From Behind Closed Doors

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the meeting be re-opened to the public.

The meeting was reopened to the public at _____.

17. NEXT MEETING

The next Ordinary Meeting of Council is due to be held on Thursday, 15 May 2008, commencing at 11.00am

18. MEETING CLOSURE
