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Minutes the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday, 21 February 2008, commencing at 11.00 am, adjourned,
and resumed on 6 March 2008 at 9.10 am

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Meeting was due to commence at 11.00 a.m.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DJ Grey
STAFF	Mr N Mitchell, Chief Executive Officer Mr RJ Adams, Deputy Chief Executive Officer
APOLOGIES	Cr DE Anderson, Shire President Cr EC Rowe, Deputy Shire President Cr TK Iturbide Cr LJ O'Connor
LEAVE OF ABSENCE	None

ADJOURNMENT

The CEO noted that apologies had been received from four Council members unable to attend due to impassable roads etc as a result of the rain from ex-Tropical Cyclone Nicholas.

Therefore, a quorum of Council cannot be established as required by the Local Government Act s.5.19.

In accordance with the Administration Regulations r.8 (d), Cr Grey declared the meeting adjourned to a date and time to be fixed, at 11.03 am.

RESUMPTION

The President declared the Ordinary Meeting of Council 21 February 2008, resumed at 9:10am.

The President noted the tragic passing of Mr WJ (Bill) Rowe, a former Councillor of the Shire of Yalgoo, and asked those present to observe a minute silence in respect.

PRESENT AT THE RESUMPTION

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson, Shire President Cr L Hodder Cr DJ Grey Cr D P Morrissey Cr LJ O'Connor (9:17am)
STAFF	Mr N Mitchell, Chief Executive Officer Mr RJ Adams, Deputy Chief Executive Officer Mr C Hodder, Works Foreman
APOLOGIES	Cr EC Rowe, Deputy Shire President Cr TK Iturbide
LEAVE OF ABSENCE	None

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None

4. PUBLIC QUESTION TIME

None

5. APPLICATIONS FOR LEAVE OF ABSENCE

None

6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 18 DECEMBER 2007

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0201 Confirmation of Minutes 18 December 2007

Moved Cr DJ Grey, Seconded Cr L Hodder

That the Minutes of the Ordinary Council Meeting held on 18 December 2007, be confirmed as a true and correct record of proceedings.

Motion put and carried 4/0

7.2 ANNUAL ELECTORS MEETING – 18 DECEMBER 2007

BACKGROUND

Minutes of the Annual Electors Meeting have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0202 Receive Minutes of Annual Electors Meeting 18 December 2007

Moved Cr L Hodder, Seconded Cr DJ Grey

That the Minutes of the Annual Electors Meeting held on 18 December 2007, be received.

Motion put and carried 4/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The President noted that the most recent edition of the WALGA Councillors Manual, had been purchased and distributed to Councillors.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

10.1 PRESIDENT

The President advised attending the meeting of the Chairs of the District Health Advisory Committees in Perth approx. 2 weeks ago. They also met with the Minister for Health, the Acting Director General of Dept of Health and CEO of the WA Country Health Service

Councillor LJ O'Connor joined the meeting at 9:17am

10.2 COUNCILLORS

None

11. DISCLOSURE OF INTERESTS

None

12. REPORTS OF COMMITTEES

None

13. REPORTS OF OFFICERS

13.1 WORKS

13.1.1 WORKS ACTIVITY REPORT – DECEMBER/JANUARY

File: N/A
 Author: Cliff Hodder, Works Foreman
 Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 February 2008
 Attachments: None

MATTER FOR CONSIDERATION

Works Report for the past two months

BACKGROUND

Overview of works for the past two months

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction
 - Ninghan Road –
 - o first coat of seal applied to the second 6.5 km section on 17-18 December
 - o second coat to both Stages, due to be done when Morawa Road is sealed
 - construction on Morawa Road likely in March 2008
 - sealing is also planned for a floodway on Morawa Road and also on the North Road near Carlaminda when the Morawa Road is sealed

- b) Maintenance
 - following storms just before Christmas, urgent work was carried out before and after the break on –
 - o Ninghan Rd
 - o Paynes Find Rd
 - o Burnerbinmah Rd
 - o North Rd
 - o Cue-Dalgaranga Rd
 - the North Road work, trying to finalise the flood damage works required by Main Roads is now underway and due for completion soon. Most of the remaining work is cement stabilisation of a number of floodways. Flood damage completion and storm damage work had to be interrupted for Morawa Road.
 - Morawa Road has had the crew on it for about a week. With recent rains they will need to spend more time than anticipated.

c) Plant

- Delivery of the new Community Bus taken in early January 2008
- air-con on all plant and trucks serviced
- electricals on some plant and all trailers in the process of checking and repairs as needed
- repairs to float, semi-tipper, and water tanker
- backhoe, car trailer and 1 fuel tanker still to be done

d) Other

- Works staff Christmas break from 20 December 2007 and resumed on 7 January 2008
- Andrew Scrivener resigned his employment on the Christmas break, and the vacancy for a grader operator has been advertised. Appointment will be made by Council meeting.
- Over the past month, been effectively 2 staff down much of the time

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0203 Works Activity Report

Moved Cr DP Morrissey, Seconded Cr L Hodder

That the Works Foreman's report for December 2007 to February 2008 be received.

Motion put and carried 5/0

13.1.2 PLANT REPLACEMENT PROGRAM

File: P4
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: February 2008
 Attachments: Plant Replacement Programs (lilac)

MATTER FOR CONSIDERATION

To consider adopting a Plant Replacement Program that can be used in the Plan for the Future and draft budget.

BACKGROUND

Currently the Shire has no strategic plan or guideline for plant replacement. The proposals outline a guide for replacement for the next 10 years, to be reviewed and determined annually during the budget processes.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- Section 5.56–Provides that a local government is to plan for the future of the district
- Section 6.11–Provides for a local government to set aside money for the purpose to be used in future financial years.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9 Preparation of Annual Budget – sets out guidelines for preparing annual budgets

FINANCIAL IMPLICATIONS

No implications at this stage

CONSULTATION

Niel Mitchell CEO

COMMENT

Plant can be categorised into two fields:

- Major Plant for large machines e.g. graders and trucks
- Minor Plant e.g. motor vehicles, foggers etc.

Currently plant is purchased when required, with no plan as to when it is due for replacement. Most of the Shire’s plant is depreciated over 8–10 years. With the current cycle the Shire should at the very least be reserving an equal amount to the depreciation so the plant can be replaced. This is an extreme way of maintaining the plant reserve. By a careful plan to replace plant and budgeted transfers to the Plant Reserve the Shire can achieve replacement of its current plant and have a sustainable Reserve fund.

In order to make such a plan, we need to assess what plant needs replacing now. Is there existing plant that could be budget financed, or extended to match the replacement program?

From Attachment 1 it can be seen that there are heavy years when plant will need replacement. This will pose a financial problem for the Shire.

In Attachments 2 and 3 a clear 10 year plan is proposed, setting out when the Shire’s plant is due for replacement and how the Shire is going to fund the replacements. This plan also sets out the minimum amount that needs to be set aside in each year’s budget to maintain a sustainable Plant Replacement Program.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0204 Plant Replacement Program

Moved Cr DP Morrissey, Seconded Cr LJ O'Connor

- (1) That Council adopt in principal the 10 year plant replacement programmed to be used for budget preparation and plant reserve transactions.**
- (2) That Plant reviews be tabled during the budget process annually as specified in Policy 4.9
Motion put and carried 5/0**

13.1.3 NEW DOLLY AND LOW LOADER

File: P4
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 7 February 2008
 Attachments: None

MATTER FOR CONSIDERATION

To approve the purchase of a new dolly and new low loader.

BACKGROUND

The Shire currently owns two dollies. One was replaced in 2007 as the old one had failed and was uneconomical to repair.

During a review for budget purposes, as required by Council Policy 4.9 Preparation of Annual Budget, dolly YA 1582 was found to be due for replacement in 2006. A quote to trade in this dolly and replacement new dolly is \$10,800.

The review also assessed the Shire's low loader that was purchased second hand and is now 38 years old. The trailer was recently overhauled, including brakes and suspension, costing \$8000. This type of repair is common for this trailer. The trailer is also only specified for 16500 tonne. The CAT 950H loader weighs 18500 tonne.

As the Shire has progressively increased the size of its plant, the low loader is now inadequate as the primary float.

The current proposed Plant Replacement lists this as due for replacement in 2009. The float could be brought forward to the 2007–08 year as a matter of priority due to its legal and ongoing maintenance status.

A changeover of \$ 64860 has been sourced for consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 5.4 Purchasing policy sets out the authority for the CEO to make the purchase.

FINANCIAL IMPLICATIONS

The sum total of these two plant items is \$75660 and could be financed by savings achieved in Plant purchases from the 2007–08 budget of \$ 61500 and the balance of \$15500 from Plant Reserve.

CONSULTATION

Cliff Hodder Works Foreman
 Bob Irwin Transport Spares and Equipment
 Niel Mitchell CEO

COMMENT

The opportunity to set down a clear strategic Plant Replacement Plan for the next ten years and to maintain a sustainable financial plan for this is here. This by no means makes it compulsory but gives administration the opportunity for early budgeting and elected members a clear role in its function.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0205 New Dolly and Low Loader

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

That Council –

- 1. Purchase new dolly to the value of \$12,000**
- 2. Purchase new low loader, trading old low loader to the value of \$65000**
- 3. Authorise allocation to the appropriate cost areas of the adopted budget.**

Motion put and carried by an absolute majority 5/0

Mr Ron Adams left the meeting at 9:51am

13.1.4 Mt GIBSON MINING – WANARRA ROAD

File: R11-66, M5-5
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 12 February 2008
 Attachments: Mt Gibson Mining – letter re Aboriginal Heritage Act s.18 application
 Mt Gibson Mining – letter of indemnity re s.18 application (gold)

MATTER FOR CONSIDERATION

To ratify approval of an application by Mt Gibson Mining for Ministerial approval to disturb any artefacts of Aboriginal origin if found during construction of Wanarra East Road.

BACKGROUND

A memo regarding this matter was circulated to all Councillors on 6 February 2008.

One of the approvals Mt Gibson Mining has to obtain is clearance from Department of Indigenous Affairs. The necessary native title and heritage surveys have been completed, and two sites of significance were identified, both of which are within the Shire of Perenjori and are both partly on the road reserve and partly on pastoral lease. Mt Gibson Mining is in negotiation with Shire of Perenjori, the lease holder and the relevant parties regarding the sites.

In order to disturb these sites, the permission of the Minister is required prior to work commencing at these sites. The Minister’s approval is given under section 18 of the Aboriginal Heritage Act, and will only be given to the landowner, that is, the Shire or leaseholders. Therefore the applications must be submitted with Council’s authority. For approval, it is also necessary that all appropriate surveys have been satisfactorily completed and the application has been assessed by the Department and various Committees. The approval may be subject to conditions, such as relocation of materials, protection of as much of the site as possible etc. The approval is for artefacts only.

DIA have asked MGM to submit an application for the full length of the road, from the Great Northern Highway to Perenjori, although the two sites identified are only small areas, and neither are within the Shire of Yalgoo.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.3.1 – general function of the local government is to provide for the good governance of the district
 Public Works Act 1902 –
 - s.86(3) – roads under the control of local governments
 Aboriginal Heritage Act 1972

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

A third party acting as “Agent” of Council.

FINANCIAL IMPLICATIONS

None

CONSULTATION

Mr Peter Panek, Extension Hill Project Manager, Mt Gibson Mining
 Mr Stan Scott, CEO Perenjori

COMMENT

I met with Mr Peter Panek, Mt Gibson Mining Project Manager for the Extension Hill Mine, on Monday 4 February 2008. Among the items discussed were the approvals necessary for the upgrade of Wanarra East Road, and he advised that a pressing matter has arisen, for which Council’s urgent approval is sought.

In order for the road to be upgraded, two known sites of significance will need to be disturbed, both within Perenjori Shire. There is the potential for artefacts or sites to be found elsewhere along the road’s length, despite the detailed surveys undertaken on behalf of MGM. If the Section 18 application under the

Aboriginal Heritage Act is approved by the Minister, it would enable MGM to disturb sites for the full length of the road, subject to the conditions imposed.

Their suggested wording, if Council approves their request, reflects their wish to act as agent –

We, the Shire of Yalgoo, as land owner of a portion of Wanarra Road within the Shire Boundary, authorise Mount Gibson Mining Limited to act as our agent and seek approval under Section 18 of the WA Aboriginal Heritage Act 1972 to undertake the road upgrade within the Shire Boundary.

The Aboriginal Heritage Act stipulates that the land owner is to make application, and in this instance, the land owner of record for Wanarra East Road is the Shire of Yalgoo. The Council can authorise MGM to act on their behalf to make the application, and comply with the conditions. As their request is to be permitted to act as “agent”, I do not believe I have the authority to give them that permission.

Attached is the letter from Mt Gibson regarding their request for authorisation to submit an application for a Section 18 approval. Please note –

- their request is to be appointed as agents of Council. Two factors come to mind –
 - o they will be doing all things necessary to prepare and lodge an application, and then comply with any subsequent approval, during construction of the road.
 - o there is the implication that they will be continuing to act on behalf of Council once road construction commences, in their request to be appointed as agents, rather than just being authorised to carry out a specific function. This means that they will be acting on Council's behalf and with Council's authority.
- as their request for authorisation is for a specific purpose, and for a limited duration, if agreed by Council it is not an open-ended authority for Mt Gibson to act as an agent of Council.
- their deadline to lodge the section 18 application with DIA for approval is 15 February 2008. They have asked if I could advise them of Council's response by 13 February at the latest.

I do have a concern that by appointing them as agents, Council effectively acquires a potential liability outside of their direct control and oversight, should there be any non-compliance.

I should also note that given the rigorous processes of application and assessment, I do not foresee any difficulty with them carrying out the works once approved, or complying with any approval conditions.

Accordingly it is recommended that a specific indemnification of Council from any matters arising from the works, be obtained prior to their request being approved.

Important – as the owner of record, the Shire is able to contract out of actions such as the carrying out of surveys, upgrade works etc, but is not able to contract out of the legal obligation for the road. Thus, if there should be a breach of any approval conditions, it will be the Shire that is the respondent to any legal action. The indemnity would be effective only in covering Council's costs of any actions. The legal responsibility for the works and compliance with conditions cannot be delegated or shifted.

The indemnity requested is likely covered under the draft agreement, however, I believe that it is appropriate that there be a specific understanding in relation to this matter.

COMMENT – 12 February 2008

The Memo to Councillors made the following recommendation –

That as the Shire of Yalgoo is the land owner of record of the portion of Wanarra East Road within the Shire Boundary, Council authorise Mt Gibson Mining Limited to act as Council's agent and seek approval under Section 18 of the WA Aboriginal Heritage Act 1972 to undertake the road upgrade within the Shire Boundary;

subject to:

Mt Gibson Mining Limited providing a satisfactory indemnity for all actions taken as the result of any approval, with or without conditions, that may be granted.

Five Councillors responded to the memo with four approving the recommendation. Accordingly, an indemnity was sought from Mt Gibson Mining Ltd, and was received on 12 February 2008. Following this, authorisation was given to MGM to submit the section 18 application and to act as Council's agent in the matter.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0206 Mt Gibson Mining – Wanarra Road

Moved Cr DJ Grey, Seconded Cr DP Morrissey

That as a satisfactory indemnity has been received, and as the Shire of Yalgoo is the land owner of record of the portion of Wanarra East Road within the Shire Boundary, Council ratify the authority given to Mt Gibson Mining Ltd to act as Council's agent and seek approval under Section 18 of the WA Aboriginal Heritage Act 1972 to undertake the road upgrade within the Shire Boundary.

Motion put and carried 4/1

Cr LJ O'Connor requested it be recorded that she voted against the motion.

13.2 DEVELOPMENT

13.2.1 EHO – ACTIVITY REPORT NOV-DEC

File: E9
 Author: Dave Williams EHO
 Interest Declared: No interest to disclose
 Date: 29 January 2008

Date	Activity	Details/Comment
11-Dec 2007	Environmental Health	Discuss tender documents for new housing with CEO
	Occupational Safety and Health	LGIS OSH audit with David Painter half day event Site visit to Depot and maintenance sheds for auditing
18 Dec	Environmental Health	Council meeting- items discussed Leach drain upgrade for public toilets Need for plumber to service the toilets in main street Tenders for new housing
	Building Control	Costs obtained for head works -electricity and water 6 Henty street \$750 for power 54 Campbell approx \$750 for power and \$800 for water Follow up on proposed shed for Oxiana
	Occupational Safety and Health	Result from OSH audit. Audit Results up from 32% in 2005 to 57% in 2007
08-Jan 2008	Environmental Health	Discuss septic tank location for Henty and Campbell St Site visits for same Discuss plumbing locations for the same Commence review of Occupational Safety and Health(OSH)Audit Fork lift accreditation changes indicate that ticket holders will be required to update tickets.
11-Jan	Environmental Health	Agendas x 2 –OSH and Zero Waste Review delegations Assist with heritage inquiry.
15-Jan	Environmental Health	Discuss Northern Wheatbelt Health Scheme with CEO
	Building Control	Assess front door of Administration Office for repair Site visit to museum Site visit for power and water connections to Henty and Campbell St request further information from Horizon Power and Water Corporation for the same. Review changes to the Building Surveyors regulations
	Town Planning	Contact Department of Planning and Infrastructure for Local Planning maps update
	Occ Safety & Health	Site visit to depot to assess phone link to main workshop
22-Jan	Environmental Health	Geraldton all day for Zero Waste work shop
	Building Control	Prepare advertisement for Building Maintenance Complete forms for water and power connection-request cheques to be drawn for the same. Take pictures for housing tenders in Selwyn Street Discussed possible chance of borrowing a rock breaker within the next few weeks to dig septic for new housing
25-Jan	Environmental Health	Flexi day from Scheme
29-Jan	Environmental Health	Set-out house and septic locations for new houses-contact Fleetwood for the same Activity report to Council Arrange site visit to Mt Gibson next week to assess camp site location

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0207 EHO's Activity Report

Moved Cr DJ Grey, Seconded Cr DP Morrissey

That the EHO's Activity Report to 29 Jan 2008 be received.

Motion put and carried 5/0

13.2.2 OCCUPATIONAL SAFETY AND HEALTH AUDIT REPORT

File: O-1
 Author: David Williams Environmental Health Officer
 Interest Declared: No interest to disclose
 Date: January 11, 2008
 Attachments: Shire of Yalgoo Occupational Safety and Health Policy.
 LGIS – letter and OSH Desktop Audit Report Summary (lime green)

MATTERS FOR CONSIDERATION

The purpose of this report is for Council:

1. To endorse the attached Occupational Health and Safety Policy as part of a process which identifies that the Shire of Yalgoo continues to be committed in providing a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.
2. To commit to upgrading the work place amenities and facilities at the Shire of Yalgoo Depot to provide a facility for workers to eat meals at work.
3. Include the cost of the facility for consideration in the 2008/2009 budget.

BACKGROUND

Council has as part of its continual commitment to providing a safe work place for all staff adopted the current Shire of Yalgoo Occupational Safety and Health Policy for Occupational Health and Safety (OSH) in 2006. This policy is required to be reviewed on an annual basis. Hence the current Occupational Health and Safety policy is now due for review.

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost to Council to provide an eating room at the depot is still to be determined

CONSULTATION

David Painter, Occupation Health and Safety Risk Manager, Local Government Insurance Services

COMMENT

The Occupational Safety and Health Act 1984 states that, employers have a 'duty of care' to all of their employees in providing a safe workplace. Hence endorsement of the OSH policy is a continuance towards demonstrating Council's commitment towards providing such a duty of care.

The policy when endorsed by Council is displayed in prominent places of the work place as a means of identifying Council's continuous commitment to Occupational Safety and Health. The policy also is included in all employees' induction handbooks.

The objectives of this policy aim to achieve;

- An annual reduction of workplace injury and disease.
- The provision and maintenance of a safe workplace, plant and systems of work.
- The identification, elimination and control of workplace hazards.
- The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard
- A safety culture where best practice initiatives are entrenched in daily business activities.
- Compliance with the relevant Occupational Safety and Health legislation, Standards and Codes of Practice.

Additionally Local Government Insurance provider liaison representative for OSH, David Painter has recently provided assistance to Council's Environmental Health Officer with the completion of a desktop audit of Council's Occupational Safety and Health Management Systems, and inspection of several premises. The audit benchmarks Council's compliance with AS/NZS 4801:2001.

Results of the audit were complimentary with regard to the progress that had been made in the Management Systems. This is detailed in the correspondence from David Painter which has been included in the information bulletin. The audit provided that the systems have improved from 32% in 2005 to 57% in 2007. A copy of the audit is available for Council perusal.

Several recommendations are detailed in the audit to ensure Council complies with the Occupational Safety and Health Regulations 1984. One of these recommendations provided that the auditor has concerns about the conditions and lack of work place facilities at the depot as there are no eating facilities provided as is required by regulation 3.2 of the OSH regulations.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0208 Occupational Safety and Health Audit Report

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

That Council –

- a) endorse the draft Occupational Health and Safety policy for the Shire of Yalgoo**
- b) the President, CEO and Employee Representative sign the endorsed policy.**
- c) the policy be reviewed in February 2009**
- d) the policy be prominently displayed in all work areas of the Shire of Yalgoo.**
- e) commits to upgrading the work place amenities and facilities at the Shire of Yalgoo Depot to provide a facility for workers to eat meals at work**
- f) the cost of the facility to be included for consideration in the 2008/2009 budget**

Motion put and carried 5/0

13.2.3 ZERO WASTE PLAN DEVELOPMENT SCHEME (ZWPDS)-PHASE 11

File: R6-2
 Author: David Williams Environmental Health Officer
 Interest Declared: No interest to disclose
 Date: 11 January 2008
 Attachments: None

MATTER FOR CONSIDERATION

The purpose of this report is for Council to resolve that the Shire of Yalgoo prepare a Strategic Waste Management Plan as provided for in the Waste Avoidance and Resource Recovery Bill 2006. Section 38 (WARR Bill) in partnership with one or more of the Local Governments Authorities in the area.

BACKGROUND

Zero Waste Management plans are part of an initiative and strategy by the Department of Environment and Conservation to improve waste management practices in Western Australia. The requirement to implement waste management strategies has also been introduced in the WARR Bill and additional legislation to encourage voluntary participation in the strategy by Councils. Council has already participated in Phase 1 of the ZERO Waste process and provided the Department with data in survey format. Funding has been made available to assist Councils to participate in Phase 1 and preparing a plan (Phase 11). The funding was \$5,000 for Phase 1 (which has been received) and \$7,000 for Local Governments who work individually and non metropolitan local Governments who work collectively to receive \$15,000 each.

Section 40 of the WARR Bill provides the CEO for the Department of Environment and Conservation *may* require that a Local Government include in its Plan for the Future (required under the Local Government Act 1995 Section 5.56) a waste management plan. The plans were to be prepared by 31 of March 2008 but this has now been extended to 24 November 2008.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Waste Avoidance and Resource Recovery Act 2006 –

- s.40 – provides that the CEO of DEC may require a Local Government to include in its Plan for the Future, a waste management plan
- s.41 – CEO of DEC may require particular matters to be addressed.

STRATEGIC IMPLICATIONS

The plan will assist in providing an improved system of waste management within the Shire of Yalgoo.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost to Council will likely be in the order of \$2,000 if the decision is to go alone, and cost neutral if other councils participate.

CONSULTATION

Department of Environment

Margaret Matthews, S3 - Sustainable Strategic Solutions

COMMENT

The purpose of the Plan is not to implement waste recycling initiatives, but to –

- examine current practices,
- identify viable options and possibilities for waste management, including recycling,
- establish baseline data for DEC etc

Council resolving to participate in the preparation of the plan jointly with other Shires, should enable Council to have a plan prepared at nil cost to Council as this is being paid for by the Department. There is no indication that if in the future the CEO of the Department orders a plan to be prepared, that the funding will still be available. A quote from a consultant to prepare a plan has been estimated to be \$9,000 for an individual plan and \$12,000-13,000 for two shires with the shared cost being reduced for each participating shire i.e. approx. \$16,000 for three Shires . Preparation of the plan will require a considerable amount of resources and be time consuming hence the need to engage a consultant to prepare a plan.

Having a plan will afford Council the opportunity to –

- examine a 'where to from here' approach towards the implementation of an improved waste management strategy within the district
- outline options for waste reduction and recycling that are economically viable
- detail the impediments to waste reduction and recycling faced by small communities
- demonstrate the inaccessibility of many recycling options for remote Shire,
- outline the economic impact should unrealistic practices be legislated,

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0209 Zero Waste Plan Development Scheme (ZWPDS) – Phase 11

Moved Cr LJ O'Connor, Seconded Cr DP Morrissey

That –

- a) Council engage a consultant to prepare a Strategic Waste Management Plan as provided for in the Waste Avoidance and Resource Recovery Act 2006 Section 38, in partnership with one or more of the Local Government Authorities in the area,**
- b) other Murchison Shires be invited to participate in a joint Waste Management Plan Project,**
- c) should there be no interest from the other Murchison Shires, that alternative joint arrangements be sought.**

Motion put and carried 5/0

13.2.4 COMMUNITY PARK – Lot 177

File: P1-1
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2008
Attachments: Map of Lots 176-178 & 201 Gibbons Street (yellow)

MATTER FOR CONSIDERATION

Transfer of ownership of Lot 177 to the State, for inclusion in the reserve to be created.

BACKGROUND

In mid-2007, the proposal to reserve lots 167,178 and 201 in the Shire was advertised by the State and approved.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Allen Jones State Land Services

COMMENT

State Land Services advise that in order to reserve the three UCL lots to the Shire, it is necessary to also reserve Lot 177 owned freehold by the Shire, so that the reserve created is not in two parts, but a single parcel of land.

In order for the four lots to be reserved as a single parcel of land, Council must transfer ownership of Lot 177 to the State. State Land Services have advised by email that their records will note, that should the reserve be revoked or subdivided at some future date, that the Shire has an interest in Lot 177, and it is to be returned to the Shire, thus safeguarding the Shire's freehold ownership of the lot.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0210 Community Park – Lot 177

Moved Cr DJ Grey, Seconded Cr DP Morrissey

That –

- **the freehold title to Lot 177 Gibbons Street, Yalgoo, be transferred to the State, without charge, and**
- **the President and CEO be authorised to affix the Common Seal to the transfer of land and other documentation required in order to complete the transfer of Lot 177 to the State.**

Motion put and carried 5/0

13.2.5 HERITAGE REGISTER ENTRY – YALGOO JUSTICE PRECINCT

File: H3
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2008
Attachments: Heritage Council – documentation for entry on Heritage Register (blue)

MATTER FOR CONSIDERATION

To consider the listing of the Yalgoo Heritage Precinct on the Heritage Register of the Heritage Council

BACKGROUND

The Heritage Council invites comments from Council prior to their formal consideration of placing the Precinct on the Heritage Register.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district
Heritage Act of WA

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Ms Laura Gray, Mid West Regional Heritage Advisor, Heritage Council of WA

COMMENT

The Precinct consists of the Museum block, which is vested in the Shire, and the building on the corner of Henty and Gibbons Streets owned by Ms Gail Trenfield.

The Heritage Council invites comment, as well as extending the opportunity for a representative of Council to attend the meeting at which the proposed registration is to be considered. The date of the meeting has not been advised.

The Heritage Act does impose some obligations if registered –

- any alterations to the building, other than usual maintenance, must have prior approval of the Heritage Council. For instance, repainting in the current colours does not require approval, but approval is required if different colours are proposed. Building repairs can be done, but any additions (e.g. air-conditioning) or alterations (e.g. adding a ramp for disabled access) will require approval.
- the registration applies to the whole of the block, not just the building, so that if a shed for additional storage is required, or major changes to landscaping, approval is necessary.

Registration does not guarantee success in obtaining grants, but would add more weight to any application. Heritage Council grants are available only to private individuals and not to local government.

Notification of comments or nominee to attend the meeting is requested by 7 March 2008.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0211 Heritage Register Entry – Yalgoo Justice Precinct

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the Heritage Council of WA be advised that –

- **the Shire has no objection to the listing of Reserve 32856, Lot 183, Museum Court Yalgoo being part of the Yalgoo Justice Precinct, on the Heritage Register, and**
- **the Shire does not wish to nominate a person to attend the meeting where the registration will be considered.**

Motion put and carried 5/0

13.2.6 OLD MAIN ROADS WA DEPOT – Lot 189 King Street

File: Asst 1133
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 13 February 2008
Attachments: None

MATTER FOR CONSIDERATION

To consider the acquisition of Reserve 37931, Lot 189 King Street, Yalgoo from Main Roads WA.

BACKGROUND

This matter was originally considered back in 2003, however, appears to have progressed little since that time.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Dave Williams, EHO

COMMENT

With the increasing possibility of mining development within the Shire, there is an increased likelihood of town development, and the need for residential, commercial and industrial blocks.

The Town Planning Scheme is currently under review, with approval to advertise for submissions within the next 6 months or so. At this time, the future development of the town can be looked at more closely, and the areas for various types of development considered in much greater detail. One aspect which Council will need to consider is whether it is appropriate that have an industrial block such as the old MRWA depot in close proximity to housing, the Ferrowest super-block and potentially a second super-block behind it.

If disposed of by private sale by MRWA, under the current Town Planning Scheme zoning, an industrial use is permitted, and would not be able to be prevented by Council, subject to the non-conforming requirements of the Scheme.

It is suggested that Council seek reservation of the Lot 189 King Street, and provision made in the 2008-09 budget for the acquisition of the demountables, shed, fencing and other improvements on the block. Acquiring the block as freehold or as a reserve, will allow Council a much greater degree of control of future development of that specific area, whether residential, industrial or group accommodation as a super-block.

I understand that there have been some previous enquiries made with a supportive response from MRWA subject to clearance of the block of any contaminated sites. Discussions with the EHO indicate that this would not be a significant issue.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0212 Old Main Roads WA Depot

Moved Cr L Hodder, Seconded Cr DJ Grey

That –

- **Main Roads WA be approached to have reservation of the block transferred to the Shire**
- **Main Roads be requested to provide a purchase price for the improvements on the reserve, if they are not going to be relocated**

Motion put and carried 5/0

The meeting then proceeded to item 13.4.1 as the DCEO was not present.

13.4 ADMINISTRATION

13.4.1 CEO – ACTIVITY REPORT Dec 2007 to Feb 2008

File:
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 February 2008
 Attachments: Nil

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

None

Harmony Gold

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

Mt Gibson Mining

Due to incorrect gazettal of the road reserve, adjoining the actual constructed alignment to the south, a request has been made to the Australian Wildlife Conservancy who own Mt Gibson Station, to agree to a land exchange from the gazetted, uncleared alignment to the current constructed alignment. In discussion with AWC, they do not think this will be a problem, but the request must be approved by their Board as it involves land.

I also met with Mr Peter Panek, Mt Gibson Project Manager on 4 February to discuss the road agreements, the section 18 application to the Minister under the Aboriginal Heritage Act, and other matter relating to the use of Wanarra Road.

Community Bus

The new Community Bus was picked up in early January and has been used by HCP several times. Claims to Lotterywest and Dept of Infrastructure, Transport, Regional Development and Local Government have been submitted.

Fuel Station

Geraldton Fuel Company has assumed control of the 24 Hour fuel station, with Mr Mike Gray, doing the installation of their software etc on Friday 1 February 2008. Despite an initial problem with Telstra connections, it appears to have gone well since.

Joint Venture Housing

As authorised by Council, submissions were called regarding the proposed transfer of the Shire's 22.5% equity in the Joint Venture units, 28A and 28B Selwyn Street. Submissions closed on 14 January 2008, and none were received. Dept of Housing and Works were accordingly advised, and the paperwork for the transfer is now being finalised by them.

Meetings

14 Jan 08	Paul Frick, Tradestart Coordinator, Midwest Development Commission / Austrade
22 Jan	Bruce Anderson, General Manager, and Javier Brodulka, Oxiana Golden Grove with DCEO
26 Jan	Shire's Australia Day function
29 Jan	Geraldton Iron Ore Alliance briefing
4 Feb	Brett Manning, Managing Director, Ferrowest
4 Feb	Peter Panek, Project Manager, Mt Gibson Iron – Wanarra Road access/use agreements
5 Feb	HCP Meeting
11 Feb	Stan Scott, CEO Shire of Perenjori re Mt Gibson Mining's use of Wanarra Road

Future meetings –

22 Feb Combined Universities Centre for Rural Health students re HCP etc
27 Feb Mr Shane Hill MLA
6 Mar WA Local Government Grants Commission – Public Hearing in Yalgoo (time to be confirmed but probably afternoon)
7 Mar Murchison Zone Strategy Group Mtg, Cue
10 Mar TBC – John Edgar of Edgar Idle Wade, Architects re Recreation Centre
12-14 Mar LGMA Annual Conference

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0213 CEO's Activity Report Dec 2007 to Feb 2008

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

That the CEO's Activity Report to 11 February 2008 be received.

Motion put and carried 5/0

Cr LJ O'Connor left the meeting at 10:36am

13.4.2 LOCAL GOVERNMENT ELECTIONS

File: E3
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 16 January 2008
 Attachments: none

MATTER FOR CONSIDERATION

To request WA Local Government Association to lobby State Government for amendments to the Local Government Act to permit Councils to conduct their own in-house postal elections.

BACKGROUND

It seems to be a major anomaly that whilst local governments are entrusted to conduct their own “In Person” elections, they are not permitted to conduct their own Postal elections. The cost of engaging the Electoral Commission to conduct a postal election on behalf of a local government is quite high and in any event there does not appear to be any legitimate reason why the option for local governments to conduct their own postal election should not be allowed.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.4.61 – Choice of methods of conducting the election – limited to in-person or postal conducted by the WA Electoral Commission

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Lobbying State Government for change to electoral procedures

FINANCIAL IMPLICATIONS

None

CONSULTATION

Murchison Zone Strategy Group Meeting – 7 December 2007

COMMENT

This matter was raised at the last Murchison Zone Strategy Group meeting, and endorsed by the Shires participating. It was requested that Yalgoo raise the matter with WALGA and at the State Conference on behalf of the Zone.

The recent election highlighted a number of problems in small spread out, and thinly populated Shires –

- Provision of information – there is difficulty in informing everyone of election processes, rights and timetable. We complied with the Act and Regulations through participation in the WALGA advertising scheme, as well as placing extra notices in the Bulldust and at Paynes Find. However, it is clear that this is far from sufficient in remote Shires to ensure that everyone is informed. Newspapers are not purchased everyday, and sometimes not even weekly.
- Exercising the right to vote – in-person voting can require long trips, and should compulsory voting in local government elections ever be legislated, it will result in substantial costs being imposed on remote electors. Although early voting option was used heavily (nearly 50% of votes cast in Yalgoo), not everyone comes to the town in order to do so. Absent and postal voting is possible, but the procedures are complicated, confusing and not at all well known.
 - o One Yalgoo elector tried to make an absentee vote in a large town, and gave up after several attempts because the electoral officers didn't know what to do, and seemed unwilling to try to find out. The elector spoke to me twice on the phone, and I offered to assist the electoral officers and coach them through the process if they wished to contact me, but they did not do so, and the elector gave up.
 - o Postal voting is problematic, due to the 3-4 day time requirement from posting in Yalgoo, to receipt of the electoral package in the Paynes Find area, perhaps an additional several days before mail is collected or delivered, and then a further 3-4 days required to post back to the Shire Office. This means that from time of issue of the voting papers to the papers being returned and actually placed in the ballot box, results in a turn-around time of 7-10 days

minimum, two weeks optimum, and potentially 3 weeks if the papers have to go out to the station before being posted back.

- cost – charges by the Electoral Commission would appear to be 3-4 times the likely cost to Council, of an in-house postal election. The WAEC's charges are also inconsistent, as Yalgoo was quoted \$6,000 to conduct a postal election for fewer than 200 electors. At \$30 per elector, this is nearly double the quote to another Shire I spoke to, which had a quote of \$5,000 for 300+ electors, or about \$17.70 per elector. Yalgoo ran an in-person election, including a remote booth at Paynes Find the day prior to the election attended by two staff, for about \$2,000 or \$10 per elector. With an internal postal election, I believe we could reduce the cost further, and improve significantly on the 40% participation rate.

With Councils being able to conduct postal elections either internally or by using some other appropriate provider, means that the WA Electoral Commission no longer has the monopoly, the election process is opened up to competition, and enables –

- o much reduced cost for the Council
- o much improved access for remote electors
- o far earlier notification of vacancies, issue of postal voting papers etc, as they do not rely on a request having to be made by the elector to the Council
- o greater likelihood of participation by the remote electors
- o improved mandatory provision of information

It is suggested that the option for Councils to be able to conduct their own in-house postal elections should be pursued with WALGA, raised at the Annual Conference and with the State Government.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0214 Local Government Elections

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the following recommendation be put to WA Local Government Association and submitted to the WALGA State Conference in August 2008 –

That the WA Local Government Association lobby the State Government to amend the Local Government Act 1995, so as to permit Councils to conduct their own postal elections, either in-house or by using an external service provider.

Motion put and carried 4/0

13.4.3 AUTOMATIC VESTING OF RESERVES

File: R10
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 13 February 2008
Attachments: None

MATTER FOR CONSIDERATION

To consider a process of accepting various reserves without notification.

BACKGROUND

The Dept of Planning and Infrastructure wish to streamline some of their processes and are proposing to issue Management Orders (ie vesting orders) of certain types of reserve to local governments automatically, without seeking comment or approval.

STATUTORY ENVIRONMENT

Town Planning and Development Act 1928

- s.152 – land in a subdivision may be reserved for public purposes

Town Planning Scheme

Land Administration Act 1997

- s.46 – Management Orders of land may be given to local governments

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Dave Williams, EHO

COMMENT

When subdivision applications come before Council for consideration, the Town Planning and Development Act, and generally Town Planning Schemes, permit Council to stipulate that a proportion of the land is to be public open space, and vested in the Shire.

The Department is proposing that the land to become public open space is to be transferred to the local government automatically, without further notification or comment, as it has already been through the Council processes at least once, and approved as a condition of the subdivision or disclosed in the subdivision document and maps.

It also means that there is no delay between the time the public open space is created, and vesting. At the moment, it could take several months for the processes to be followed through, comment received, and the Management Order made, and during this time the responsibility for the land is in a sort of limbo, not privately owned any longer, not the responsibility of the Council and not of the State.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0215 Automatic Vesting of Reserves

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That Council agrees to accept the automatic management of reserves created as a consequence of land vesting in the Crown pursuant to the Town Planning and Development Act 1928 section 152.

Motion put and carried 4/0

Cr LJ O'Connor rejoined the meeting at 10:40am

13.4.4 ANNUAL ELECTORS MEETING RECOMMENDATIONS

File: E5
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 February 2008
 Attachments: none

MATTER FOR CONSIDERATION

To consider the recommendations of the Annual Electors Meeting, as required.

BACKGROUND

The Annual Electors Meeting was held on 18 December 2008. The Local Government Act 1995 requires that any decisions from an Electors Meeting must be considered at the next Meeting of Council.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.2 – Council is to ensure an appropriate structure for administration of the local government
- s.5.33 – decisions of an electors meeting must be considered at the next ordinary meeting of Council or a special meeting called for that purpose
- s.5.41 – CEO roles and responsibilities –
 - o (g) for the employment, management, supervision, direction and dismissal of other employees

Code of Conduct Regulations –

- cl.9 – “A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.”

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Lobbying State Government for change to electoral procedures

FINANCIAL IMPLICATIONS

Possible small additional expenditure if an arrangement is approved for paid caretaking services at Paynes Find.

CONSULTATION

Annual Electors Meeting of 18 December 2007

COMMENT

One decision was made at the Annual Electors Meeting, and the comment and recommendation from Item 5.1 (ii) are –

Concerns have been expressed to her that since Elaine Taylor retired from Council that things relating to the Paynes Find Community Centre may be left unattended. It has been suggested that she should be offered a retainer to continue as a caretaker.

Moved Cr LJ O'Connor, Seconded Cr EC Rowe

That a recommendation be put to Council for consideration that Elaine Taylor be approached to caretake the Paynes Find Community Centre, at an appropriate remuneration.

Motion put and carried

On the face of it, the recommendation is simple and straightforward, however, there are several aspects that Council needs to consider carefully –

1. the creation of a formal caretaker role, whether receiving an honorarium, as an employee or as a contractor, since it has not previously existed, would be considered as unbudgeted expenditure, and needs to be approved by absolute majority, unless deferred until adoption of the 2008-09 Budget
2. any payment of an honorarium in the 2007-08 Financial Year would be unbudgeted expenditure as it is not maintenance but a different purpose (unless deferred), and needs to be approved by absolute majority.
3. the Australia Tax Office consider an honorarium to be a nominal amount paid to a volunteer, and not reflective of the true value or cost of the service, and therefore not wages or salary. As soon as an honorarium is reflective of the true value of the service, the ATO considers the payment to be wages, and therefore taxable, requiring a group certificate (PAYE) and so on.
4. a retainer would be considered as wages, and therefore the person would be an employee of the Shire, under the control of the CEO as per the Local Government Act s.5.41, and not independent or responsible to Council. As for any other employee, the CEO therefore determines –
 - hours
 - specific duties and responsibilities
 - appointment of a person to the position
 - reporting responsibility etc
5. as an employee, the costs associated with the position could be viewed as over-budget expenditure, rather than unbudgeted, as they may be considered to be incurred in the maintenance of the Paynes Find facilities, but for clarity, should be authorised.
6. to comply with the Local Government Act, Council's role is therefore to approve the creation of a new position, and to provide the resources (budget provision) in order to fund the position and duties.
7. as a recognised position within the Shire structure that receives payment, there is also the issue of equity to consider, as others within the Paynes Find community may also wish to undertake the role. To be fair to all who may be interested, the position needs to be advertised, and the appointment made on the basis of the applications received.

Hours required would probably be about 5 or 6 per month, but assuming a maximum of 10 hours per month, and a casual rate in the order of \$20-\$22 per hour, a caretaker's position would cost in the order of \$3,000 in a full year, which would include wages, worker's compensation insurance, public liability insurance, phone/mail allowance etc. Occupational superannuation does not apply to earnings of less than \$450 per month. Some additional allowance for cleaning materials and repairs etc would also need to be made, as the premises would be receiving regular attention.

Rather than an "honorary" caretaker or a casual employee, there is the option of calling for quotes and appointing a contractor. Again several points should be noted –

- as a contractor, they are still responsible to the CEO
- as a contractor they are responsible for their own worker's compensation, and would also need to provide public liability insurance, as they would not be covered by Council's policies
- insurances for such a small contract, unless they can be extended from existing insurance policies, may cost out of all proportion to the value of the job.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0216 Annual Electors Meeting Recommendations

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

- (1) That the creation of a casual Paynes Find Caretaker position be authorised, with the general duties of –**
- **Paynes Find Community Centre –**
 - o **cleaning prior to and after use**
 - o **minor repairs and maintenance as able**
 - o **checking and replenishment of fuel and water**
 - o **issuing and collection of keys**
 - **Paynes Find Airstrip –**
 - o **checking surface as needed / required**
 - **Paynes Find Cemetery –**
 - o **minor gardening and maintenance as needed**
- (2) That unbudgeted expenditure to the estimated value of \$2,000 for the position of Paynes Find Caretaker, for balance of the 2007-08 Financial Year be authorised.**
- Motion put and carried by absolute majority 5/0**

13.4.5 APPLICATION TO COLLECT REPTILES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2008
Attachments: none

MATTER FOR CONSIDERATION

To consider a request for permission to collect reptiles.

BACKGROUND

Mr Gary Davies, of West Aussie Reptiles Pty Ltd, has requested permission to collect reptiles from Shire controlled lands

STATUTORY ENVIRONMENT

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 10.10 – Commercial Collection of Reptiles, Amphibians and Birds

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

FINANCIAL IMPLICATIONS

None

CONSULTATION

Dave Williams, EHO

COMMENT

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0217 Application to Collect Reptiles

Moved Cr DJ Grey, Seconded Cr DP Morrissey

That Council approve the application of Mr Gary Davies of West Aussie Reptiles Pty Ltd to take herpetofauna (reptiles) from all lands under the Shire's control, subject to the prior issue of a licence by the Department of Environment and Conservation.

Motion put and carried 5/0

ADJOURNMENT

The meeting adjourned at 10:50am and resumed at 11:02am with all those present before the adjournment present once again.

13.4.6 WA LOCAL GOVERNMENT ASSOC – The Journey

File: W1
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2008
Attachments: none

MATTER FOR CONSIDERATION

Invitation to attend the launch of "The Journey – Sustainability into the Future".

BACKGROUND

Over the past 2-3 years, the WA Local Government Association has been involved in a major sustainability study, and the preparation of a number of reports with a view towards improving sustainability for local government.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of attending the launch – travel and accommodation

CONSULTATION

Murchison Zone Shires

COMMENT

WALGA's SSS Taskforce has produced a number of reports over the past 12 months since the initial work was done by a panel headed by Professor Greg Craven.

The Taskforce has used the Panel's reports as a basis for further development and have now produced this draft report, which is to be launched at –

University Club, Hackett Drive, Crawley
Thursday, 28 February 2008
9.30 for 10.15 am until 1.00 pm

Given the feedback to date from many country CEO's and Councillors, the cost of attending, does not appear to be worth the likely value. Most of the other Shires in the Murchison, have decided that 2 days out of the office, plus costs, is too much.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council does not send a delegate to the launch of the draft WALGA Systemic Sustainability Study Taskforce draft report "The Journey – Sustainability into the Future" to be held on Thursday, 28 February.

REASON FOR VARIATION

Superseded, as the date of the Forum has passed.

13.4.7 LOCAL GOVERNMENT MANAGER'S ASSOC – Annual Conference

File: L11-1
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2008
Attachments: none

MATTER FOR CONSIDERATION

Councillor attendance at the LGMA Conference in March 2008.

BACKGROUND

It has been the practice of Council to send a Councillor to at least part of the Annual Conference.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of registration, travel and accommodation.

CONSULTATION

None

COMMENT

The conference is from Wednesday, 12 March, concluding early afternoon of Friday 14 March at the Esplanade Hotel in Fremantle, and details of the Conference have previously been circulated to Councillors.

Both the CEO and Deputy CEO will be attending the Conference.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Cr _____ be authorised to attend the LGMA Annual Conference, and that Council meet registration, travel and accommodation costs.

REASON FOR VARIATION

There was no nomination of a Councillor to attend the Conference.

13.4.8 TENDER 2008-01 – SALE OF 30 SELWYN STREET

File: T5-2008-01
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 14 February 2008
 Attachments: none

MATTER FOR CONSIDERATION

To consider the tenders received to purchase 30 Selwyn Street.

BACKGROUND

Council authorised the calling of tenders for the sale of 30 Selwyn Street at the December 2007 meeting when Council considered the reports received following valuation of three properties.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.3.58 – disposing of property
 Functions and General Regulations –
 - s.11 and following – requirements when calling tenders

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The possibility of sale of one house was considered originally in mid-2007, and Council instructed that valuations of three properties be sought prior to further decision.

Valuations were obtained from Ray White Real Estate, Geraldton, and considered at the December 2007 meeting, when it was resolved to call tenders for 30 Selwyn Street, retaining the other two properties in Shamrock Street at this time

Tenders for the sale of the property were called in accordance with the Act and Regulations, closed on Monday 11 February 2008, and were opened in the presence of the Deputy CEO on Tuesday 12 February.

Two tenders have been received –

Mrs Olive Gibson	\$18,181.82	(\$20,000.00 including GST)
Mr Michele Conti	\$ 9,000.00	(\$ 9,900.00 including GST)

Mr Percy Lawson purchased the adjoining residence from Council approximately 3 years ago for \$25,000, and MEEDAC purchased a residence in Gibbons Street recently for \$68,000.00.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0218 Tender 2008-01 – Sale of 30 Selwyn Street

Moved Cr L Hodder, Seconded Cr DP Morrissey

That all tenders be declined, and that the possibility of sale of 30 Selwyn Street Yalgoo be further considered at an appropriate time in the 2008-09 financial year.

Motion put and carried 5/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

15. URGENT BUSINESS

C2008-0219 Admit Urgent Business

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the following matters be admitted for consideration –

Item 15.1 – Compliance Audit Return – 2007

Item 15.2 – Mt Gibson Mining Limited – Various Agreements

Item 15.3 – Gymkhana Shade Shelters

Item 15.4 – Fencing Grant – Right of way and Yalgoo Primary School

Motion put and carried 5/0

15.1 COMPLIANCE AUDIT RETURN – 2007

File: A14-3
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 26 February 2008
 Attachments: Completed Compliance Audit Return

MATTER FOR CONSIDERATION

To consider the Compliance Audit Return for 2007

BACKGROUND

The Local Government Compliance Return for the period 1 January – 31 December 2007 must be completed and returned to the Executive Director, Department of Local Government and Regional Development by 31 March 2008.

The Compliance Audit Return is to be –

- a) presented to Council at a meeting of the Council;
- b) adopted by the Council (along with comments or amendments);
- c) the adoption recorded in the minutes of the meeting at which it is adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulations 1996 –

- r.14 – Requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year.
- r.15 – A certified copy of the return together with a copy of the relevant section of the minutes at which it was adopted is to be submitted to the Executive Director by 31 March following.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

There are areas of non-compliance in this years return, and the details are noted in the Compliance Audit Return attached, with comment as required by the Department. The following matters are to be considered as part of the Return –

Disclosure of Interest –

- Q.10 – Interests declared in Primary/Annual Returns etc, not disclosed at meetings –
 - o Cr Ellen Rowe –
 - February Council Mtg, item 10.5.1 – Warrambo Location 58 (horse blocks). Proximity interest not declared
 - April Council Mtg, item 11.4.8, Ref OC-0415 – Inclusion of Water tanker in draft Budget. Interest not declared.
 - June Council Mtg, item 11.2.7, Ref OC-0612 – Financial Interest not declared in write off of rates.
 - August Council Mtg, item 13.3.5, Ref C2007-0821 – Inclusion of Water tanker adoption of Budget. Interest not declared.
 - o Cr Laurence Hodder –
 - July Council Mtg, item 12.5.5, Ref C07-0725 – Decision to carry out Native Title Heritage Survey. Financial Interest not declared

- December Council Mtg, item 13.2.2, Ref C2007-1204 – Tenders for housing. Impartiality due to kinship interest not declared, as per Rules of Conduct Regs r.11 effective 20 October 2007
- December Council Mtg, item 13.2.8, Ref C2007-1211 – Possible sale of Shire residence. Impartiality due to kinship interest not declared, as per Rules of Conduct Regs r.11
- Cr Darryl Grey –
 - October Council Mtg, item 15.4, Ref C2007-1024 – Financial Interest in surrender of Railway Station lease not made, but not present in the meeting during consideration, as an interest had been declared in the previous item.

Finance –

- Q.72 – Procedures for incurring debt to be properly authorised persons
 - Consultant attended Council Meeting of 15 February 2007 without appropriate authorisation, incurring cost/obligation, subsequently ratified at Special Council Meeting of 20 February
 - No policy as to authorised signatories to purchase orders – to be addressed.

Meeting Process –

- Q.12 – Were Members of Committees appointed by absolute majority
 - Audit Committee Mtg of 19 April 2007
 - DLGRD advise that the Audit Committee, although mandatory under Part 7 of the Act, must still comply with s.5.10 and s.5.11
 - the previous appointment of an Audit Committee was 17 February 2005
 - tenure of this Committee therefore ceased with the local government elections of May 2005 (refer LG Act s.5.11 (d))
 - the Audit Committee meeting of 19 April 2007 was therefore invalid as no Committee had been resolved by Council after May 2005
 - even if it had been a valid Committee meeting –
 - the named Committee members were – Cr Anderson, Cr McSporran, Cr Morrissey, Cr Grey, Cr Taylor, Cr Hodder
 - although Cr McSporran had resigned from Council in December 2006, his appointment would have still been valid, as specifically permitted by LG Act s.5.9 (2), and implied by LG Act s.7.1A (2)
 - the named members from 17 February 2005 in attendance on 19 April 2007 were Cr Anderson, Cr Morrissey, Cr Grey, Cr Hodder
 - Cr Taylor was on Leave of Absence
 - Councillors at the meeting, who would have been attending in capacity of observer if it was a valid meeting, were Cr Rowe and Cr O'Connor, and therefore had no capacity to move, second or vote
 - Cr Rowe moved receipt of previous Audit Committee Meeting minutes, which an observer cannot do.
 - both Cr Rowe and Cr O'Connor voted on Committee resolutions
 - Audit Committee Mtg of 18 November 2007
 - Audit Committee mandatory under Part 7, but must still comply with s.5.10 and s.5.11
 - Although appointed by absolute majority, appointed members were resolved en-bloc as whole of Council, and the names not specified.

Each Councillor may make comments on the return to the Council and any matters of concern relating to the return will be recorded in the minutes of the meeting and will also be attached as an appendix to the return when it is submitted to the Department of local Government and Regional Development.

Once adopted by Council, the certification is to be signed, and lodged electronically. A paper copy is to be lodged also, together with Councillors comments and the extract of the Minutes, by 31 March

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0220 Compliance Audit Return

Moved Cr LJ O'Connor, Seconded Cr DJ Grey

That –

- **the attached Compliance Audit Return for 1 January to 31 December 2007 be adopted, and**
- **the Return be certified by the President and CEO.**

Motion put and carried 5/0

Note No comments from Councillors present were requested to be recorded.

15.2 Mt GIBSON MINING LIMITED – Various Agreements

File: R11-66
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 19 February 2008
 Attachments: Schedule of amendments agreed with Shire of Perenjori

MATTER FOR CONSIDERATION

To determine various matters for the Road Access and Public Benefit Agreements for the use of Wanarra East Road by Mt Gibson Mining as a mine haul road.

BACKGROUND

Mount Gibson Mining is keen for its agreements with the Shire to be finalised by the end of February. Council considered the agreements at its December 2007 Ordinary Meeting and the CEO together with the Shire of Perenjori, have been negotiating with the company since then.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district

Public Works Act 1902 –

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

Land Administration Act 1995 –

- s.56 – opening of new public roads
- s.58 – closure of road reserves no longer required

STRATEGIC IMPLICATIONS

Development of Wanarra Road

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Upgrade of road without cost to Council, provision of a reseal/maintenance fund, public benefit contributions

CONSULTATION

Stan Scott, CEO Shire of Perenjori

Tom Hartman, CEO Shire of Mullewa

Matt Barns, Greenfield Technical Services

Sze-Hwe Yen, Solicitor, Civic Legal

Pater Panek, Extension Hill Project Manager, Mt Gibson Mining

COMMENT

The draft agreements were circulated to Council for the December 2007 Council Meeting, where it was resolved –

- (1) That Council notes the reports of Greenfield Technical Services relating to –
 - the design and construction plans for Wanarra East Road prepared by Maunsells, and
 - the first drafts of the Road Access and Public Benefit Agreements proposed by Mt Gibson Mining.
- (2) That Council approves the design and construction plans as prepared by Maunsells, and recommends to Mt Gibson Mining that a two coat seal be applied for the full duration of the project.

- (3) That Council approves the revised Road Access Agreement and Public Benefit Agreement, subject to –
 - assessment by Greenfield Technical Services,
 - review of the Agreements by Council's solicitors,
 - satisfactory negotiation and resolution of any amendments proposed by Council engineers or solicitors, and
 - in consultation with the Shire of Perenjori.
- (4) That the President and CEO be authorised to sign and seal the Road Access Agreement and Public Benefit Agreement, subject to all matters being resolved to their satisfaction.
- (5) That, following the adjoining landholder's consent to a land exchange –
 - the existing alignment from the current alignment of Great Northern Highway to the boundary with the Shire of Perenjori be revoked, pursuant to the Land Administration Act s.58,
 - the new alignment from the re-aligned Great Northern Highway access ramp to the boundary with the Shire of Perenjori be surveyed and Gazetted as a public road, pursuant to the Land Administration Act s.56,
 - Mt Gibson Mining be asked to confirm that they will bear all costs of the road survey and Gazettal processes, and
 - the President and CEO be authorised to sign and seal documentation required by the State Lands Office to finalise the correct alignment of Wanarra East Road.

Points 1 and 2 have been completed, and Point 3 is still in progress. Point 4 is still some time away, and Point 5 is underway, awaiting a decision from the Board of the Australian Wildlife Conservancy.

Mount Gibson Iron have advised the following –

- Based on their calculations, the appropriate road contribution to be placed in reserve for sealing the road is \$14,000 p.a. compared to \$50,000 p.a. considered by Council. The Road Use Agreement makes provision for an assessment of the condition of the road on completion of haulage, and if the cost of resealing is more than the accumulated reserve Mount Gibson Mining is responsible for the balance.

Note – the original estimate of \$50,000 p.a. for a reserve of \$250,000 to \$300,000 after 5 years was based on the need to reseal the approx. 6 km from the existing Gt Northern Highway alignment to the boundary with Perenjori. The new alignment will reduce the distance to approx. 3.6 km or an estimated reseal cost of \$120,000.
- Mount Gibson Mining is keen to maintain consistency between its projects in the region. The Public Benefit contribution for Tallering Peak is \$100,000 p.a. for 3 Mtpa. Mount Gibson is offering the same contribution for Extension Hill, split between the two Shires. This is considerably less on a per tonne basis than is being paid by Mid West Corporation (3 cents per tonne compared to 10 cents per tonne).

Note – Mt Gibson's figure does not take into account inflation from the time of the previous agreement until now.

All agreements are predicated on 15 to 16.5 million tonnes of ore over 5 years. This would mean a guaranteed road contribution of \$70,000 and a public benefit of \$150,000 (assuming a 30% share of a \$100,000 public benefit for Perenjori.)

Attached is a listing of the matters agreed with Mr Stan Scott, CEO Shire of Perenjori, being considered by his Council at their February meeting.

While many of the requested changes are administrative in nature, there are some essential points that Council's direction is needed. The main issues which require resolution, are the funding associated with the agreements are noted below –

1. Road Use Agreement

Mount Gibson has offered \$14,000 per annum under the road use agreement. After 5 years, the accumulation will be \$70,000 plus interest, plus CPI (if agreed). Although short of the estimated \$120,000 required, if a CPI increase is included for years 2 through 5 of the agreement, as requested, this should be acceptable. The amount is also conditional on a final inspection and agreement on the condition at handover.

2. Public Benefit Agreement

Mount Gibson has offered \$100,000 split between the Shires of Perenjori and Yalgoo. This offer is based on the amount paid to the Shire of Mullewa for a similar sized project, negotiated several years ago. Although the mine is in Yalgoo, Perenjori will be the main service centre for the mine, with Dalwallinu and Wubin possibly contributing also. Perenjori will be the western terminus of the road haulage operations, where the ore is transferred to rail.

On the basis of road length, Yalgoo would be due for 4.3% of the Public Benefit Agreement amount.

Prior to calculation of apportionment between the Shires, the base amount for the calculation should be set. As the Agreement with Mullewa was some years ago, and \$100,000 agreed at that time, to maintain comparative value, CPI should be added.

There are a number of points to consider when Council determines whether to accept the offer –

- Mount Gibson has indicated in all previous discussions that it would negotiate similar arrangements to those in Mullewa. Their offer is consistent with that undertaking, except that it does not take CPI into account. Mount Gibson has expressed concern that a higher amount would upset their relationship with Mullewa.
- Mid West Corporation pays \$100,000 per year to the Shire of Morawa for a 1 Mtpa project, which on a per tonne basis is 3 times the contribution offered by Mount Gibson. The Koolanooka project involves very little investment in other infrastructure. This was the benchmark chosen by Shire of Perenjori for its negotiations.

Tentative discussions with Shire of Perenjori, have been on the basis of a 70%/30% split between them and Yalgoo. It is suggested that Yalgoo agree to either 30% or \$30,000. There are minimal services that will be required for Yalgoo, and the major impact will be on Perenjori.

A possible compromise suggested by Shire of Perenjori, would be that Perenjori and Yalgoo are paid \$100,000 and \$30,000 respectively. The infrastructure impacts for Perenjori and Mullewa are very similar, and this would satisfy Mt Gibson's preference for consistency. Should Mt Gibson agree to a total of \$130,000, this would be in excess of CPI from the date of Mullewa's agreement until now.

Other matters to note in relation to the Road Access Agreement –

- a) Clause 6.4.8 Seal – While Mt Gibson are considering options other than the sand prime as per the design specifications, Greenfield's are strongly of the opinion that this will not cope with the weight and volume of traffic and should be a 2 coat seal from time of construction.
- b) 6.4.9 Linemarking – In discussion with the Perenjori CEO, it was felt that centreline marking would be advisable. Greenfield's has advised that it is unlikely that MRWA would approve, as the road is wide enough, and has been designed to the standard necessary for the proposed posted speed limits.
- c) Clause 14.1.1 – MGM's draft wording is that the road would be left in a better condition than it is now. In discussion with Matt Barns of Greenfield Tech Services, he would strongly recommend that MGM be contractually required to maintain the road to the design standard of Maunsell's for the full period, and that this be the assessable standard at handover. This removes a lot of the opinion as to what constitutes a "15 year road" which is the duration of what Council would be looking for at handover. Part of Greenfield's reasoning for this is that there are liability issues up to handover, and extending beyond handover. If the road should stop being maintained up to design standard some time prior to handover, for most of its length, it would still be in a better condition than it is now. Accordingly, the intent of the suggested clause 14.1.1A would need to change.
- d) Clause 15 Confidentiality – unless it is a trade secret, or can be considered Commercial in Confidence, the full document is subject to Freedom of Information applications, as there are restrictions on what the Shire can withhold from public scrutiny. The amounts cannot be kept secret, as they must be processed through the Shire's accounting system, which is required to be fully open.
- e) Clause 17.7 Disputes – It is not acceptable that an Expert be able to make a sole and binding decision. It has been suggested that an alternative dispute resolution process of arbitration be agreed.

Council has already authorised the President and CEO to sign and seal the documents, subject to assessment by Greenfield's and our solicitors, and satisfactory finalisation of the Agreements.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0221 Mt Gibson Mining Limited – Various Agreements

Moved Cr LJ O'Connor, Seconded Cr L Hodder

- (1) That Council accept \$14,000 per annum under the Road Access Agreement, subject to CPI increases from Year 2 to 5 of the Agreement.**

- (2) That Council is prepared to accept a Public Benefit Contribution of \$30,000.00, subject to CPI increase from Year 2 to 5 of the Agreement.**

Motion put and carried 5/0

15.3 GYMKHANA SHADE SHELTERS

File: R10-137
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 19 February 2008
 Attachments: None

MATTER FOR CONSIDERATION

To consider the installation of poles for shade shelter at the racecourse.

BACKGROUND

The Gymkhana is usually around Easter each year, while the weather can still be very hot. Competitors waiting have to do so in open sun, and the Gymkhana would like to be able to provide some shade for them.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district
- s.3.54 – Reserves under control of a local government

Local Government (Miscellaneous) Act –

- Part XV – buildings and structures

Building Regulations

Land Administration Act –

- s.46 – Management of reserves under Council's control

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Cr Terry Iturbide
 Ron Adams, Deputy CEO
 Dave Williams, EHO

COMMENT

Cr Terry Iturbide forwarded to me a request from the Gymkhana –

... the gymkhana people would like to have permanent poles erected on the area inside the race track. The purpose is to stretch cover across the poles for shade when they have their meets. It seems Meekatharra has the poles and it causes no problems for the race people. Permanent structures are not allowed but the poles are OK.

Any structure that is intended, even if just bare poles, needs to have Council approval, as the racetrack is a reserve under Council's management. Council also needs to take into account public liability issues, as well as other users of the area.

From discussions, it appears that the gymkhana competitions use the centre grassed area in an east-west pattern, and would therefore need to allow plenty of space for horses to be able to pull up and turn. With the Old Railway Station on the north side, to preserve visibility from that area during gymkhana events, it means that the only possible location of a shade shelter would be on the south side.

Given that the track is also used by the Jockey Club, the shade material could not be a permanent fixture, even if the poles were, as these would not interfere with visibility.

The public liability issues include –

- possibility of climbing the poles, and potentially injuries from falls
- supporting components or guy wires that are not readily visible and easily avoided, need to be excluded from proposals
- even though temporary (perhaps from the day before to the day after), the poles need to be of sufficient structural strength that they can withstand a fairly strong wind. Once the shade cloth or whatever is attached to the poles, the wind loading could be quite high. Should a pole collapse, or the canvas give way, and an injury result, Council may be held to be liable.

Shade structures can be obtained where the poles, fittings, material and footings have all been designed and engineered for high wind loading, and some of these may suit the Gymkhana's needs. However, if they wish to build their own, the EHO would need to assess the design and certify it as suitable.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0222 Gymkhana Shade Shelters

Moved Cr DJ Grey, Seconded Cr LJ O'Connor

That Council approve in principal, the placement at the racetrack (Reserve 39961) of permanent poles for temporary shade subject to –

- **the poles being on the south side of the central grassed area only,**
- **provision being made for future expansion of the grassed area (either by allowing space or designing the poles to be relocated)**
- **the poles, fittings, footings and material being of a structural standard and strength to the satisfaction of the EHO**
- **the approval of the Jockey Club and the WA Turf Club being obtained prior to any works.**

Motion put and carried 5/0

15.4 FENCING GRANT – Right of way and Yalgoo Primary School

File: S1-3
 Author: Niel Mitchell
 Interest Declared: No interest to disclose
 Date: 5 March 2008
 Attachments: None

MATTER FOR CONSIDERATION

To consider the installation of fencing at the rear of the School, on the public right of way.

BACKGROUND

The School has been keen to erect a new fence along the rear of the School property, on the boundary with the public right of way, which is under the control of the Shire. An application for funding was submitted to the Office of Crime Prevention by the School P & C.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district
- s.3.54 – Reserves under control of a local government
- s.6.8 (b) – Expenditure not in budget to be approved in advance by absolute majority

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Grant from Office of Crime Prevention, for the fencing work.

CONSULTATION

Lindy Richmond, Principal, Yalgoo Primary School
 Office of Crime Prevention

COMMENT

The P&C obtained a quote of \$4,150 to erect a chain wire fence along the rear of the school grounds to control access and exit from the School. Together with incidentals, the total estimate to erect the fence came to \$4,770 excluding GST.

The P&C made an application to the Office of Crime Prevention for funding, however, as a community group, they are not eligible for OCP funding. The project does fit OCP infrastructure funding if it is submitted by the Shire. Accordingly, as the right of way adjacent is under the Shire’s control, OCP suggested that the application be formally made by the Shire, and viewed as a one-off project, being on a common boundary with a School. They recognise that an effective fence would be of benefit to the community in this instance, as it also improves supervision of the students at the School.

In discussion with OCP, they have given the assurance that in granting the project, it will not jeopardise or prejudice future applications by the Shire for either infrastructure (Designing out Crime) or operational grants.

Although fully funded by a grant, any expenditure of the grant funds is unbudgeted, and requires prior approval by Council by absolute majority.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0223 Fencing Grant – Right of way and Yalgoo Primary School

Moved Cr L Hodder, Seconded Cr DJ Grey

That Council authorise unbudgeted expenditure of \$4,770 ex GST, for the purpose of erection of a chain wire fence on the rear boundary of Yalgoo Primary School, between the right of way and the School property, the expenditure being fully funded by a grant from Office of Crime Prevention.

Motion put and carried by absolute majority 5/0

Mr Ron Adams rejoined the meeting at 11.22 am.

The meeting returned to Item 13.3.1.

13. REPORTS OF OFFICERS (Cont.)

13.3 FINANCE

13.3.1 FINANCIAL ACTIVITY STATEMENTS – December 2007 and January 2008

File:

Author: Ron Adams, Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 8 February 2008

Attachments: Financial Activity Statements for December 2007 & January 2008
 Balance Sheets for December 2007 & January 2008
 Income Statement Detail for December 2007 & January 2008
 Income Statement by Nature & Type for December 2007 & January 2008
 Income Statement Summary for December 2007 & January 2008
 Trust Balance Sheet December 2007

(all green)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for December 2007 and January 2008.

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c);

(e) the net current assets at the end of the month to which the statement relates.

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CONSULTATION

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0224 Financial Activity Statements December 2007 and January 2008

Moved Cr DJ Grey, Seconded Cr L Hodder

- 1. That Council adopt the financial statements for the period ending 31 December 2007, as attached.**
- 2. That Council adopt the financial statements for the period ending 31 January 2008, as attached.**

Motion put and carried 5/0

13.3.2 ACCOUNTS PAID – December 2007 & January 2008

File:
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 30 January 2008
Attachments: EFT & Cheque Detail for December 2007 & January 2008 (green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of December 2007 & January 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 December 2007 and January 2008 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0225 Accounts Paid December 2007 and January 2008

Moved Cr LJ O'Connor, Seconded Cr L Hodder

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 to EFT 49 totalling \$300,130 paid during the month of December 2007, be received;**
- 2. Cheque payments covering cheque numbers 10698 to 10713 totalling \$24486.60 paid during the month of December 2007, be received; and**
- 3. Salaries and Wages totalling \$67092.59 paid during the month of December 2007, be received.**
- 4. The Cheque Detail of payments covering vouchers EFT 1 to EFT 44 totalling \$137611 paid during the month of January 2008, be received;**
- 5. Cheque payments covering cheque numbers 10714 to 10734 totalling \$ 44789.70 paid during the month of January 2008, be received; and**
- 6. Salaries and Wages totalling \$63235.22 paid during the month of January 2008, be received.**

Motion put and carried 5/0

13.3.3 BUDGET REVIEW FOR JULY 2007 to DECEMBER 2007

File: B3-2
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 30 January 2008
 Attachments: Budget Review July 2007-December 2007 (sand)

MATTER FOR CONSIDERATION

Council to consider adopting the results of the mid year Budget review.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 (as amended) require local governments to conduct a budget review between 1 January and 31 March each year and to report the results of the review to Council. After Council has made their determination a copy is to be provided to the Department for Local Government and Regional Development.

A mid year budget review has been conducted with staff reviewing actual expenditure at 31 December 2007, compared to the budget for the year and assessing whether the remaining budget for the year needs to be amended. This review has resulted in forecasts for the end of financial year being prepared and the monthly financial statements being updated with these forecasts.

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 33A—Outlines the requirements for the conduct of a Budget review including its submission to Council and provision to the Department of Local Government and Regional Development.
- 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.
- Sections 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

None

FINANCIAL IMPLICATIONS

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

CONSULTATION

The budget review was conducted with the assistance and input of staff who reviewed budgets for actual expenditure and budgets for their areas of responsibility.

COMMENT

As follows

INCOME

General Purpose Funding

Rates

I031-Rates collection has been at an acceptable level.

Grants Commission

I032010-Allocated grants have been received and been split into Roads and General Purpose for ease of planning the next budget.

General

I032030-Interest on Municipal Funds has exceeded budgets due to administration collecting grants monies earlier therefore improving investing opportunities.

Health

I074005-A zero waste survey was completed by the EHO. This was an unexpected income. This money should be utilised on zero waste practices when required to do so.

Other Housing

I091005-With the Joint Venture being finalised with DHW in the coming month, the rental income will not realise its full budget.

Tourism/Area Promotion

I132010-HCP – FACSIA grants have been received. Lotterywest claim to be made in current quarter.

Railway Station Refurbishment

I132020-Completion of acquittal but there are some administrative items to be settled with DOTARS. Still negotiating the final settlement of \$15,321.

Transport

I121025-Application for Country Pathways funding was not successful, therefore there will be no income from this source.

Administration

I145010-Reimbursements for programs such as Wage Subsidy, LGIS and WALGA

EXPENSES

Rates

E121025-Over expenditure in Debt Collection costs. Result has been an increased amount collected from previous financial years.

Animal Control

E052015- requires close attention over coming months, will require an increase of funds to maintain acceptable dog control in town.

Housing

E091005-The maintenance requirements for staff housing are under budget as finding suitable tradesmen to come to Yalgoo is proving challenging. Will be endeavouring to complete some of the program of works late in this financial year.

Other Housing

E092020, E092025-With Department of Housing and Works agreeing to take back the Joint Venture housing at 28 Selwyn St, a surplus will be created, as programmed repairs and maintenance will not be carried out by the Shire but by DHW after taking over.

Capital Purchases

E168702-CEO vehicle changed over with a credit amount that has been transferred to Plant Reserve.

E168703-Dolly trailer purchased as per Council resolution. Funds came from savings achieved in grader purchase.

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0226 Budget Review July 2007 to December 2007

Moved Cr DP Morrissey, Seconded Cr LJ O'Connor

That Council adopt the results of the mid year budget review that has been completed, as noted above.

Motion put and carried by absolute majority 5/0

13.3.4 2008-09 BUDGET – ITEMS FOR CONSIDERATION

File: B3-1
Author: Ron Adams, D/CEO
Interest Declared: No interest to disclose
Date: February 2008
Attachments: None

MATTER FOR CONSIDERATION

Items required for consideration for the preparation of Annual Budget for 2008-09

BACKGROUND

Community requests for budget items are to be considered by Council at its February Ordinary Council Meeting. Advertisement inviting community requests were placed on the Council noticeboard in December 2007. Currently there have been no submissions.

Elected members requests for budget items are to be considered by Council at its February Ordinary council Meeting. Currently there are no submissions from elected members.

Staff requests for budget items are to be considered at the February Ordinary Council Meeting. Currently there are no submissions, other than from CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- Section 6.2–Requires a local government to prepare an annual budget by 31 August

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9 Preparation of Annual Budget–Provides for elected members, staff and the community to be involved in the budget.

FINANCIAL IMPLICATIONS

None at this stage

CONSULTATION

None

COMMENT

As this is the first year Council has used the new budget process an opportunity to involve elected members, staff and the community should not be passed by. I feel it would be prudent to advertise in the Yalgoo Bulldust the opportunity to make submissions and Council consider them at the March Ordinary Meeting.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That:

1. An advertisement be placed in the Yalgoo Bulldust, asking for budget submissions from elected members, staff and community, to be received by 7 March 2008.
2. Submissions received to be considered at the Ordinary Council Meeting on 18 March 2008.

COUNCIL DECISION

C2008-0227 2008-09 Budget – Items for Consideration

Moved Cr DJ Grey, Seconded Cr DP Morrissey

That:

- 1. An advertisement be placed in the Yalgoo Bulldust, asking for budget submissions from elected members, staff and community, to be received two weeks prior to next Ordinary Meeting.**
- 2. Submissions received to be considered at the next Ordinary Council Meeting.**

Motion put and carried 5/0

REASON FOR VARIATION

To allow for extension of time for submissions as original dates superseded due to adjournment of the February 2008 meeting.

All Items having been dealt with, the meeting then proceeded to Section 16

16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

17. NEXT MEETING

As resolved at the December 2007 Council Meeting, the next Ordinary Meeting of Council is due to be held on Tuesday, 18 March 2008, commencing at 11.00am.

Cr Anderson has requested that Council consider that the meeting be deferred until the following day, Wednesday, 19 March 2007.

COUNCIL DECISION

C2008-0228 Next Meeting Date

Moved Cr L Hodder, Seconded Cr DJ Grey

That the Ordinary meeting set down for 18 March 2008 be cancelled, and the next Ordinary meeting be held on Thursday 17 April 2007 as previously resolved.

Motion put and carried 5/0

18. MEETING CLOSURE

The President reminded Councillors of the WA Local Government Grants Commission Public Hearing due to be held at 1.00 pm.

The being no further business, the President declared the meeting closed at 11:52am.

DECLARATION

These minutes were confirmed by council at the Ordinary meeting held on _____

Signed: _____
Person presiding at the meeting at which these minutes were confirmed