

## CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	3
3.	DISCLOSURE OF INTEREST.....	3
4.	PUBLIC QUESTION TIME.....	3
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	3
6.	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS .....	4
8.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
8.1	PRESIDENT.....	4
8.2	COUNCILLORS .....	4
9.	CONFIRMATION OF MINUTES.....	4
9.1	ORDINARY COUNCIL MEETING – 21 August 2008 .....	4
	<b>C2008-0901 Confirmation of Minutes.....</b>	<b>4</b>
10.	REPORTS OF COMMITTEES .....	5
5.1	PRESENTATION – Asia Iron Pty Ltd.....	5
	ADJOURNMENT .....	5
11.	REPORTS OF OFFICERS .....	6
11.1	WORKS.....	6
11.1.1	WORKS REPORT.....	6
	<b>C2008-0902 Works Foreman’s Report.....</b>	<b>7</b>
	<b>C2008-0903 Amendments to Road Program .....</b>	<b>7</b>
11.1.2	BURNERBINMAH ROAD FUTURE .....	8
	<b>C2008-0904 Burnerbinmah Road – Access .....</b>	<b>12</b>
	<b>C2008-0905 Burnerbinmah Road – Standard .....</b>	<b>12</b>
	<b>C2008-0906 Shire Roads – Maintenance standards classification .....</b>	<b>13</b>
11.1.3	YALGOO-MORAWA ROAD FUTURE .....	14
	<b>C2008-0907 Yalgoo-Morawa Road – Access .....</b>	<b>19</b>
	<b>C2008-0908 Yalgoo-Morawa Road – Light vehicle speed limits.....</b>	<b>19</b>
	<b>C2008-0909 Yalgoo-Morawa Road – Heavy vehicle speed limits.....</b>	<b>20</b>
	<b>C2008-0910 Murchison Country Zone WALGA – Fee for permit vehicles.....</b>	<b>20</b>
	<b>C2008-0911 Northern Country Zone WALGA – Fee for permit vehicles.....</b>	<b>20</b>
	<b>C2008-0912 Yalgoo-Morawa Road – Project report.....</b>	<b>21</b>
	ADJOURNMENT .....	21
11.2	DEVELOPMENT .....	22
	<b>C2008-0913 Item brought forward .....</b>	<b>22</b>
11.2.3	COMMUNITY DEVELOPMENT OFFICER – ACTIVITY REPORT.....	22
	<b>C2008-0914 Community Development Officer’s Report .....</b>	<b>22</b>
11.2.1	EHO – ACTIVITY REPORT September 2008.....	23
11.2.2	LOCAL PLANNING SCHEME No.2.....	23
	<b>C2008-0915 Heritage Council of WA – Extension of time for submission .....</b>	<b>25</b>
	<b>C2008-0916 LPS No.2 – Specific matters for consideration .....</b>	<b>25</b>
11.2.3	COMMUNITY DEVELOPMENT OFFICER – ACTIVITY REPORT.....	25
11.3	FINANCE.....	26
11.3.1	FINANCIAL ACTIVITY STATEMENTS – August 2008.....	26
	<b>C2008-0917 Financial Activity Statements .....</b>	<b>27</b>
11.3.2	ACCOUNTS PAID DURING THE MONTH OF August 2008.....	28
	<b>C2008-0918 Accounts Paid During the Month .....</b>	<b>28</b>
11.3.3	DONATION – Yalgoo Primary School Citizen Ship award donation .....	29
	<b>C2008-0919 Donation – Yalgoo Primary School .....</b>	<b>29</b>
11.3.4	DONATION – MIDWEST GROUP OF AGRICULTURAL SOCIETIES.....	30
	<b>C2008-0920 Donation – MidWest Group of Agricultural Societies .....</b>	<b>30</b>
11.3.5	HERITAGE LOAN SUBSIDY SCHEME.....	31
	<b>C2008-0921 Heritage Loan Subsidy Scheme .....</b>	<b>31</b>
	<b>C2008-0922 Heritage Loan Subsidy Scheme – 2009/10 Budget.....</b>	<b>32</b>

11.3.6	AUSTRALIA'S GOLDEN OUTBACK – Holiday Planner .....	33
	<b>C2008-0923 Holiday Planner .....</b>	<b>33</b>
11.4	ADMINISTRATION.....	34
11.4.1	CEO – ACTIVITY REPORT – September 2008.....	34
	<b>C2008-0924 CEOs Report .....</b>	<b>35</b>
11.4.2	DAFWA – Yalgoo Land Conservation District Committee .....	36
	<b>C2008-0925 Nominees to Yalgoo Land Conservation District Committee.....</b>	<b>36</b>
11.4.3	MURCHISON COUNTRY ZONE – November Meeting.....	37
	<b>C2008-0926 C2008-0925.....</b>	<b>38</b>
11.4.4	LGMA ANNUAL CONFERENCE .....	39
	<b>C2008-0927 LGMA Annual Conference – President .....</b>	<b>39</b>
11.4.5	REQUEST – HIRING OF EQUIPMENT .....	40
	<b>C2008-0928 Equipment Hire.....</b>	<b>41</b>
12.	NOTICE OF MOTIONS.....	42
12.1	PREVIOUS NOTICE RECEIVED.....	42
12.1.1	YALGOO NURSING POST.....	42
	<b>C2008-0929 Accommodation – Yalgoo Nursing Post.....</b>	<b>43</b>
	<b>C2008-0930 Procedural Motion.....</b>	<b>43</b>
12.2	FOR CONSIDERATION AT THE FOLOWING MEETING.....	44
13.	URGENT BUSINESS.....	44
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	44
	<b>C2008-0931 Motion to Close the Meeting .....</b>	<b>44</b>
	ADJOURNMENT .....	44
	<b>C2008-0932 Meeting to be opened .....</b>	<b>45</b>
	<b>C2008-0933 Complaint to be investigated .....</b>	<b>45</b>
15.	NEXT MEETING .....	45
16.	MEETING CLOSURE .....	45



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday 25 September 2008, commencing at 11.04 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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The President declared the Ordinary Meeting of Council open at 11:04am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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MEMBERS	Cr D E Anderson, Shire President Cr L J O' Connor Cr D J Grey Cr T K Iturbide Cr E C Rowe
STAFF	Mr N Mitchell, Chief Executive Officer Ms V J Rowe, Deputy Chief Executive Officer Mr C Hodder, Works Foreman
APOLOGIES	Cr L Hodder Cr D P Morrissey

**3. DISCLOSURE OF INTEREST**

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Item 11.1.2 Financial interest  
Cr DE Anderson disclosed a Financial Interest relating to Burnerbinmah Road

**4. PUBLIC QUESTION TIME**

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None

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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11.30am Mr Bill Mackenzie (Managing Director), Mr Phil Davidson (Environment and Community Manager), Asia Iron Pty Ltd

*(Mr Peter Panek, Project Manager, Extension Hill Pty Ltd, will not be attending at this time.)*

## **6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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Item 14.1 Complaint received regarding staff member.

*Ms. V Rowe left the meeting at 11:09am and returned at 11:11am.*

## **7. APPLICATIONS FOR LEAVE OF ABSENCE**

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None

## **8. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **8.1 PRESIDENT**

Cr Anderson advised having attended a District Health Advisory Committee earlier in the month, and noted –

- possibility of some funds for the area from the Royalties for Regions initiative of the National Party
- discussion at the meeting regarding the possibility of a Joint Venture with the Health Region and Shire regarding the Nursing Post
- the Royal Flying Doctor Service do not wish to close the Paynes Find clinic, but it does need more input from the Mid West Health Region.

15 September Systemic Sustainability Study Forum at the City of Stirling with the CEO

*Mr Williams entered the meeting at 11:15am and left at 11:15am.*

### **8.2 COUNCILLORS**

Cr Grey –

28 August Attended the Murchison Region Vermin Council and noted –

- issues with increasing compliance requirement, but change to a Voluntary Regional Organisation of Councils complicated due to Dept of Agriculture grant funding requirements.
- mine seeking to re-align the fence north west of Sandstone

## **9. CONFIRMATION OF MINUTES**

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### **9.1 ORDINARY COUNCIL MEETING – 21 August 2008**

#### BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2008-0901 Confirmation of Minutes**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the Minutes of the Ordinary Council Meeting of 21 August 2008 be confirmed.**

**Motion put and carried 5/0**

## **10. REPORTS OF COMMITTEES**

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None

### **5.1 PRESENTATION – Asia Iron Pty Ltd**

*Note:* Mr Peter Jones, General Manager Development, and Mr Cliff Harding, Mining Manager, joined the meeting at 11:25am

Mr Jones noted the apologies of Mr Bill Mackenzie, Managing Director of Asia Iron, as he had needed to address a number of urgent issues. Mr Davidson is no longer with Asia Iron.

Mr Jones made a presentation to Council, and circulated documentation that noted the confidential nature of the briefing. He advised –

- the purpose of the briefing was to introduce the company
- provide an update on the project and its status
- outline project delivery and operation approach
- explained corporate relationships – MGM separate to Ext Hill

He noted that Asia Iron is committed to a long term sustainable development, and outlined various aspects of the project including overview of the –

- hematite (Mt Gibson Mining) and Magnetite (Asia Iron) deposits
- scale of the project
- legislative framework in which they have to work, including environmental, Aboriginal heritage requirements etc
- indicative timing of the development with first shipment planned in mid 2011
- various operational matters –
  - o water requirements
  - o power supply
  - o slurry pipeline corridor
  - o impact on Wanarra East Road
- anticipated operational period of perhaps 50 years
- operational workforce of 345 people, for a 5 million tonne per annum operation

*Mr N Mitchell left the meeting at 11.50am and returned at 11.51am.*

*Mr D Williams entered the meeting at 11.51am.*

*Cr L O'Connor left the meeting at 12.20pm and returned at 12.23pm.*

### **ADJOURNMENT**

*The meeting adjourned at 12.36pm and resumed at 1.24pm with all in attendance before the adjournment present except Mr P Jones, Mr C Harding and Ms V Rowe.*

*Ms V Rowe entered the meeting at 1.25pm.*

## **11. REPORTS OF OFFICERS**

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### **11.1 WORKS**

#### **11.1.1 WORKS REPORT**

File: N/A  
 Author: Cliff Hodder, Works Foreman  
 Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 18 September 2008  
 Attachments: None

#### MATTER FOR CONSIDERATION

Works Report for the past month

#### BACKGROUND

Overview of works for the past month

#### STATUTORY ENVIRONMENT

None

#### STRATEGIC IMPLICATIONS

None

#### POLICY IMPLICATIONS

None

#### FINANCIAL IMPLICATIONS

None

#### CONSULTATION

None

#### COMMENT

- a) Construction –
- Morawa Road – 3 km to be constructed once maintenance completed, and will then be allowed to settle until sealing
  - Yalgoo Ninghan Road – to commence after the Morawa Road construction
    - o 1.5 km near Thundelarra to connect with next overtaking opportunity, and
    - o 3.7 km at the lakes crossing.
- b) Maintenance –
- flood damage works now effectively completed on all roads, subject to second inspection
  - Kim Edmeades (MRWA) and Michael Keane (Greenfield Tech Services) –
    - o second inspection due 17 September. Final works to complete flood damage repairs will take 2-3 weeks, in conjunction with current maintenance and the commencement of construction work.
    - o works will be done on a 2/3<sup>rd</sup> grant, 1/3<sup>rd</sup> Shire cost
  - maintenance grading done –
    - o Morawa Road – still underway
    - o Badja Homestead Road
    - o Badja Woolshed Road
    - o Paynes Find-Wagga Wagga Road (Muralgarra Rd)
    - o Paynes Find-Thundelarra Rod – various sections
  - maintenance work due –
    - o Yalgoo-Ninghan Road – full length

c) Plant

- Volvo – hydraulic tank and pump repairs, 2 new steerers
- new side tipper being picked up 19 September
- Community Bus – panel beating and repairs completed, including recall for steering ball joints
- ride-on mower – deck needed general repairs (belts, spindles etc). Gearbox for the mower deck now being replaced
- last fuel tanker repairs completed
- backhoe – trouble with electrics in the forward/reverse gear selection
- one grader showing signs of radiator trouble

d) Other

- 2 new houses –pads compacted, ramps built, septics and leach drains completed etc
- Community Park – plants ordered. Work will slow until all costs up to date are in, prior to any further work being undertaken
- Fencing at oval and Caravan Park completed by contractors

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2008-0902    Works Foreman’s Report**

**Moved Cr TK Iturbide, Seconded Cr DJ Grey**

**That the Works Foreman’s report to 18 September 2008 be received.**

**Motion put and carried 5/0**

**C2008-0903    Amendments to Road Program**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That, as discussed with Kim Edmeades, Main Roads WA, and Michael Keane, Greenfield Technical Services –**

- **the proposed construction and sealing works on the Yalgoo-Ninghan Road for 2008/09 be amended to –**
  - o **pavement repairs to the full length of the road from the Geraldton-Mt Magnet Road to Golden Grove Mine, approx. 55 km**
  - o **reseal of the road south from the Geraldton-Mt Magnet Road to such distance as can be funded within the grant and budget allocations for 2008/09**
- so as to save on future mobilisation/demobilisation costs for pavement repairs, and improve the full length of the road prior to reseal,**
- **with the remaining distance to Golden Grove Mine to be resealed over the following three years.**

**Motion put and carried 5/0**

*Note – The President commended the Works Foreman and works crew for a job well done on Burnerbinmah Rd*

*Mr Cliff Hodder left the meeting at 1:41pm.*

*Cr DE Anderson declared a Financial Interest in Item 11.1.2, the nature of the interest being that the property on which he resides, is traversed by the road.*

*Cr Anderson left the meeting at 1:42pm and Deputy President Cr EC Rowe assumed the Chair*

### **11.1.2 BURNERBINMAH ROAD FUTURE**

File: R11-45  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 12 September 2008  
 Attachments: Desktop report from Greenfield Technical Service Blue  
 Letter sent requesting comment  
 Responses received (6)  
 Map of road / locality

**MATTER FOR CONSIDERATION**  
 Future status of Burnerbinmah Road

#### **BACKGROUND**

Over the years, Burnerbinmah Road has periodically been severely damaged by rain and flood, the most recent time being early 2008 following Cyclone Nicholas.

The road is in an area crossed by many watercourses, and is part of the watershed leading to Monger Lake system, so that significant rains will always damage the road to some extent, even if not to the level of near impassibility for an extended period as earlier this year.

#### **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.3.50 – closing of thoroughfares to vehicles, wholly, partially or to particular classes of vehicle.

Public Works Act 1902 –

- s.86(3) – roads under the control of local governments

#### **STRATEGIC IMPLICATIONS**

1. Possible decision regarding the future of Burnerbinmah Road
2. Access from Yalgoo-Ningham Road to Great Northern Highway

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Mr Cliff Hodder, Works Foreman  
 Shire of Mt Magnet  
 Fire and Emergency Services Authority  
 Dept of Environment and Conservation  
 Kirkalocka Mine  
 Pastoral Stations – Thundelarra, Burnerbinmah, Nalbarra

#### **COMMENT**

From our records and comments made, it would appear that severe damage to the road occurs on average every 7-8 years –

- 2008 – Cyclone Nicholas
- 1999 – as detailed in a flood damage report from Greenfield Technical Service
- 1992 approx – as noted in various letters



Some responses stipulate that 1992 was the previous occasion of major damage to the road, however, this is clearly incorrect as GTS submitted a report to MRWA concerning widespread flood damage, including to Burnerbinmah Road, in May 1999.

At the July 2008 Council Meeting it was reported –

*Following the May Council Meeting, and after discussion with Kim Edmeades, a desk-top options report has been requested from Michael Keane of Greenfield Technical Services which should be available in time for the Council Meeting on 19 June 2008. He has been requested to comment on the implications of –*

- *closure of the road, and de-Gazettal as public access*
- *downgrading of the road to a formed, bladed track, receiving minimal maintenance*
- *maintaining the road to a reasonable standard for public access*
- *order of magnitude costs for each option*

*This is only the first step in what needs to be a thorough process that is not rushed. In the same way that the Narloo-Tardie Road closure has taken quite some time, and is still not finalised, matters that need to be considered include –*

- *the critical legal issues –*
  - o *liability for the road if in poor condition and remaining open to public use*
  - o *liability for the road if signs are put up advising of four wheel drive access only*
    - *it should be noted that warning signs do not always absolve the Shire of responsibility or reduce exposure to liability*
    - *the Shire cannot remove itself from legal liability by simply proclaiming that no responsibility is accepted*
    - *Council cannot ignore statutory duty of care to maintain roads in a condition “fit for purpose”*
- *environmental impact – which figured large in the consideration to close Narloo-Tardie Road*
- *economic impacts on users of the road, both adverse and beneficial*
- *economic impact of each option on the Shire*
- *level of use, and by what type of vehicle – the Metro Counters owned by the Shire will provide –*
  - o *traffic count*
  - o *type of vehicle*
  - o *time, date and*
  - o *speed*
- *any strategic importance of the road that may exist as the sole access between Yalgoo Shire (Thundelarra Road) and the Great Northern Highway, between Mt Magnet and Paynes Find*
- *if the western end of Burnerbinmah Road was to be closed, either –*
  - o *arrangements regarding the maintenance of the eastern section from Burnerbinmah homestead into the Nalbarra pastoral lease, which would then be isolated from access from other Shire of Yalgoo roads, but remaining Council responsibility*
  - o *or closure of the full length of Burnerbinmah Road within the Shire of Yalgoo*

*Council should also bear in mind –*

- *any precedents for closure of roads, such as Narloo-Tardie Road, and*
- *the precedent which any decision may set for future assessment of possible road closures,*
- *use of criteria that can be applied to any road within the Shire.*

*Prior to commissioning full environmental and hydrology assessments, and a detailed engineering report on the road, it is suggested that the desktop report of Greenfield Technical Services be considered, and that those with an interest in the road be asked for comment.*

*Responses from these organisations and individuals can then also be considered in the detailed assessments and report.*

The Meeting resolved –

*That prior to any decision of Council regarding the future of Burnerbinmah Road, that the comment from the following be sought –*

- *Main Roads WA*
- *Dept of Environment and Conservation*
- *Fire and Emergency Services Authority*
- *Shire of Mt Magnet*
- *residents of Thundelarra, Burnerbinmah and Nalbarra pastoral leases*
- *Australia Post*
- *Kirkalocka Mine*

No response has been received from Australia Post, Dept of Environment and Conservation, or Kirkalocka Mine.

While not all information requested from GTS was reported, nor all responses invited received, notably the lack of response from DEC, there should be sufficient information for Council to provide some direction for the future.

Factors to be considered –

1. Environmental – It is readily apparent, that the western section of Burnerbinmah Rd is in an environmentally difficult location, and that significant rains can cause major damage to the road. However, there are other roads for which the Shire is responsible, where environmental damage occurs, such as –
  - the lakes crossing on Yalgoo-Ninghan Rd
  - North Road between Jingemarra and Meka Stations
  - Greenough and Sanford River crossings
  - Salt River crossing on the Morawa Road

The main difference with Burnerbinmah Road is that it is an extended section of the road that is affected, rather than confined to a relatively small stretch or specific points.

2. Economic impact to two of the three pastoral stations most affected by the road is large, as closure of the section from Thundelarra homestead to Burnerbinmah homestead, would add an estimated 120 km or so each way, for a trip to Yalgoo or Geraldton, from Burnerbinmah. It would be less for Nalbarra, but still add 80-90 km each way to a Geraldton trip.
3. Economic benefit to the Shire of Yalgoo if the western section was to be closed, is mixed. While no maintenance would be needed on this section, as it is closed, the eastern section providing access to Burnerbinmah from the Great Northern Highway, would remain open, with about 20 km of the road east of Burnerbinmah homestead, still being the responsibility of Yalgoo to maintain.

The road could be maintained by –

- Shire of Yalgoo – necessitating mob/demob of graders either through Mt Magnet or Paynes Find
- make arrangements with the Shire of Mt Magnet to maintain the road, or
- use contractors based in the eastern part of the Shire to maintain.

Two other possibilities exist –

- i) closure of Burnerbinmah Road from the Shire of Mt Magnet boundary to Thundelarra homestead, effectively isolating Burnerbinmah homestead from access. This would create a “one-off” situation where Burnerbinmah would be the only homestead without direct access to a public road. This is similar to farms in the agricultural area, where public access is only required to be provided to the property boundary, not to the residence.
  - ii) amend the boundaries between the Shires, and transfer Burnerbinmah Station to the Shire of Mt Magnet, so that the road becomes their problem, although this would require the consent of Mt Magnet. This would still leave the part of Burnerbinmah Road that is in the Thundelarra lease within our Shire.
4. Level of use – no traffic counts have been taken on the road, although it would be a reasonable estimate that Average Daily Traffic is probably in the order 10 or less, with most being cars or 4WD and very few trucks or road trains.
  5. Grant funding – MRWA have indicated in discussion, that if the road remains open, future flood damage / repair may not be funded. Accordingly, if this came about, Council would be responsible for the full cost of repair. Following Cyclone Nicholas early this year, the cost of repair is likely to be in the order of \$40,000-\$50,000.

However, their letter states –

*Main Roads will continue to support the Shire through the Regional Road Group, but has no comment to offer in relation to the future use of Burnerbinmah Road.*

Significant amounts were spent on Paynes Find-Thundelarra Road, Yalgoo-Ninghan Road, North Road, Unanna Hills Road, Dalgara-Cue, Greenough River Crossing and other as the result of

floods over the past few years. Burnerbinmah Road is not the only road that costs a lot to repair after rains.

The Grants Commission does allocate funds according to road lengths, type of construction etc. Closure of the western section would result in the grant being reduced by a negligible amount, perhaps as much as \$150-\$200.

### Precedent

The closure of Narloo Tardie Road, cannot be used as a precedent to justify the closure of the western section of Burnerbinmah Road, since –

- the closure of the Narloo-Tardie Road was requested by the lease holder
- the closure was supported tacitly by other lease holders who may have been affected, in that there was no objection to the closure when comment was invited
- a viable alternative route was available
- the alternative route does not add significantly to either distance or time travel time.

Should the western section of Burnerbinmah Road be closed, the possibility of precedent for other very low use roads, serving only one or two homesteads, needs to be considered. Depending on the criteria used to justify closure, a precedent could be argued for almost every road in the Shire.

History could be seen as a precedent for the road to remain open. However, as with almost all aspects of Shire operations, history is a poor excuse for validating why or why not, a thing should be done or not done, continued or not continued. Every aspect of Shire operations should be scrutinised from time to time a decision made as to whether or not it contributes to the benefit of the community. Over the years, there has no doubt been many matters that have been examined, and while the past usefulness is not disputed, the value of continuing it into the future has been judged to be inadequate.

### Responses received

Responses received are attached in full. While many of the reasons given are the result of personal choices, they are of importance to the person making the submission. Some reasons, such as for providing access between stations, are not effective, as there are multiple access points between adjoining neighbours, that do not rely on public road access.

The matters considered relevant to the Shire for consideration are –

- (i) it is not the full western section, but only 10 km (approx.) that is prone to damage
- (ii) a core function of Shire is to provide roads for many purposes –
  - supplies to stations – fuel, mail, goods and services, contractors
  - tourism
  - emergency services etc
- (iii) the road provides the only access between the central region of the Yalgoo Shire and the Great Northern Highway
- (iv) the Shire has an obligation to consider impact and benefits, not only to residents in general, but also those specifically affected and relying on the road
- (v) access routes are important to retain and maintain for emergencies, and Golden Grove is both a potential hazard area, as well as potential resource. If closed, transit times to/from Mt Magnet could increase significantly.

### Liability

As noted at the July 2008 meeting and repeated earlier in this item, there are critical legal issues –

- liability for the road if in poor condition and remaining open to public use
- liability for the road if signs are put up advising of four wheel drive access only

It should be noted that –

- warning signs do not always absolve the Shire of responsibility or reduce exposure to liability

- the Shire cannot remove itself from legal liability by simply proclaiming that no responsibility is accepted
- Council cannot ignore statutory duty of care to maintain roads in a condition “fit for purpose”

Summary

Much has been made of the Triple Bottom Line as justification for government or organisational actions over the years. Many are now arguing for a Quadruple Bottom Line, which could be defined as –

*The balanced sustainability resulting from the simultaneous advancement of –*

1. *Economic prosperity*
2. *Environmental or ecological integrity*
3. *Social equity / commitment –means appropriate standards of governance, and reasonable access to resources, services and facilities<sup>1</sup>*
4. *Community – the intangible but real, sense of belonging, ownership and satisfaction; community well-being as expressed through creativity, diversity of cultural expression and innovation<sup>2</sup>*

Although there are environmental and economic costs of the road remaining open, there are large economic, social and community costs if the western section of Burnerbinmah Road was to be closed.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1 /COUNCIL DECISION

**C2008-0904 Burnerbinmah Road – Access**

**Moved Cr TK Iturbide, Seconded Cr DJ Grey**

**That Burnerbinmah Road remain open to public access and use for the full length within the Shire of Yalgoo.**

**Motion put and carried 4/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2 /COUNCIL DECISION

**C2008-0905 Burnerbinmah Road – Standard**

**Moved Cr TK Iturbide, Seconded Cr D J Grey**

**That the environmental impact of maintaining Burnerbinmah Road be minimised as far as possible through Bunding, raising/crowning the road etc, but the carrying out necessary works be consistent with the need to maintain the road “fit for purpose”.**

**Motion put and carried 4/0**

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<sup>1</sup> [http://comnet.org/midmeac/sustainable\\_business.htm](http://comnet.org/midmeac/sustainable_business.htm) and <http://www.global.rmit.edu.au/about/tbl/>  
<sup>2</sup> <http://www.arts.nsw.gov.au/WhatsNew/CPG-PAGES-final.pdf>

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

**C2008-0906    Shire Roads – Maintenance standards classification**

**Moved Cr TK Iturbide, Seconded Cr D J Grey**

**That the CEO to prepare a policy to classify each Shire controlled road according to usage and appropriate maintenance standard for consideration by Council.**

**Motion put and carried 4/0**

*Cr DE Anderson rejoined the meeting at 2.14pm and resumed the Chair*

### **11.1.3 YALGOO-MORAWA ROAD FUTURE**

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 18 September 2008

Attachments: Letter sent to Shire of Morawa and others  
Responses received

Gold

#### **MATTER FOR CONSIDERATION**

Future use and standards of Yalgoo-Morawa Road

#### **BACKGROUND**

Increase in traffic on the Yalgoo-Morawa Road has been noted, particularly of road trains and other heavy vehicles. As 45 km of the road in Yalgoo Shire is unsealed and most of this stretch is natural surface, wet conditions can result in traffic conditions changing quickly, and when dry it can be rutted with corrugations and potholes. In the dry, the binding material in the surface can be quickly dissipated by traffic, leaving drifts of loose stone on curves and at the side of the road.

#### **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.

Public Works Act 1902 –

- s.86(3) – roads under the control of local governments

#### **STRATEGIC IMPLICATIONS**

1. Requirement to maintain road to a standard fit for purpose, whether trafficked by heavy vehicles or not
2. Impact of reduced traffic counts on eligibility for grant funding to assist with sealing, not just for Yalgoo but also for Shire of Morawa

#### **POLICY IMPLICATIONS**

Possible precedents for Yalgoo-Ninghan Road

#### **FINANCIAL IMPLICATIONS**

- (i) Constant need for maintenance, on a road not constructed for heavy vehicles
- (ii) If heavy vehicle traffic is not reduced, maintenance standard and frequency is significantly higher
- (iii) If heavy vehicle traffic reduced, eligibility and priority for grant funding is further delayed

#### **CONSULTATION**

Gavin Treasure, CEO Shire of Morawa

Invitation to comment sent to –

- Mid West Region, Main Roads WA
- Heavy Vehicle Operations, Main Roads WA
- Shire of Morawa
- Winchester Quarries
- Centurion Transport
- Kalari Transport

#### **COMMENT**

The Morawa Road is probably the most closely scrutinised road under the Shire's control, and seems to attract constant criticism regarding its state, with complaints being received almost every Council meeting. Much of the criticism I consider over-stated, particularly when the road is compared to other roads within the Shire that have a higher traffic count or carry a higher proportion of heavy traffic.

The road is most definitely not always perfect, however, it is not a bitumised road, and much of it is still natural surface, narrowing at points and winding. It should be expected that corrugations will appear, that there will be drifts of loose stone on curves, and that "railway tracks" will develop on the straight stretches. The road needs to be driven with its characteristics in mind.

To maintain Morawa Road so that a 110 km/hr speed can be maintained at all times, would be a waste of resources, and would then result in other roads suffering a lack of maintenance, to make up for the over-attention paid to Morawa Road.

The Shire is responsible for nearly 1,500 km of road, of which about 100 km is bitumised. Other important sections that need to be constantly watched include –

- Thundelarra-Paynes Find Road –
  - o at the northern end to south of Burnerbinmah Rd
  - o through Fields Find, and
  - o the lake crossing Paynes Find side of Old Warriedar Rd
- Yalgoo-Ningham Road –
  - o over the lakes
  - o through hills north of Warriedar
- North Road just inside Meka Station southern boundary
- Greenough River crossing

### Last 3 years

With the criticism that the Morawa Road and other roads not being maintained to an adequate standard in recent times, Council needs to remember a number of important factors –

- the works crew is small – we don't have spare staff, so when one or two are absent, or there are vacancies, the works can be substantially affected. To expand the crew to cover absences, vacancies or an increased workload means that significantly more resources (i.e. rates increases, as no extra grants are available) would be needed. The provision of extra resources to do this is at Council's discretion. The alternative would be to use contractors more extensively for either construction or maintenance or both.
- the works crew has a high standard– we regularly get comments about the effectiveness of the Works Supervisor in managing the crew and the standard of completion of the work.
- the works crew has been very busy – in early 2006, the tail end of a cyclone caused havoc in the north part of the Shire, so much so that for nearly 18 months, the works crew did little other than flood damage works. In late 2007, two series of storms damaged large sections of roads that the crew had spent 18 months fixing. Early 2008, the crew fixed roads that had previously been fixed several times, as well as attended to significant damage to roads through the south east of the Shire after Cyclone Nicholas, and then storms a few weeks later, once again. There are roads in the north that have been graded at least 4 times in the past 12-15 months due to storm damage, and graders stranded on the wrong side of the Greenough and Sanford Rivers on at least 3 occasions.
- the amount of flood damage works that has had to be done – effectively delayed the road construction program by 2 years. In 2007, the crew did 13 km construction of the Yalgoo-Ningham Road and 6-7 km on the Morawa Road, to try to catch up with grant works that had been deferred. The flood damage work meant that full maintenance has not been able to be done consistently since early 2006.
- maintenance has therefore suffered, not because of a lack of experience, but simply because the works crew has been overloaded. In the past 12 months, in order to try to assist to getting back to a normal maintenance program, and get all construction works up to date so that grants may be claimed, contractors have been used on a number of occasions. Contractors should probably have been used earlier and more extensively so that maintenance and construction work was not delayed more than necessary.

In summary –

- we are only now getting to the point where almost all flood damage work is done
- with the construction backlog cleared, and
- the only construction work now to be done, is this years work

### Road condition

After last council meeting the road was inspected. My comments –

- went over it at 110 km/hr – no problem, rough but reasonably fit for purpose, and not considered dangerous, some quite deep creek crossings/potholes, but generally easily seen and avoided
  - o Worst section seemed to be from the north Mellenbye access road to boundary, but other small sections also not good – e.g. Salt River crossing, 2 creek lines near the southern Barnong entry at Gullewa
- return, mostly at 90+ km/hr, during evening/night – no problem, but felt rougher than trip down (direction of loaded trucks),

- o Worst spots were floodway 4 km south of Gullewa, 4 km off end of bitumen, creeks near Barnong.

In discussing the road with the Works Foreman, he noted that deterioration of the Morawa Road and other roads, is in part due to being unable to crown the road properly –

- need a roller to build the crown in multiple compacted layers in order to build up the centre of the road 150-200 mm
- the current self-propelled multi-tyre roller is too heavy, and too slow. These S/P M/T 16-17 tonne rollers have constant issues with brakes, clutch and the engine overheating. For all their lack of speed, I recall more serious accidents with rollers than any other road making equipment. It is the right machine for construction where only one or two passes might be needed at a time over a relatively short distance, but for maintenance roadwork, the ability to roll constantly over long distances would be very advantageous.
- the ideal roller for maintenance would be 8-12 tonne travelling at same speed as graders, so that the surface is compacted with each successive layer. There are three options –
  - o an S/P roller – which would then need an operator, and possibly accommodation etc. Estimated cost \$140,000 + new
  - o a towed behind roller – in a grid or smooth drum combination. These are built in South Australia, and cost is in the order of \$85-90,000 new. It would be much cheaper if just the multi-tyre option.
  - o Free-roll attachment to the rear of the grader – issues with these is that maximum rolling weight is less than 3 tonne, and if a relief valve is not fitted, when grading through dips and drains, the drive wheels can lose some traction.

One problem with the towed behind option, is that WALGA have recently advised that graders are not permitted to tow equipment, as there are no manufacturers' specifications. It is assumed that this same prohibition would also apply to loaders. WALGA, Dept of Planning and Infrastructure, Main Roads WA and manufacturers are currently trying to resolve this matter, so that graders can legally tow caravans, rollers, fuel tankers etc.

The Works Foreman has particularly noted the need to slow down trucks, if they are to continue using the road, even on the sealed section since it is only single lane. Much of the corrugations appear to be caused by the additional bounce of empty trailers. Main Roads have advised that maximum legal speed of a road train on the road is 80 km/hr.

#### Effects of withdrawing permission for road trains

If road trains are put off the Morawa Road, there are a number of impacts –

- positive impacts –
  - o heavy vehicle traffic substantially reduced, whether loaded or unloaded
  - o possible significantly extended times between maintenance being required
  - o improved road safety for travellers in cars etc, from stones being thrown up etc
- negative impacts –
  - o reduced traffic counts – resulting in eligibility for grant for road funding being deferred, probably for many years
  - o impact on the Shire of Morawa whose section of road has just reached the necessary counts for grant funding
  - o extended drive time and distance for road trains coming using the road – resulting in additional fuel cost and driver fatigue
  - o would most likely mean that the Shire of Yalgoo also, could not use the road for road trains either for construction and maintenance work, or for transporting to/from Perth, without MRWA approval.
    - while the Shire is responsible for the road infrastructure, it is MRWA that issue the permits and certify routes for road trains, after seeking Council comment.

The route would remain open for single trailer semi's, and rigid trucks towing trailers, as these are as of right vehicles, and are not subject to MRWA approval or road train speed limits. It is possible that to reduce the distance travelled between Morawa and Yalgoo, that transport companies may ferry trailers across the "disallowed" section, instead of having to go through Mullewa, thereby increasing traffic.



## Shire of Morawa

Morawa CEO, Gavin Treasure, verbally advised on 19 August 2008, that –

- they are keen to seal the remaining 15 km in their Shire
- sealing will take about 5 yrs at approx. 3 km per year
- they are only doing a single lane seal 4 m wide
- thinks that approval of individual trip or purpose may be an option, and could be manageable/preferable
- if a standing permit given, needs to be some contribution to road construction/maintenance

Following receipt of our letter requesting comment, he subsequently advised that he would be taking the matter to their September meeting for a formal response, which should be available for the Council meeting.

While Council's concern is particularly for our stretch, we do have a need to consider impact on neighbours, particularly Morawa. Yalgoo needs to work in cooperation with them on this matter.

## Options

- continue as we have been –
  - o put up with the complaints, do full maintenance twice a year, touch up grading in between, and urgent maintenance as needed
  - o seal 3 km each year – 15 yrs to complete
- management options –
  - o reduce legal limit to 90 km/hr for vehicles under 15 tonne GVM, for safety
  - o reduce legal limit for vehicles over 15 tonne GVM to 70 km/hr, to reduce road damage
  - o put road trains etc off the road
  - o issue of enforcement – without someone sitting out there waiting, the possibility of effective enforcement is negligible
- bitumise our 45 km unsealed section as single project –
  - o business case needed
  - o would need extra person and equipment to ensure maintenance work in the rest of the Shire can carry on without interruption
  - o alternatively, put the project out to contract (possibly more expensive)
  - o likely 12 month project if undertaken by Shire staff
  - o reseal in 15 or so years time would be a very large funding issue
  - o a loan would be required, and loan repayment costs would not be considered eligible for either Regional Road Group or Roads to Recovery funding
  - o compare with cost to continue 3 km seal for 15 years + LGCI each year
- with MGM doing up Wanarra East Road, this could become the preferred route for Winchesters to Mt Magnet and the areas north and east of Mt Magnet. According to the Works Foreman, they used to use it, and it was only when the road deteriorated to its current poor condition and single vehicle width, that they discontinued.
  - o the Shire of Yalgoo does have contractual obligations to MGM to negotiate with any new constant user for a contribution to maintenance.
  - o Wanarra East Road should be constructed to an 8 m seal width for Extension Hill, within the next 6-8 months.
- request through MCZ that WALGA pursue ability for Councils to charge a fee for permits to use road trains or concession permits, if no other arrangements in place.
- many Shires are negotiating with mining companies particularly, agreement for contributions to construction and maintenance of roads.
  - o Mt Gibson Mining – Extension Hill and Tallering Peak
  - o OZ Minerals
  - o Gindalbie
  - o Mid West

It is equitable that frequent carriers also be required to contribute. However, the issue of how to require them to make a contribution must be addressed, and there is currently no legal mechanism to do so. In the case of most mining companies, they have required roads to be substantially upgraded, and this is the cost that is imposed on them, as well as continued maintenance at this higher standard. If they used as of right vehicles, full cost of making the road fit for purpose would be the responsibility of Council.

Option – 45 km construct and seal project

As a very rough estimate, the cost to construct 1 km of road and seal to 4 m wide is \$80,000. Allowing \$20,000 per km for additional works (rockbreaking, draining, realignment etc), a base cost of \$100,000 for 1 km or \$300,000 for the annual 3 km construction work is used for estimation purposes.

At 3 km per year, another 15 years is needed before the road would be sealed its full length. Assuming an annual WA Local Government Construction Cost Index rate of 4.5%, then –

<u>Year</u>	<u>Est cost</u>	
2008/09	300,000	
2009	313,500	
2010	327,608	
2011	342,350	
2012	357,756	
2013	373,855	
2014	390,678	
2015	408,259	
2016	426,630	
2017	445,829	
2018	465,891	
2019	486,856	
2020	508,764	
2021	531,659	
2022	555,583	
		Total rough cash cost of doing 3 km <u>per year</u> = <u>\$6,235,216</u> Say = \$6.25 million

If considered as a single 12 month project, and discounting the several passing opportunities already sealed the rough cost of constructing and sealing the 42 km to the boundary with the Shire of Morawa, after 2008/09 construction is –

Total rough estimate of cost =14 years at \$300,000 / year	4,200,000
Add 10% fudge factor	<u>420,000</u>
Total say =	\$4.65 million

The total cost of a loan for \$4.5 million at 6.42%, over 15 years with repayments of \$237,200 every six months is \$7.116 million, quoted by WA Treasury Corporation on 18 September 2008. One amount of \$150,000 for the 2009/10 work could also be needed to be factored in, for a total cost –

\$4.5M loan repayments of \$237,200, half yearly for 15 years =	7,116,000
Add 2009/10 from Councils own resources =	<u>150,000</u>
Total cost say =	\$7.27 million

Estimated 15 year cost of single year project funded by loan =	\$7.27 million
Estimated 15 year cost of doing 3 km construction annually =	\$6.25 million

On face value, if the work was done as a single project, it would appear that the potential additional cash cost is in the order of \$1 million over the next 15 years, or about \$67,800 per year. Any saving as a result of reduced maintenance requirement would be an offset, perhaps 15 days per annum at \$3,000 per day, or \$45,000 per year. The net additional cash cost per year could be as little as \$25,000 to \$30,000.

PLEASE NOTE –

- loan repayments do not qualify for funding under either Roads to Recovery or Regional Roads Group. The only road therefore likely to continue to remain eligible for both grant funding programs would be the Yalgoo-Ninghan Road.
- by doing the work as a single project, also means that there is a large future obligation for reseal in 10-15 years time, that would need to be completed over the space of a couple of years. Funds would need to be put aside annually for this work, and may mean making loan repayments and funding reseal cost in the same year.
- reseal on the currently sealed 29 km section of the road is due to commence before 2023
- it would be imperative that a Reserve fund is created specifically for this task,
- also essential is that Council's commitment on the Yalgoo-Ninghan Road is considered and factored in, as the sealed length extends from its present 70 km approx.

6. In discussion with Michael Keane of GTS on 17 September, he –
  - expressed some concern at the long term continuity of R2R funding, beyond the current government commitments. If R2R was to be discontinued, the Shire's roadworks could need to be significantly curtailed, as funds would already committed to loan repayments.
  - commented that as traffic increases, the road will become eligible for consideration for grants. By constructing and sealing as a single project, it would remove the road from consideration until such time as reseals are needed. However, grant funding for the road is a competitive process with other Shires in the RRG, and being eligible is not a guarantee of funding. Applications for funding consider traffic counts, safety issues, type of traffic, weighted according to need and urgency of the work, and then compares these factors against applications from other Shires.
7. loan rate movements prior to commence may have a big impact on any estimated viability

Prior to pursuing this option, it is strongly suggested that Greenfield Technical Services be requested to make a full costing of the project, identifying any flow on effects to other Shire work, e.g. additional extra staff needed for the duration of the project, early purchase and/or delayed disposal of plant, use of contractor as an alternative to Shire staff constructing the road, etc.

*Cr O' Connor left the meeting at 2:25pm.*

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 1/COUNCIL DECISION

##### **C2008-0907    Yalgoo-Morawa Road – Access**

**Moved Cr EC Rowe, Seconded Cr DJ Grey**

**That the Yalgoo-Morawa Road within the Shire of Yalgoo, not be closed to permit or concessional vehicles at this time, but remain open to use, given –**

- **the upgrade of Wanarra East Road in the near future,**
- **impact of reduced traffic counts to road funding eligibility,**
- **impact on stock and other transporters in addition to current frequent users.**

**Motion put and carried 4/0**

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION 2/COUNCIL DECISION

##### **C2008-0908    Yalgoo-Morawa Road – Light vehicle speed limits**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That Main Roads be requested to place a mandatory maximum speed limits on the Yalgoo-Morawa Road within the Shire of Yalgoo, for all vehicles with a GVM less than 15 tonnes, of –**

- **of 90 km / hr on the gravel section**
- **of 110 km / hr on the sealed section**

**Motion put and carried 4/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/COUNCIL DECISION

**C2008-0909 Yalgoo-Morawa Road – Heavy vehicle speed limits**

**Moved Cr EC Rowe, Seconded Cr DJ Grey**

**That Main Roads be requested to place mandatory maximum speed limits on the Yalgoo-Morawa Road within the Shire of Yalgoo for vehicles with a GVM of 15 tonne or greater, of –**

- of 70 km / hr on the gravel section
- of 90 km / hr on the sealed section

**Motion put and carried 4/0**

*Cr O' Connor returned at 2:28pm.*

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 4/COUNCIL DECISION

**C2008-0910 Murchison Country Zone WALGA – Fee for permit vehicles**

**Moved Cr EC Rowe, Seconded Cr DE Anderson**

**That the following recommendation be submitted to the Murchison Country Zone of WALGA –**

***That the Murchison Country Zone request –***

- ***WA Local Government Association to lobby the Government and appropriate Ministers to amend legislation so as to permit Councils to have the authority to –***
  - o ***impose a fee on single trip or an annual fee on permit and concessional vehicles for approval to use local government roads, or***
  - o ***withhold permission to use a road unless a satisfactory alternative agreement is reached, and***
- ***the support of local politicians.***

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 5/COUNCIL DECISION

**C2008-0911 Northern Country Zone WALGA – Fee for permit vehicles**

**Moved Cr DJ Grey, Seconded Cr TK Iturbide**

**That the Shire of Morawa be requested to raise the issue of Councils having the authority to impose a fee for permission to use Local Government roads, with the Northern Country Zone of WALGA, and that they be asked for support.**

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 6/COUNCIL DECISION

**C2008-0912 Yalgoo-Morawa Road – Project report**

**Moved Cr DJ Grey, Seconded Cr EC Rowe**

**That Greenfield Technical Services be engaged to prepare a comprehensive report and costing for the construction and bitumising of the unsealed 45 km section of the Yalgoo-Morawa Road.**

**Motion put and LOST 2/3**

*REASON FOR VARIATION*

*Cost of report not given, and likely cost of project means that it would be unlikely to proceed.*

**ADJOURNMENT**

*The meeting adjourned at 2.51pm and resumed at 2.58pm with all present before the adjournment present once again at the resumption, except Cr O'Connor and Mr Williams.*

*Cr O'Connor returned at the meeting at 2.59pm.*

*Mr Williams rejoined the meeting at 2.58pm.*

*Ms Rebecca Cowell, Community Development Officer, joined the meeting at 2.58pm.*

**11.2 DEVELOPMENT**

**C2008-0913 Item brought forward**

**Moved Cr EC Rowe, Seconded Cr DJ Grey**

**That Item 11.2.3 be dealt with at this time, prior to 11.2.1.**

**Motion put and carried 5/0**

**11.2.3 COMMUNITY DEVELOPMENT OFFICER – ACTIVITY REPORT**

File:  
 Author: Rebecca Cowell – CDO  
 Interest: No interest to disclose  
 Date: 15 September 2008  
 Attachments: None

**25<sup>th</sup> August – 15<sup>th</sup> September**

<b>Week 1</b>	Commenced at the Shire of Yalgoo. Met community members. Community Development Network Meeting in Mullewa, including the opening of the Mullewa Walk Trial and the Art Centre.
<b>Week 2</b>	Arranged for Geraldton FoodBank to freight food to Yalgoo for the School Lunch Program. Assisted at the Interschool Carnival Disco at the School. Liaised with Heathway’s regarding the Emu Cup Funding. Completed FACSIA report.
<b>Week 3</b>	First Emu Cup Meeting, held at the Nursing Post. Date of the Cup confirmed as the 8 <sup>th</sup> November at the Yalgoo Race Course. Meeting with Brendin Flanigan from the Mid West Development Commission. Second Emu Cup meeting – Invited volunteers to attend, duties allocated.

**Future Commitments/Events:**

- 16<sup>th</sup> September – Meeting Craig Turley from Oz Minerals
- 30<sup>th</sup> September to 10<sup>th</sup> October – School Holiday Program
- 13<sup>th</sup> October – Healthy Community Meeting at the Shire Hall
- 8<sup>th</sup> November – Emu Cup

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2008-0914 Community Development Officer’s Report**

**Moved Cr LJ O’Connor, Seconded Cr EC Rowe**

**That the Community Development Officer report to the 15<sup>th</sup> September be received.**

**Motion put and carried 5/0**

**11.2.1 EHO – ACTIVITY REPORT September 2008**

No report as 4 weeks annual leave taken.

**11.2.2 LOCAL PLANNING SCHEME No.2**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 18 September 2008  
 Attachments: responses received to invitation to comment on LPS No.2 Yellow  
 Separate Cover: Local Planning Scheme No.2 – Text, Strategy and Maps on CD

**MATTER FOR CONSIDERATION**

Draft Local Planning Scheme – Text, Strategy and Maps.

**BACKGROUND**

The draft Local Planning Scheme has been in preparation for some 5-6 years, and is now entering final stages of the review.

**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.

Planning and Development Act

Town Planning Scheme No.1

Local Planning Scheme No.2 – draft

**STRATEGIC IMPLICATIONS**

Statutory Planning for the Shire of Yalgoo

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None

**CONSULTATION**

Dave Williams, EHO

**COMMENT**

The EHO is currently on annual leave, but will be available at the Council meeting to provide more detailed comment and to provide advice as to next steps, amendments needed, timeframes etc.

The LPS No.2 will replace the Town Planning Scheme No.1 once Gazetted. Substantial changes to legislation and terminology have occurred since 1992 when the current Scheme was endorsed. Two major changes are that the Scheme must now cover the whole of the district, whereas previously, it could apply only to towns, and secondly, the requirement for a Strategy to be adopted.

The Strategy is about the future directions for the district that are intended by Council. While it is mandatory to produce the document, compliance with it is not obligatory, although it needs to be highly regarded as it is the principles that Council will apply in considering development. The principles of the Strategy are embedded in the Text, which is mandatory.

The Text is the rulebook, the “how to” and “what to” document. The Text has similar status to Regulations made under an Act of Parliament, as it is subsidiary legislation to the Planning and Development Act. While

Council does have discretions in the Scheme, compliance is obligatory on all developers and land users, including the Shire.

Notice of the review of the Scheme was advertised for public comment, and invitations were sent to the required organisations as notified by the Dept for Planning and Infrastructure, including –

- Dept for Indigenous Affairs
- Water Corporation
- Heritage Council of WA – extension of time sought until the Council meeting in which to respond
- other Government departments and agencies that may be affected.
- surrounding Shires
- no public comment has been received.

The draft Text and maps were reviewed by the EHO and myself prior to him going on annual leave, and the following comments are made –

#### Text

- a) p.15 in Table 1 – insert in order that dog kennels are prohibited in all zones of the Shire, consistent with the Shire’s Dog Local Law.
- b) p.15 in Table 1 (and elsewhere if necessary) – delete all reference to “Townsite” as a Zone. This Zone was originally in TPS No.1, and applied outside the Yalgoo Townsite to Paynes Find mainly. However, as Paynes Find is not a Gazetted Townsite, the use of the Zone was omitted in the LPS No.2 revision maps, but inadvertently left in the Text. Removal of the Zone is consistent with and reflects the purposes noted on the maps.
- c) p.15, Table 1 – uses in other Zones needs to be considered in detail
- d) p.45, clause 2 *Land use definitions* – insert definition of “dog kennel”, consequent to the prohibition to be inserted into Table 1 by (a) above, and consistent with Local Laws.

#### Strategy

- a) p.50, LPS Policy No.2 – delete the sentence “*A caretaker’s residence shall only be permitted at the rear of a lot zoned Industrial*”. There could be very good reasons for having the residence at the front of the lot (e.g. a shorter driveway so more land for industrial use, improved security for site, allows supervision of the site without having to enter the site etc).
- b) p.60, LPS Policy No.5 – delete the draft Policy for Disposal of Effluent within the Yalgoo Townsite completely. The Policy recommends use of Aerobic Treatment Units instead, however, since the Policy was drafted, use of ATU’s has occurred in several locations around town, with major problems of maintenance, servicing, reliability and continuity of operation being experienced. Removal of the policy will not prevent the use of ATU’s, but does revert to the requirement that disposal of effluent must comply with the Health Act.

#### Maps

- a) Maps as advertised, need to be updated to ensure zoning and land use details reflect the actual details of use, as per the most recent WA Planning Commission maps of November 2007
- b) Roads and road alignment details to be verified with Main Roads WA State of Construction maps, as some roads are not marked, some are not marked in full, and some show and incorrect alignment
- c) Road names need to be checked and corrected against Main Roads details.

#### Responses

- a) Dept of Indigenous Affairs (letter of 8 July 2008) – no amendments requested, but is a statement of DIA Policy, resources, and offer to assist
- b) Dept of Indigenous Affairs (letter of 14 August 2008) – no amendments requested, but is a statement of the legal responsibility for developers to ensure that there is no disturbance to Aboriginal historical sites without Ministerial approval.
  - It is a legislative requirement that all heritage matters be considered in development, and provision for heritage does not rely on the Planning Scheme
- c) Water Corporation – requesting amendment to protect use of the water treatment site, pipe line to Yalgoo townsite, pressure tanks and reticulation.
  - Need to ensure appropriate changes are made to the Text and Maps
- d) State Land Service (DPI) – no amendment requested
- e) Tourism WA – requesting that due consideration be given to the Tourism Planning Taskforce Report, but recognising that this Report is unlikely to have impact on the Shire.



- The Report focuses on planning in areas where there is a high demand and pressure for tourism development (hotels, restaurants, tourist facilities etc) such as Busselton, Esperance, Geraldton, Coral Bay, Shark Bay etc. The Report asks that the Shires in these areas give particular consideration to the growth of the tourism industry, and the pressures it bring to cater for demands on that locality.
- f) Shire of Mt Magnet – no amendment requested.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

To be determined at the meeting.

COUNCIL DECISION

**C2008-0915 Heritage Council of WA – Extension of time for submission**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the Heritage Council of WA be given an extension of time to 15 October 2008, in order to make a submission regarding the draft Local Planning Scheme No.2.**

**Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

**C2008-0916 LPS No.2 – Specific matters for consideration**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the draft Local Planning Scheme No.2 Text from page 19, Strategy and Maps be further reviewed at the October 2008 meeting.**

**Motion put and carried 5/0**

**11.2.3 COMMUNITY DEVELOPMENT OFFICER – ACTIVITY REPORT**

Dealt with prior to Item 11.2.1.

## **11.3 FINANCE**

### **11.3.1 FINANCIAL ACTIVITY STATEMENTS – August 2008**

File:  
 Author: Violet Rowe, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 17 September 2008  
 Attachments: Financial Activity Statements for August 2008  
                   Balance Sheet  
                   Income Statement Detail  
                   Income Statement by Nature & Type  
                   Income Statement Summary  
                   Actual vs Budget  
                   Trust Balance Sheet (sea green)

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for August 2008.

#### **BACKGROUND**

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 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

Changes to the Local Government (Financial Management) Regulations 1996 come into effect on 1 July

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2008-0917    Financial Activity Statements**

**Moved Cr O'Connor, Seconded Cr DJ Grey**

**That Council adopt the financial statements for the period ending 31 August 2008, as attached.**

**Motion put and carried 5/0**

**11.3.2 ACCOUNTS PAID DURING THE MONTH OF August 2008**

File: N/A  
Author: Violet Rowe, Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 17 September 2008  
Attachments: EFT & Cheque Detail for August 2008 (lime green)

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of August 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 August 2008 as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That:

1. The Cheque Detail of payments covering vouchers EFT 1 to 85 totalling \$59198.31 paid during the month of August 2008, be received;
2. Cheque payments covering cheque numbers 10867-10896 totalling \$47689.81 paid during the month of August 2008, be received; and
3. Salaries and Wages totalling \$6355.92 paid during the month of August 2008, be received.

**COUNCIL DECISION**

**C2008-0918 Accounts Paid During the Month**

**Moved Cr D J Grey, Seconded Cr E C Rowe**

**That:**

1. **The Cheque Detail of payments covering vouchers EFT 1 to 85 totalling \$59198.31 paid during the month of August 2008, be received;**
  2. **Cheque payments covering cheque numbers 10867-10896 totalling \$47689.81 paid during the month of August 2008, be received; and**
  3. **Salaries and Wages totalling \$63554.92 paid during the month of August 2008, be received.**
- Motion put and carried 5/0**

**REASON FOR VARIATION**

*Correction to amount in Point 3.*

*Ms. Violet Rowe left the meeting at 3.45pm and returned in at 3.48pm.*

**11.3.3 DONATION – Yalgoo Primary School Citizen Ship award donation**

File:  
Author: Violet Rowe, Deputy Chief Executive Officer  
Date: 17 September 2008  
Interest Declared: No interest to disclose  
Attachment: None

**MATTERS FOR CONSIDERATION**

To approve or disapprove the sponsorship of one of the Yalgoo Primary School Citizenship Awards for 2008

**BACKGROUND**

Nil

**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**

Nil

**FINANCIAL IMPLICATIONS**

Donation of \$40 requested.

**COMMENT**

The Shire of Yalgoo has received a request from the Yalgoo Primary School to consider sponsoring one of the Citizen Ship Awards for 2008 (\$40 to go towards the purchase of a book).

There is a budget provision of \$1500 in the 2008/2009 budget for member's donations to be made. This allowance is at the discretion of members of Council.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2008-0919 Donation – Yalgoo Primary School**

**Moved Cr TK Iturbide, Seconded Cr DJ Grey**

**That a donation of \$40 be made to the Yalgoo Primary School for the 2008 Citizenship Awards.**

**Motion put and carried 5/0**

**11.3.4 DONATION – MIDWEST GROUP OF AGRICULTURAL SOCIETIES**

File:

Author: Violet Rowe, Deputy Chief Executive Officer

Date: 17 September 2008

Interest Declared: No interest to disclose

Attachment: Letter from Midwest Group of Affiliated Agricultural Society Lilac

**MATTERS FOR CONSIDERATION**

To approve or disapprove a donation from Council to the Midwest Group of Affiliated Agricultural Society

**BACKGROUND**

The Midwest Group of Affiliated Agricultural Societies have a district display at the Perth Royal Show. The group finance this display through donations.

**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**

Nil

**FINANCIAL IMPLICATIONS**

\$100 donation

**COMMENT**

As Yalgoo has a small pastoral industry then consideration about the display of wool in region may be of benefit to the pastoralists of our community.

There is a budget provision of \$1500 in the 2008/2009 budget for member's donations to be made. This allowance is at the discretion of members of Council.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2008-0920 Donation – MidWest Group of Agricultural Societies**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That a donation of \$100 be made to Midwest Group of Affiliated Agricultural Societies.**

**Motion put and carried 4/1**

### **11.3.5 HERITAGE LOAN SUBSIDY SCHEME**

File:  
Author: Violet Rowe, Deputy Chief Executive Officer  
Date: 17 September 2008  
Interest Declared: No interest to disclose  
Attachment: letter and brochure from Heritage Loan Subsidy Scheme Blue

#### **MATTERS FOR CONSIDERATION**

To approve or disapprove making a one off payment of 0.5% of collected rates to the Heritage Loan Subsidy Scheme

#### **BACKGROUND**

Within the Shire of Yalgoo there are several properties that may be eligible for the Heritage Loan Subsidy Scheme

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

- 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**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

\$4806 should the Council decide to participate in the Heritage Loan Subsidy Scheme  
No funds have been set aside in the 2008/2009 budget for the Heritage Loan Scheme.

#### **CONSULTATION**

Niel Mitchell- Chief Executive Officer

#### **COMMENT**

The Heritage Loan Subsidy Scheme has been developed to assist owners of heritage places with funds to undertake conservation works.

The scheme makes conserving places of heritage significance easier and more affordable by offering a subsidy, currently set at four percent, on the interest rate on loans for conservation work.

The Heritage Council of WA and the Western Australian Local Government Association underwrites the subsidy and administers the scheme.

Owners of places listed in a local government's Municipal Inventory, State Government's Register of Heritage Places, Commonwealth's Register of National Estate, or National List, or National Trust's List of Classified Places, within participating local government areas are eligible to apply. The shire of Yalgoo contains several properties that may be eligible for the Heritage Loan Subsidy Scheme.

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2008-0921 Heritage Loan Subsidy Scheme**

**Moved Cr DJ Grey, Seconded Cr O'Connor**

**That Council does not participate in the Heritage Loan Subsidy Scheme.**

**Motion put and carried 4/1**

COUNCIL DECISION

**C2008-0922    Heritage Loan Subsidy Scheme – 2009/10 Budget**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That consideration be given for inclusion of the Heritage Loan Subsidy Scheme in 2009/10 Budget.  
Motion put and LOST 1/4**



### **11.3.6 AUSTRALIA'S GOLDEN OUTBACK – Holiday Planner**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 September 2008  
Attachments: Yalgoo page from 2007 Holiday brochure Sand

#### **MATTER FOR CONSIDERATION**

Advertising in the Australia's Golden Outback Holiday Planner publication.

#### **BACKGROUND**

The Planner received a wide distribution and is made available free to those interested.

#### **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 \$1,575 incl GST

#### **CONSULTATION**

None

#### **COMMENT**

The publication is one of the principal efforts of Australia's Golden Outback, along with feature sections in the newspaper. The cost of \$1,575 includes GST, and would give Yalgoo a half page editorial and 2 photos. Normal cost is \$2,300 for a half page.

Distribution is 80,000 copies through 120 Visitor Centres.

Yalgoo does not appear to have advertised in the publication, perhaps for several years. While it is a useful brochure, most people would be doing their research and planning before leaving on a trip. According to AGO figures to March 2008, visitors to the whole of region increase by 12.8% last year.

Should Council decide not to make a contribution, a reduced size editorial would still be included, as in 2007.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2008-0923 Holiday Planner**

**Moved Cr O' Connor, Seconded Cr D E Anderson**

**That Council does not contribute to the 2009 Australia's Golden Outback Holiday Planner.**

**Motion put and carried 5/0**

## **11.4 ADMINISTRATION**

### **11.4.1 CEO – ACTIVITY REPORT – September 2008**

File: N/A  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 18 September 2008  
 Attachments: None

#### Use of Common Seal

27 August Road Access Agreement and Public Benefit Agreement with Mt Gibson Mining, as per Council resolution

#### Use of Delegated Authority not elsewhere reported

None

#### Yalgoo Community Park

State Land Services have advised that the four individual lots making up the Park (3 Reserve lots and one freehold by the Shire), have now been amalgamated to form one Reserve 49746 (lot 550). This was done by Management Order date 1 August 2008.

#### Lot 49 Campbell St

Landcorp have advised that they have accepted the offer of \$5,000 for this lot for inclusion in the Recreation Centre land, without development conditions. The contract of purchase and deposit has been sent off in accordance with Council resolution (C2008-0406). Once the transfer is made, the right of way separating the Lots can be closed and all amalgamated into one reserve.

#### Lot 217 King St

Lot 217 adjoins the superblock for Ferrowest and surrounds the Old Main Roads Depot. The 10% deposit of \$1,980 has been forwarded with the contract to purchase, and the transfer of the freehold should be complete in the next few weeks. The contract has been signed and returned by the State, and the matter is now with our solicitors to prepare the Transfer of Land documentation.

#### Lot 189 King St – Old Main Roads Depot

MRWA have advised that they wish to retain the site for the time being. It is suggested that this be diarised for further consideration in the 2009-10 Budget once again, so as to secure that are for future residential or morning village accommodation.

#### New Recreation Facilities

Quantum Surveys have now completed the feature survey, and Structerre, have done the geotechnical work for the proposed recreation facilities blocks (Lot 207, and lots 49, 50 and 51). The information has been forwarded to the architects, Edgar Idle Wade.

#### Mt Gibson Mining – Extension Hill

Mr Peter Panel, Project Manager for Extension Hill Pty Ltd, has advised that contracts for the Gt Northern Highway realignment and construction of Wanarra East Road have been let, and that they are awaiting sign-off on several reports and recommendations by State Ministers and the Federal Environment Minister.

#### Annual Statements

The Department of Local Government and Regional Development has been requested for an extension of time to complete the audit. We have had significant problems with Quickbooks program since June, with program updates throwing out allocations, and therefore needing to reconcile quite a few processes once again. These problems are gradually being addressed, resolved and amended. This includes major issues within the payroll system, plant op cost and works cost allocations.

Meetings

- 14 August Mark Canny, Mid West Development Commission, and Anson Cheng, Dept of Industry & Resources - mobile phone and land line internet services to Yalgoo and the Murchison region
- 10 September Brendin Flanigan, Mid West Development Commission
- 15 September WALGA SSS Forum, City of Stirling
- 17 September second flood damage inspection by Kim Edmeades, MRWA, and Michael Keane, Greenfield Technical Services

Future meetings –

- 23 September With other Murchison CEOs re MRWA Term Network Contracts, in Mt Magnet
- early October With other Mid West CEO, meeting with DPI regarding capturing social benefit from mining – following on from 1 August meeting (to be confirmed)
- 13 October HCP Meeting
- 15-17 October LGMA Conference
- 8 November Emu Cup
- 14 November Murchison Country Zone WALGA – Cue

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2008-0924 CEOs Report**

**Moved Cr DJ Grey, Seconded Cr O'Connor**

**That the CEO's Activity Report to 18 September 2008 be received.**

**Motion put and carried 5/0**

#### **11.4.2 DAFWA – Yalgoo Land Conservation District Committee**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 18 September 2008  
Attachments: none

#### **MATTER FOR CONSIDERATION**

Invitation to nominate a representative to the Yalgoo LCDC.

#### **BACKGROUND**

The Dept of Agriculture and Food has advised that the current appointments expire on 30 September 2008, and invite nominations for appointment or re-appointment to the Committee

#### **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.

Soil and Land Conservation Act 1945 –

- s.23 – establishment of LCDC's

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Policy 1.7 – External Organisations – Council Representatives

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The Committee is advisory with the purpose of commenting on development & promotion of land use programmes in the district. Appointment to the Committee is for a term of 3 years. The Committee has nine members made up of community nominations, Government appointment and a nominee of Council.

Cr Don Anderson is a member of the LCDC as a nominee of the Shire. Cr Ellen Rowe is also a member of the LCDC, presumably in her own right as a community member.

Council Policy 1.7 states that Crs Anderson and Rowe are Council nominees to the LCDC, with Cr Iturbide as deputy delegate

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION /COUNCIL DECISION**

#### **C2008-0925 Nominees to Yalgoo Land Conservation District Committee**

**Moved Cr EC Rowe, Seconded Cr O'Connor**

**That the Dept of Agriculture and Food be advised that Cr Anderson and Cr Rowe are Council's nominees to the Yalgoo LCDC, with Cr Iturbide as deputy delegate.**

**Motion put and carried 5/0**

### **11.4.3 MURCHISON COUNTRY ZONE – November Meeting**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 18 September 2008  
Attachments: none

#### **MATTER FOR CONSIDERATION**

Advice of the next MCZ meeting and calling for Agenda items

#### **BACKGROUND**

The MCZ meets in Cue every six months, with policies and government agencies in attendance. The next meeting is due to be held on Friday 14 November.

#### **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**

Policy 1.7 – External Organisations – Council representatives

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

Council policy stipulates –

- delegates – Cr Anderson and Cr Rowe
- deputy delegate – Cr O'Connor

The Zone welcomes observers from member Councils.

As noted earlier in this Agenda at item 11.1.3 Yalgoo-Morawa Road, it is suggested that the issue of Council's being able to impose a fee on road trains for permission to use Local Government roads be raised.

It is further suggested that the issue of Telstra service (or lack thereof) in country areas be raised. Telstra have been constantly queried regarding their lack of service in many areas, both internet and mobile phone without success, over a number years. Council did write to Mr Peter Fairclough, Managing Director, Telstra Countrywide for WA, but his response essentially was that once their Customer Service Obligations are met, if it is not economic, mobile and internet development is not going to happen unless paid for by the customer. In effect, the CSO's placed on Telstra are now being used to justify why a service should not be improved.

In Yalgoo, we have also been waiting for resolution of telephone lines for internet into the admin office and HCP office for 12 months now. Phone calls to Telstra for information, and to try to get some action and resolution to queries and problems are either not returned or are of no assistance. It has reached a point where there seems to be little point in trying to get them to do anything. One division of Telstra claims that the lines we have requested at the office are going to be out of date or not available, however, as far as we can work out, the same type/standard of lines were installed at the Old Railway Station for the video conferencing room.

Telstra's intransigence is well recognised in country areas, in Government agencies, business, local government, commercial travellers, contractors and private individuals.

I did make a submission to the Federal Government's Telecommunications Independent Review Committee earlier in 2008, following letters to State and Federal politicians. The Mid West Development Commission through Brendin Flanigan and Mark Kanny, are well aware of our problems and have been active in supporting our requests where able, to Dept of Industry and Resources including arranging a visit by DOIR to the region, and putting forward our views to telecommunications user groups.

There's two aspects of Telstra operations that really grind salt into the wounds –

- the constant half price, free for six month, get connected to Bigpond and get a free mobile offers that they make, that we cannot access
- Telstra prepaid mobile salespeople calling the local shop asking them why they won't sell mobile phones and pre-paid vouchers

Without some sort of stick to beat them with, it seems that Telstra are willing to shrug off all complaints on the grounds of having met their CSO's and therefore don't need to do anything more, and that it is not economically viable for them, so they can't afford to do anything more.

Telstra have a preferred supplier arrangement with WA Local Government Association. While their call rates are excellent, the service standard of Telstra and their contractors is very low.

Accordingly, it is suggested that WALGA be requested to either –

- remove Telstra as preferred supplier to Local Government on the basis of continuously substandard service to country areas, or
- alternatively, arrange a second preferred supplier contract for country areas.

For internet particularly, there may now be viable alternatives to Telstra, being Optus, the second largest internet service provider in Australia, and the recent acquisition of Westnet by iiNet, making them the third largest ISP.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2008-0926    C2008-0925**

**Moved Cr EC Rowe, Seconded Cr TK Iturbide**

**That the following recommendation be submitted to the Murchison Country Zone of WALGA –**

***That the Murchison Country Zone request WA Local Government Association –***

- ***remove Telstra as the preferred supplier to Local Government of telecommunications services on the basis of continuously substandard service delivery to country areas, or***
- ***alternatively, arrange a second preferred supplier contract for country areas.***

**Motion put and carried 5/0**

*Cr O'Connor left the meeting at 4.10pm and returned in at 4.11pm.*

#### **11.4.4 LGMA ANNUAL CONFERENCE**

File:  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 18 September 2008  
Attachments: none

#### **MATTER FOR CONSIDERATION**

The WA Division of the Local Government Managers Association Annual Conference is to be held on 15-17 October 2008 in Fremantle.

#### **BACKGROUND**

The LGMA welcomes attendance by representatives of Councils.

#### **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 travel, accommodation and registration for Councillors attending.

#### **CONSULTATION**

None

#### **COMMENT**

Cr Anderson has expressed an interest in attending the Wednesday and Thursday of the Conference. Both CEO and Deputy CEO will also be attending the Conference.

Registration fee is discounted to \$847 as Council is a corporate member of LGMA.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2008-0927 LGMA Annual Conference – President**

**Moved Cr EC Rowe, Seconded Cr O' Connor**

**That Cr Anderson be authorised to attend the LGMA Annual Conference to be held on 15-17 October 2008, at the Esplanade Hotel, Fremantle.**

**Motion put and carried 5/0**

*Cr EC Rowe declared an Impartiality Interest in Item 11.4.5.*

*Ms VJ Rowe declared a Financial Interest in Item 11.4.5, being the intending hirer of the equipment.*

**11.4.5 REQUEST – HIRING OF EQUIPMENT**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 19 September 2008  
 Attachments: none

**MATTER FOR CONSIDERATION**

Request to hire tables, chairs and bain marie for wedding and reception.

**BACKGROUND**

A request has been made by the Deputy CEO, Violet Rowe to hire tables, chairs and equipment for her wedding being hosted on Carlaminda Station on 11 October 2008.

**STATUTORY ENVIRONMENT**

None

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

Council Policy 5.4 Shire Facilities – Tables and Chairs

**FINANCIAL IMPLICATIONS**

Minor income from hire.

**CONSULTATION**

None

**COMMENT**

Violet Rowe has requested that consideration be given to the hiring of equipment for her wedding to be held on Saturday 11 October 2008. The equipment will need to be picked a day or so prior and would be returned on Monday 13 October.

Equipment requested is –

- |              |                                    |                      |
|--------------|------------------------------------|----------------------|
| - 80 chairs  | <i>cost to hire from Geraldton</i> | <i>70 cents each</i> |
| - 10 tables  |                                    | <i>\$7 each</i>      |
| - bain marie |                                    | <i>\$50</i>          |

Council Policy 5.4 provides that –

1. *The tables and chairs at Shire facilities are not generally available for public hire for use off-premises.*
2. *In exceptional circumstances where the function being held is for the community, and is not a private event, the Chief Executive Officer has the discretion to allow their use off-premises.*

Council Policy 5.2 only provides for movement of equipment between Shire facilities.

As the request is outside the scope of the Policy, Council's direction is requested.



VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2008-0928    Equipment Hire**

**Moved Cr DJ Grey, Seconded Cr TK Iturbide**

**That Ms Violet Rowe be permitted to hire 80 chairs, 10 tables and the bain marie, subject to –**

- pick up on Friday 10 October, and return on Monday 13 October to be arranged by her
- total hire cost of \$175 excl GST
- damage bond of \$500 being paid

**Motion put and carried 5/0**

## **12. NOTICE OF MOTIONS**

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### **12.1 PREVIOUS NOTICE RECEIVED**

#### **12.1.1 YALGOO NURSING POST**

Requested by: Cr Don Anderson  
 File: M2-3 and R10-112  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 19 September 2008  
 Attachments: none

#### **MATTER FOR CONSIDERATION**

Cr Anderson has requested that the possible rental of Lot 27 Stanley Street to the Health Department be re-considered.

#### **BACKGROUND**

The matter was previously put before Council at the August 2008 Meeting.

#### **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**

Rental income if approved.

#### **CONSULTATION**

None

#### **COMMENT**

Cr Anderson has requested that this matter be considered by Council again. At the August 2008 Council Meeting it was reported –

*In considering rental of the house to the MWHR, Council needs to be aware of several matters –*

- *although two new houses are due in the very near future, the only unoccupied accommodation is now one of the six units, which will be required for the PA,*
- *the unit that Greg Daniel is occupying will not become available until January 2009,*
- *several staff have enquired about availability of the house.*

*The MWHR are keen to explore possibilities for the development and improvement of facilities in Yalgoo, but are unable to commit to construction or a long term arrangement without definite proposals. These options will take time to prepare, but in the meantime, they do wish to improve the arrangements for the Community Nurse.*

*Following discussion and negotiation with the Mid West Health Region, it has been agreed (subject to final confirmation by Council), that –*

- *the house would be rented from the Shire for an initial period of 2 years,*
- *rent amount is \$155 per week, being the market rental as assessed by Ray White Real Estate Geraldton*
- *the rent would be fixed for the initial 12 months of the rental, to be reviewed at the end of this time for the concluding 12 months*
- *rental agreement as per the Residential Tenancies Act*
- *the Health Dept to be responsible for the maintenance of the grounds and out-goings (power, water, phone etc)*

*During this 2 year period, the Shire and the MWHR have the opportunity to discuss –*

- *future of the current Nursing Post to be determined by Health Dept,*
- *refurbishment of the existing Nursing Post or development of a new Nursing Post and/or accommodation, to be negotiated between Health Dept and Shire, if identified,*
- *long term lease/rent of the house to be considered, based on outcomes of the above points.*

*In regards to a long term arrangement (say 15-20 years), the main issue identified at this time to be addressed, is that the Health Department does not end up paying for a Shire asset. That is, any lease or rental will need to take into account that if a capital component is included in the agreement, then the Health Dept would require equity in the asset in their favour, to be recognised and provided for.*

*Subject to this, they are very interested in pursuing possibilities for a partnership, and accept the principle of cost neutrality to the Shire as outline in Point 2 of the April 2008 resolution.*

The recommendation and subsequent amendments at the August 2008 meeting, was lost when put to the vote. The effective motion that was lost was –

*That –*

- *Lot 27 Stanley Street be rented to the Health Department for an initial period of one year,*
- *the commencing rent amount be \$300 per week,*
- *the rent be fixed for the initial 6 months of the period, to be reviewed at that time for the concluding 6 months*
- *the rental agreement be as per the Residential Tenancies Act*
- *the Health Dept to be responsible for the maintenance of the grounds and out-goings (power, water, phone etc)*

Reference was made to the Department of Local Government as to whether further consideration of this matter constitutes a revocation of a resolution of Council made at the August Meeting. DLGRD advised that as the previous motion was defeated, rather than carried, that there is not a resolution to be revoked. It constitutes withholding approval for the lease, rather than directing that a lease not be considered. DLGRD did suggest that revocation requirements be followed as possible.

The only variation of note to the previous report is that all accommodation is now occupied, as Mrs Christine Massage has been appointed to PA / Executive Support Officer. She and her family will be taking up residence at Unit 18B Shamrock Street on or about 24 September 2008.

The new houses on Henty and Campbell Sts should be ready for occupancy within the next couple of weeks.

#### VOTING REQUIREMENTS

Simple majority

#### MEMBER RECOMMENDATION/COUNCIL DECISION

#### **C2008-0929    Accommodation – Yalgoo Nursing Post**

**Moved Cr DE Anderson, Seconded Cr LJ O'Connor**

**That –**

- **Lot 27 Stanley Street be rented to the Health Department for a period of 1 year,**
- **the rent amount be \$200 per week,**
- **the rental agreement be as per the Residential Tenancies Act,**
- **the Health Dept to be responsible for the maintenance of the grounds and out-goings (power, water, phone etc).**

#### **C2008-0930    Procedural Motion**

**Moved Cr TK Iturbide, Seconded Cr E Rowe**

**That the matter lay on the table until the October 2008 Meeting, in order for representatives of the Mid West Health Region to meet with Council to discuss options at the meeting.**

**Motion put and carried 4/1**

## **12.2 FOR CONSIDERATION AT THE FOLOWING MEETING**

None

## **13. URGENT BUSINESS**

As permitted by resolution of the Meeting

None

## **14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

The President advised that a complaint had been received concerning a staff member.

### **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

### **VOTING REQUIREMENTS**

Simple majority

### **COUNCIL DECISION**

#### **C2008-0931 Motion to Close the Meeting**

**Moved Cr T Iturbide, Seconded Cr EC Rowe**

**That the meeting be closed to the public to discuss the complaint received concerning a staff member.**

**Motion put and carried 5/0**

*The meeting was closed to the public at 4:45pm. Councillors and Executive staff remained in the meeting.*

### **ADJOURNMENT**

*The meeting adjourned at 4.46pm and resumed at 4.50pm with all present before the adjournment present once again at the resumption.*

*Cr O'Connor left the meeting at 5.19pm and returned at 5.22pm.*

*Cr Iturbide left the meeting at 5.23pm and returned at 5.24pm.*

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

**C2008-0932    Meeting to be opened**

**Moved Cr LJ O'Connor, Seconded Cr TK Iturbide**

**That the meeting be re-opened to the public.**

**Motion put and carried 5/0**

*The meeting was reopened to the public at 5:29pm.*

**C2008-0933    Complaint to be investigated**

**Moved Cr EC Rowe, Seconded Cr DJ Grey**

**That WALGA Workplace Solutions be requested to investigate the complaint and report to Council.**

**Motion put and carried 5/0**

**15.        NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held on Thursday, 23 October 2008, commencing at 11.00am. (Change of date as resolved at August 2008 Council Meeting)

**16.        MEETING CLOSURE**

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There being no further business, the President declared the meeting closed at 5.34pm.

DECLARATION

These minutes were confirmed by Council at the Ordinary meeting held on \_\_\_\_\_

Signed: \_\_\_\_\_