



MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
23 AUGUST 2012
AT 11.00AM

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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 23 August 2012, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Terry Iturbide declared the Ordinary Meeting open at 11.45am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Terry Iturbide Shire President Cr Laurence Hodder Cr M Raul Valenzuela
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO
GUESTS	Margaret Hemsley, Risk ID
OBSERVERS	Vince Catania MLA Lex Fullarton
LEAVE OF ABSENCE	
APOLOGIES	Cr Len J Terry, Deputy Shire President Cr NA Grinham

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

- CEO Sharon Daishe – Item 14.1.2 pg 41

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1.1 and 14.1.2 Consideration of matters affecting employees 5.23 (2) (a)

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom
1–3 August 2012	WALGA Convention, Perth	President TK Iturbide, CEO Sharon Daishe, DCEO HM Boyd
17 August 2012	CLGF Country Local Government Fund Regional Workshop, (Royalties for Regions), Cue	Deputy President Len J Terry, CEO Sharon Daishe

7.2 COUNCILLORS

Date	Details	Councillors
1–3 August 2012	WALGA Convention, Perth	Cr Len J Terry Deputy Shire President, Crs MR Valenzuela & L Hodder

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0801 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 19 July 2012 be confirmed.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

8.2 SPECIAL COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0802 Minutes of the Special Meeting

That the Minutes of the Special Council Meeting held on 9 August 2012 be confirmed.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

9. MINUTES OF COMMITTEE MEETINGS

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (eg: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.1.1 Mt Magnet Gold Pty Ltd Road Train Permit Agreement

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	19 June 2012
Attachments (yellow)	P1-6 Application letter and road map from Mutiny Gold P7-30 Former Road Train Permit Agreement

Matter for Consideration

Consider an application for road train use on Uanna Hills Road by Mt Magnet Gold Pty Ltd.

Background

Mt Magnet Gold Pty Ltd has requested use of several roads in the Shire of Yalgoo from their operation at the Western Queen Mine.

Previous applications have been approved as per the following extract of minutes from 2007:

15.5 HARMONY GOLD – Road Train Permit

File: R11-77

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 16 October 2007

Attachments: Draft Road Train Agreement and Map of Roads

MATTER FOR CONSIDERATION

To approve a road train permit on Shire roads for Harmony Gold.

BACKGROUND

Harmony Gold have been considering the carting of tailings from their Western Queen Mine to Mt Magnet for treatment for some time. Final Draft Agreement was received from them on Tuesday 16 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

Public Works Act 1902 –

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

STRATEGIC IMPLICATIONS

Improvement in roads.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None.

CONSULTATION

Nick Carter, Greg Job of Harmony Gold

Matt Barns, Greenfield Technical Services

Peter McConnell, CEO Shire of Mt Magnet

Cliff Hodder, Works Supervisor

COMMENT

This has been under discussion with Harmony Gold for some time, but it is only in the past 4-5 weeks that it has been certain to go ahead.

Quite some time ago, while Harmony were still in preparation, the Works Foreman and I met with Shire of Mt Magnet and Harmony Gold representatives for a demonstration of the Petrotac stabiliser they propose to use. While not impressed with the capabilities of the stabiliser on the day, it was acknowledged that its application had not been according to specifications.

I have been working closely with Peter McConnell, CEO Shire of Mt Magnet, and have also referred the draft Agreement to Matt Barns of Greenfield Technical Services.

In reviewing an early draft, Matt Barns did express his concerns over a number of factors, and these have been addressed in the more recent draft in large part. There are some issues not specifically addressed, such as a stipulated commencement date, but this cannot occur until MRWA issue a Road Train Permit.

The Shire of Mt Magnet has referred various drafts of the Agreement to their solicitors, McLeod's, and there are substantial changes to the early versions, and pick up most of Matt Barns' concerns. Following McLeod's advice, Mt Magnet Shire have now signed their Agreement.

The bottom line is that the Agreement requires the road to be left in as good as or better than, its original condition. This is of greater benefit to Mt Magnet than to Yalgoo as their section is well below road train standard.

Prior to a road train permit being issued, Main Roads WA are required to inspect the road, for its suitability for the task.

A very brief summary of the Agreement –

- *the Shire allows them use of various road from the Western Queen minesite, to connect up with the Mt Farmer to Mt Magnet Road*
- *approx 180,000 tonnes, but not more than 200,000 tonnes is to be transported by the end of January roughly*
- *Harmony Gold are responsible to upgrade, realign and maintain the roads to road train standard for the duration of haulage, and it is to be at their cost*
- *the roads are to be left in as good as or better condition than now*

- *independent assessment of the roads prior to, after signing, and after termination of the Agreement is required at Harmony Gold's cost*
- *any repair work to bring to as good as Original Condition to be done at Harmony Gold's cost*
- *a bank guarantee of \$50,000 is being provided to the Shire of Yalgoo to repair the roads at the conclusion of the Agreement, if not undertaken by Harmony Gold*

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2007-1009 Harmony Gold – Road Train Permit

Moved Cr LJ O'Connor, Seconded Cr DP Morrissey

That the draft Road Train Agreement with Mt Magnet Gold Ltd, for the use of –

- *Rd 51 – Dalgaranga-Mt Magnet Road*
- *Rd 52 – Dalgaranga-Meteorite Road*
- *Rd 53 – Uanna Hills Road*

be approved, and that the President and CEO be authorised to affix the Common Seal to the Agreement.

Motion put and carried by an absolute majority 7/0

Statutory Environment

Local Government Act 1995

S6 deals with the requirement for an annual budget by each local government and expenditure from the municipal account

- Part 4 – Provision of goods and services

Public Works Act 1902 –

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

Strategic Implications

Policy Implications

Financial Implications

All costs for road agreement to be paid for by Mt Magnet Gold Pty Ltd.

Consultation

Sharon Daishe, CEO

Cliff Hodder, Works Foreman

Comment

All items covered in the road agreement are still current.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0803 Road Permit Agreement Mt Magnet Gold Pty Ltd

That Council:

- 1. Enter into a Road Train Agreement with Mt Magnet Gold Ltd using the previously approved agreements for the use of –**
 - **Rd 51 – Dalgaranga-Mt Magnet Road**
 - **Rd 52 – Dalgaranga-Meteorite Road**
 - **Rd 53 – Uanna Hills Road**
- 2. Authorise the President and CEO to affix the common seal to the agreement when the road agreement is executed.**

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.1.2 Regional Roads Group Projects 2013-14 Yalgoo Morawa and Yalgoo Ninghan Roads

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	13 August 2012
Attachments	Nil

Matter for Consideration

Regional Roads Group Projects for 2013-2014

Background

The Regional Roads Group requires each shire to submit projects by 31 August for funding for the next financial year.

It has been Yalgoo's practice to submit a program to "reform and improve drainage" on the Yalgoo Ninghan and the Yalgoo Morawa roads.

In 2011-12 the funded project of reseal on the Yalgoo Ninghan road was successful and the reserve project of "reform and drainage improvements" on the Yalgoo Morawa road also received funding due to moneys being returned to the pool by other Midwest shires.

In 2011-12 the shire completed reforming and sheeting of approximately 10km (SLK 26-36), and plans to seal with a single coat 14mm seal as much of that section this financial year. Both of these projects have been funded by Roads to Recovery (Federal Grant).

Roads to Recovery is its final year, so there is no guarantee that this program will continue, however the federal government of both persuasions have kept the program running and with a federal election coming the program will be very likely to continue. Yalgoo usually receive around \$300,000 pa for this grant.

The Shire has applied to the Department of Regional Development and Lands to expend the Yalgoo 2011-12 Country Local Government Fund regional allocation towards the Morawa Road sealing project. Income and expenditure has been allowed in the 2012-13 budget however this application has not yet been approved, and was submitted on a risk basis knowing that the project did not meet CLGF regional guidelines because no other Shire is contributing funds.

With the unusual scenario that the shire may not get either RTR or CLGF Regional Component funding, this potentially leaves the section of the Yalgoo Morawa Road SLK 22-33 being constructed without a seal being applied.

On the Yalgoo Ninghan road there will be 8km of reseal to complete the program to the Golden Grove entrance. The road has been inspected and the final 8km is in excellent condition and could be postponed for another 4 years.

The southern section of the Yalgoo Ninghan road especially from SLK 12-38 requires works to be carried out to make the road meet the minimum Main Roads (MRWA) specifications. The section of road has been inspected by Greenfield Technical Services and in consultation with MMG (Golden Grove) with a view to determining the level of service that the mine requires from this road. The problem with the road is that it is narrow in running surface and requires widening.

MMG Golden Grove operate on a calendar year of 1 January to 31 December. Following negotiations with the Shire executive, MMG have confirmed that for the 2012 financial year they will make ex gratia payments to the Shire of an additional \$100,000 for road construction (as disclosed in the 2012-13 Shire annual budget) and \$15,000 for repairs on the Yalgoo Ninghan road (outside the regional road group reseal

program). This contribution is an additional \$115,000 above their agreed contribution in the Memorandum of Understanding.

MMG Golden Grove have also agreed in principle to match the Shire's 1/3rd contribution to a regional road group project to improve the southern section, inclusive of their existing \$63,000 MOU contribution to the southern section. MMG Golden Grove is sharing the cost of the engineering reports for this project.

In return, MMG Golden Grove seek confirmation from the Shire for ongoing access to the Southern Section of the Yalgoo Ninghan road.

Statutory Environment

Local Government Act 1995

Strategic Implications

Improvements to the southern section of the road to improve safety and meet appropriate standards for the increased traffic on the road.

Policy Implications

Financial Implications

Regional Roads Group funding is based on competitive bids and an extensive point scoring system. Each shire submits projects and they are assessed and allocated funding from the Midwest pool of money allocated by the state government.

RRG projects require 1/3rd matching funds.

Consultation

Sharon Daishe, CEO

Cliff Hodder, Technical Works Supervisor

Michael Keane, Greenfield Technical Services

Scott Roffey, Craig Turley, MMG Golden Grove

Comment

Yalgoo Ninghan Road:

A submission is made to RRG to widen SLK 12-38 to bring the road into the minimum specification for a road of that class.

Yalgoo Morawa Road:

A submission is made to RRG to primer seal SLK 26-36 and this be a staged project for 2013-14 and 2014-15 with a second seal, but this project be withdrawn if CLGF Regional and RTR program are forthcoming.

A submission be made for reforming and drainage improvement on SLK 0-12.

Voting Requirements

Simple Majority

The officer recommendations to this item were moved and put en bloc.

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2012-0804 Regional Roads Group Projects

That Council lodge submissions for Regional Road Group Funding for the following three projects by the due date for applications being 31 August 2012:

1. Widening of SLK 12-38 on the Yalgoo Ninghan road; and
2. Primers seal in a staged project on the Yalgoo Morawa Road SLK 26-36 for 2013-14 and 2014-15 financial years, on the condition that if alternative funding (eg: CLGF regional or Roads to Recovery) is sourced for this project, then it is to be withdrawn from RRG;
3. Reforming and drainage improvements on the Yalgoo Morawa road SLK 0-12.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2012-0805 MMG Golden Grove negotiations re Yalgoo Ninghan Road

That Council advise MMG Golden Grove that once agreement has been reached between the parties on the scope and cost of widening/upgrading the southern section (SLK 12-38) of the Yalgoo Ninghan Road, the Shire will ratify agreed outcomes including ongoing access to the section of the Yalgoo Ninghan Road that is south of the mine site.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

ADJOURNMENT: 12.00pm the meeting was adjourned for lunch.

RESUMPTION: 1.05pm the meeting resumed with all who were in attendance before the adjournment being present at the resumption except guests Vince Catania MLA and Lex Fullarton.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Request for Letter of Support, Coodingnow Inc, Lease of Reserve R21187 Paynes Find

File:	Reserve R21187 Paynes Find
Author:	WV Atyeo – Environmental Health Officer/Building Surveyor
Interest Declared:	No interest to disclose
Date:	14 August 2012
Attachments (yellow)	P31-34 Letter from Beverley Slater – Chairperson - Coodingnow Inc. with map showing location of Reserve R21187

Matter for Consideration

Council has received a letter from Beverley Slater who is the Chairperson of Coodingnow Inc. seeking support of their proposal to secure a long time lease over Reserve R21187 at Paynes Find. The use of the land proposed is for the Use and Benefit of Aboriginal People.

Council will be asked to consider:

- Issuing a letter of support for Coodingnow Inc. to secure a long term lease of Reserve R21187.

Background

From the letter sent to the CEO it is apparent that Beverley Slater has met previously with Council on this matter and has been verbally encouraged by the responses of the Council. Coodingnow Inc. has now applied to the ALT/Department of Indigenous Affairs in order to acquire a long term lease over the stated Reserve.

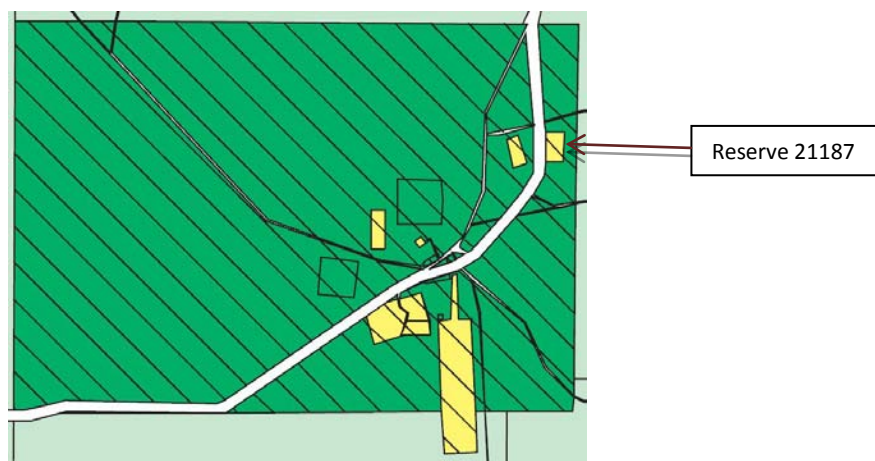
In order for this to progress the support of Council is required.

In the letter to Council Beverley clearly states that Coodingnow Inc. aims to control land that will allow the Badimia people to have access to their traditional land, to protect and preserve their language, tradition, culture and inheritance of significant sites specific to the surrounding areas and to develop, sustain, promote and maintain these for future generations while providing physical, spiritual and cultural wellbeing.

The reserve is stated on Landgate as :

- 10.1172 ha of uncleared natural bush
- Management Order to Aboriginal Lands Trust (ALT)
- Purpose stated is for “Use and Benefit of Aboriginal Inhabitants”
- Located on the Great Northern Highway, just North of the turn off to Sandstone
- The ALT has the power to lease for any term.

The Shire of Yalgoo’s Town Planning Scheme Number 2 shows the Reserve as Local Scheme Reserve (Public Purposes use). The Scheme does not designate the use for this reserve and so Planning Approval will be required under Part 9 of the Scheme and Council will need to make a decision on the matter.



Beverly Slater has stated in the letter of submission to the ALT that Coodingnow Inc. would like to initially set up some low level camping facilities which would provide a central point from which they can work and also to create an employment opportunity in conjunction with the Shire for a caretaker who would reside in Paynes Find. I would suggest that this person should be employed by Coodingnow Inc. but would have close connections with the Shire, which would need to be negotiated at the relevant time.

Beverly has also stated the following as a staged approach to what Coodingnow Inc. propose for the Reserve:

1st Stage. 12 to 24 months

- Low level camping area defined.
- Continue dialogue with the Yalgoo Shire about possible Shire partnerships and employment.
- Possibility of employment of a resident Badimia caretaker funded through the Shire.
- Eco toilet and natural water collection

2nd Stage. 24 months +

- Possibility for employment of a resident Badimia cultural guide within the Paynes Find area.
- Cultural camps for our youth.
- Low scale cultural tourism

Beverly also stated that Coodingnow Inc. will seek assistance from the following:

- Badimia Peoples Trust - donations
- Indigenous Community Volunteers (ICV) – for planning assistance.
- Natural Resource Management Groups – for funding opportunities to eradicate vermin and pests and protection of native flora and fauna.
- Lotterywest – for funding opportunities for promotion of Aboriginal association in the area as tourist opportunities and
- ICV process will also identify any other potential partnership opportunities.

As stated, Coodingnow Inc. seeks a letter of support from the Shire of Yalgoo for the acquisition of the Reserve R21187 for the purposes they have outlined.

Statutory Environment

- Shire of Yalgoo Town Planning Scheme – consideration of all relevant clauses.
- Health Act 1911 – Sections concerned with Sanitation, Waste, and Potable water supplies.
- Building Act 2011

- Caravan Park and Camping Grounds Act and Regulations – Sections in relation to establishing a Nature Based camping grounds

Strategic Implications

If this initiative by the Coodingnow Inc. people is supported adequately by all responsible Departments of Government and the Camping Grounds are run and managed by the people then it will be a worthwhile and culturally significant development that would be an example of what can be achieved by all when the responsible agencies work together in a positive and productive manner.

Policy Implications

Nil

Financial Implications

Nil at this stage.

Consultation

Sharon Daishe – Chief Executive Officer – Shire of Yalgoo
Ron Adams – Project Executive – Shire of Yalgoo
Beverly Slater – Chairperson of Coodingnow Inc.

Comment

At this stage the Coodingnow Inc. is requesting a letter of support from the Shire for their proposal so that they may attain the lease over the Reserve R21187 Paynes Find. There are of course many obstacles that Coodingnow Inc. will need to overcome in order to achieve their goals, but gaining access and use of the land is the first step.

As the development progresses after this phase, then all the other legislation will be involved such as Town Planning approval, Health Act matters, and Building permits as required.

I personally feel that it is a good proposal and will, if run and controlled well by the people, be of significant benefit to the many indigenous people that frequently travel our highway. I also believe that this type of foresight and positive direction needs to be encouraged, as it is what the people want and there is an undertaking by the people to run and control the Reserve so that it is of benefit to the people.

I will therefore be recommending that the Council write a letter of support for Coodingnow Inc. to secure the lease on Reserve R21187, and for the proposed development as outlined in Coodingnow Inc. letter to the Aboriginal Lands Trust (ALT).

Comment CEO

Coodingnow Inc have alluded to Shire funding for a resident Badimia caretaker. The Shire does not have funding identified in the budget for this. It is recommended that without significant further research, identified funding and a detailed proposal, the Shire does not consider this matter at this time.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0806 Letter of Support for the application of Coodingnow Inc to Lease Reserve R21187 at Paynes Find

That Council:

- 1. Commends Coodingnow Inc for their initiative and issues a letter of support for Coodingnow Inc. to secure the lease of Reserve R21187 at Paynes Find for the proposed use and benefit of Aboriginal people to have access to their traditional land to preserve language, tradition and culture for future generations; and**
- 2. Informs Coodingnow Inc that such support does not include, or in any way imply approval for, Shire funding for a caretaker for the reserve; and**
- 3. Advises that the following matters are required to be addressed by the relevant Department/persons during the further planning processes leading to a Planning Application being lodged with Council should Coodingnow Inc. secure the land:**
- 4. Coodingnow Inc. is to take full responsibility of the Reserve, and:**

- **Keep the Reserve clean and free of all debris and rubbish at all times.**
- **Restrict all campfires to designated areas.**
- **Maintain and keep clean all facilities that are provided.**
- **Ensure that there be no clearing of vegetation other than that approved by the responsible Government body.**
- **Provide facilities as required by the Caravan Parks and camping Grounds Act and Regulations.**
- **Do not permit any person to establish permanent residence/occupation on the Reserve, or construct any buildings unless they are approved by the Shire in the form of a Building License as required by the Building Act 2011.**
- **Obtain Planning Approval from the Shire and any subsequent Building Permits as required, before any use or construction takes place on the Reserve.**
- **Provide the Shire with letters from the Department of Indigenous Affairs and Aboriginal Lands Trust stating that Coodingnow Inc. has their full support, and if required the two Departments will ensure that adequate funds are available for Coodingnow Inc. to build and to maintain, on an ongoing basis, the buildings that are proposed to be constructed on the Reserve.**
- **Coodingnow Inc. is to have a succession plan for who is responsible, and who takes over responsibility of the Reserve following death, disagreement and or resignations from Coodingnow Inc. so that there is always a 2-5 people fall back position and also in the event that Coodingnow Inc. is dissolved.**

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.2.2 Ferrowest Option Deed

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments (yellow)	P35-38 Letter from Ferrowest dated 5 July 2012: Yogi Mine Project – Update on Strategic Developments

Matter for Consideration

To consider offering an extension to the date on which Council offered to enter into an Option Deed with Ferrowest for sale of 185 Shamrock Street.

Background

At the ordinary meeting of Council held on 21 June 2012, Council resolved to offer Ferrowest Limited an option to purchase 185 Shamrock Street as per the following resolution:

C2012-0602 Disposal of Property – Option Deed for sale of 185 Shamrock Street to Ferrowest Limited

That, there being no submissions received as at noon on Thursday 14 June 2012 following local public notice on 30 May 2012 in the Geraldton Guardian and the Yalgoo Bulldust, Council:

- 1. Agrees to dispose of Lot 185 Shamrock Street to Ferrowest Limited by way of entering into an Option Deed as per the attached draft for the consideration of \$80,000 plus GST; and*
- 2. Requests the CEO to make the necessary arrangements to enter into the Option Deed on or before 1 August 2012; and*
- 3. Authorises the President and the CEO to sign and seal the Option Deed.*

Moved: Cr L Terry Seconded: Cr MR Valenzuela Motion put and carried 5/0

This offer followed protracted negotiations which commenced in 2007. Council originally offered Ferrowest the option to purchase the land in 2008 however Ferrowest failed to take up the option due to the global financial crisis. Council decisions C07-0728, C2007-1206 and C2008-0608 relate and provide the history of the extensive prior negotiations.

In March 2011 Brett Manning, Managing Director Ferrowest Pty Ltd, requested via an email to the CEO that the Shire revisit the Option Deed with an extended period for the option.

Once again Council engaged legal advice to draw up a revised draft, purchased a new valuation, advertised as per the requirements of the Act and made the offer to Ferrowest.

However on 05 July 2012 Ferrowest advised the Shire CEO that the Investment Agreement between Ferrowest and their Chinese funders, Tai Feng, has lapsed (refer attachment). The CEO sought clarification from Ferrowest regarding the option deed and Ferrowest responded that it would be unlikely that they would be in a position to take up the option before 01 August 2012, that Council should not incur any further cost and should await advice from Ferrowest.

Ferrowest did not take up the option before 01 August and has not made further approach to the Shire regarding the option deed.

Council has incurred direct costs (not including staff time) of around \$10,000 during these negotiations for legal fees and purchase of valuations.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Note that the legislative extract above was downloaded from the State Law Publisher on 12 April 2012.

Strategic Implications

Plan for the Future, 1. Economic Prosperity, 1.3, 'Develop partnerships with mining companies in the Shire area'.

New development of land equivalent to 20 house blocks in Yalgoo has the potential to increase economic prospects in Yalgoo. Locating the mining camp in the town site offers potential to citizens of Yalgoo for increased services.

Policy Implications

Nil

Financial Implications

The Shire has already incurred significant costs comprised of legal fees (+\$8,000), advertising, excessive staff time and the purchase of two land valuations.

If the Shire and Ferrowest enter into the Deed as offered in June 2012, Ferrowest must pay to the Shire:

- \$30,000 plus GST within 7 days of entering into the Option Deed
- \$80,000 plus GST if Ferrowest exercises the option and purchases the land

- \$6,000 payable on each anniversary of the Option Deed while the option remains unexercised.

Consultation

- Sze-Hwei Yen, Associate, Civic Legal Pty Ltd

Comment

Mining projects rely heavily on external funders, and are vulnerable to a range of risks and delays. The Shire has invested heavily in this project for no return at this stage; and the Shire is not in a position to take risks on commercial ventures. The Shire agreed to enter into the Option Deed in good faith for the benefit of the community of Yalgoo including Ferrowest.

It is recommended that the Shire keeps the offer to Ferrowest open but takes steps to protect the Shire from further losses.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0807 Ferrowest Option Deed Extension of Offer Date

That:

- (a) Council informs Ferrowest that with regard to point 2. of council decision C2012-0602 (as reproduced within), and pending any legal impediment that may be identified, Council agrees to extend the Option Deed offer to 08 February 2013, being one year from the date of valuation;**
- (b) Provided that Ferrowest agree in writing to reimburse Council for all further costs that Council incurs relating to the Option Deed.**

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.2.3 Planning and Development Application for Mobile Telecommunications Base Station, Milligan Street, Yalgoo

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments (yellow)	P39-49 Development/Planning Application for proposed Mobile Base Station, Milligan Street, Yalgoo

Matter for Consideration

To consider in principle approval for the preliminary planning and development application lodged by Deighton Pty Ltd for the regional mobile communication project proposed mobile phone base station in Milligan Street, Yalgoo including excision of land.

Background

Council learnt in January 2012 that Telstra had been awarded the tender to carry out the \$39.2 million Regional Mobile Communications Project (RMCP) and Yalgoo had been included on the list of sites. Council subsequently approved the location of the tower with the following decision:

C2012-0211 Mobile Communications Tower Location

That Council determines that the site of the Yalgoo television retransmission tower on Milligan Street, being a site that is zoned Public Use – Communications under the Local Planning Scheme, is an appropriate site for the location of a mobile telecommunications tower and authorises the CEO to work with Telstra to achieve this project.

Moved: Cr Len J Terry Seconded: Cr M Raul Valenzuela Motion put and carried 4/0

On 10 August 2012 the Shire received a development/planning application for the mobile base station. Steve Bruce, Site Acquisition and approvals, RMCP Project – Telstra has advised that the Department of Regional Development and Land will require that the land is excised from any reserve to enable Telstra to obtain tenure of the land.

The process will be approximately:

1. Planning application submitted
2. Approval confirmed
3. Infrastructure survey plan
4. RDL issue instructions for excision
5. Excision finalised; build commences.

The tower is to be constructed adjacent to the television rebroadcasting station therefore the tower can be built without the need for the TV infrastructure to be decommissioned or removed.

Statutory Environment

Local Government Act 1995

- s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Improved communication services for Yalgoo for community and during emergencies.

Policy Implications

Nil

Financial Implications

Nil

Consultation

- Steve Bruce, Site Acquisition and approvals RMCP Project – Telstra
- William (Bill) Atyeo, Environmental Health and Building Officer, Shire of Yalgoo

Comment

Telstra are working closely with the Shire to expedite the build of the mobile telecommunications tower for benefit of our community.

It is recommended that Council authorises the EHBO and CEO to process and approve the planning application and also indicates support for the excision of land.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0808 Planning and Development Application for Mobile Telecommunications Base Station, Milligan Street, Yalgoo

That Council:

- 1. Gives in-principle support to the preliminary development application received from Deighton Pty Ltd to construct a mobile base station on the reserve in Milligan Street; and**
- 2. Authorises the CEO and Environmental Health and Building Officer to process and (when satisfied that the application is compliant) approve the planning and development application within the powers delegated; and**
- 3. Acknowledges that the land will be excised from the reserve; and gives any permission that is within the powers of Council to grant in order that the land may be excised to enable the mobile telecommunications tower to be constructed on the site.**

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.2.4 Town Site Structure Plan

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments	p Nil attachments however CEO will provide sample town site structure plans on the day of the meeting

Matter for Consideration

To consider obtaining quotes for a town site structure plan in order to be ready to apply when the next round of the Royalties for Regions Northern Planning funds is announced.

Background

The Shire received funding from Northern Planning in 2011-12 to prepare a town survey and report as part of the planning required for the major sewerage installation and drainage works project.

The CEO subsequently met with Rob Moore and Greg Davey of the Department of Planning to discuss opportunities for further planning funds.

Good quality professionally prepared technical plans will assist the Shire in applying for funds for infrastructure in Yalgoo.

A town site structure plan is both a visual image of plans for the town site, backed up by a document that outlines land use details.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Improved planning to be ready to take advantage of funding opportunities, and to provide the professional level of documentation required for business cases.

Policy Implications

Nil

Financial Implications

Unknown – suggest obtain quotes for the work and apply to Northern Planning to fund.

Consultation

Ron Adams, Project Executive

Rob Moore, Senior Planner, Department of Planning

Greg Davey, Senior Planner, Department of Planning

Comment

It is recommended that the Shire has a quote and scope of work ready to apply for funding for a townsite structure plan for Yalgoo when the next Northern Planning round is announced later this year.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0809 Town site Structure Plan

That Council requests the CEO to obtain quotes and a scope of work for preparation of a town site structure plan, with the intention of applying for funding from Northern Planning.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.2.5 Country Local Government Fund 2012-13 Regional Allocation – Murchison Regional Vermin Council request support for vermin fence

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments (yellow)	P50-51 Letter from Murchison Regional Vermin Council

Matter for Consideration

To consider the request of the Murchison Regional Vermin Council to contribute CLGF regional 2012-13 funds to the continued upgrade/replacement of the Murchison Vermin Fence.

Background

The Murchison Regional Vermin Council is seeking support from Shires in the Murchison Region to allocate their 2012-13 regional Country Local Government Funds to carry out further works to the vermin fence, with the ultimate goal of creating a vermin proof cell.

Murchison Shires contributed their 2010-11 regional CLGF to this project (6 Shires and approximately \$1.5 million). As at 18 June 2012 approximately \$214,000 has been spent (refer attachment).

In 2011-12, Murchison Shires agreed to allocate their regional CLGF funds on various projects including staff housing and roads. The Shires did not support the vermin fence.

Shires must participate in a regional workshop in order to access the CLGF regional funds. The workshop for the 2012-13 allocation is due to occur in Cue on Friday 17 August 2012. Shire President Terry Iturbide, Deputy Shire President Len Terry and CEO Sharon Daishe will attend this workshop. The Mid West Development Commission hold the workshop, and will distribute the minutes.

Previous decisions of the Council of the Shire of Yalgoo relating to the regional CLGF allocation are as follows:

July 2011:

S2011-0701 Country Local Government Fund Regional Component

That Council request the CEO to negotiate with the Department of Regional Development and Lands to expend the Country Local Government Regional Component on completing the seal of the Morawa Road; and prepare the necessary business case.

Moved: Cr LJ Terry Seconded: Cr MR Valenzuela Motion put and carried 4/0

September 2011:

C2011-0903 Country Local Government Fund Regional Component 2011-12 Allocation of Projects

That Council:

- 1. Supports the regional priorities as determined at the CLGF/MWIP workshop held Thursday 1 September 2011; and*
- 2. Confirms that the Shire of Yalgoo strategic regional priority for expenditure of CLGF regional 2011-12 funds is for the project to seal the Yalgoo-Morawa Road; and*
- 3. Confirms that should the region decline to support the above project, Council's second priority is construction of staff housing; and*
- 4. Authorises the President and CEO to enter into the funding agreement and affix the common seal for CLGF 2011-12 funds for projects as confirmed above; and*
- 5. Authorises the CEO to make the necessary budget adjustments when funding is confirmed.*

Moved: Cr EC Rowe Seconded: Cr LJ Terry Motion put and carried by absolute majority 4/0

The CEO has actioned S2011-0701 by preparing and lodging the business case, which is currently with cabinet. The Department of Regional Development and Lands are unable to provide an estimated time frame for a decision as once the document is with cabinet it is out of their control. As extensively discussed, the application is outside the guidelines (only one Shire).

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Policy Implications

Financial Implications

The Shire’s allocation of CLGF regional in 2012-13 is approximately \$421,000.

Consultation

Shire President Terry Iturbide

Comment

Shires must agree on regional projects via the regional workshop process to be eligible to apply for CLGF regional funds. The Development Commission will provide a report after the meeting, for consideration by each local government.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0810 CLGF 2012-13 Regional Allocation – request from MRVC re Vermin Fence

That when Council considers projects for the regional Country Local Government Fund 2012-13 following the regional workshop process, Council takes into consideration the request of the Murchison Regional Vermin Council to allocate the funds towards further upgrade of the Murchison Vermin Fence.

Moved: Cr M R Valenzuela Seconded: Cr L Hodder Motion put and carried 3/0

11.2.6 CLGF 2012-13 and review of Forward Capital Works Plan

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments (yellow)	P52-59 Royalties for Regions Country Local Government Fund Individual 2012-13 Guidelines

Matter for Consideration

To consider the review of the Shire’s Forward Capital Works Plan

Background

The Country Local Government Fund (CLGF) program commenced with funding received in 2008-09 for the general purpose of assisting with infrastructure provision and renewal.

Rather than provide funding for infrastructure in 2009-10, Shires were entitled to apply for \$35,000 to develop a forward capital works plan (FCWP). Yalgoo’s plan was developed in consultation with community at the end of 2010, ie: in the 2010-11 financial year.

As we are now into the 2012-13 financial year some projects have been completed, new projects have been introduced and there have been other changes.

The new guidelines for the 2012-13 round of individual CLGF require that in order to be eligible for funds, Shires must submit their reviewed FCWP **between 30 October and 30 December 2012**.

The FCWP is also an integral component of integrated planning that informs both the asset management plan and the long term financial plan.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Funding for provision of strategic infrastructure.

Policy Implications

Nil

Financial Implications

The Shire’s allocation of CLGF individual for 2012-13 is \$421,524

Consultation

Travis Bate, RSM Bird Cameron

Comment

Travis Bate of RSM Bird Cameron prepared the Shire’s inaugural FCWP. Travis has indicated that he is available to update the FCWP and he has established that this work is not a conflict of interest with his role as Shire auditor.

The process will include:

- Inclusion of all items currently included in the 2012-13 Shire annual budget
- Workshop with councillors and staff to identify forward priorities and consider allocation of CLGF individual in 2012-13 and beyond. (Tentative date Monday 10 September 2012)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0811 CLGF 2012-13 and review of Forward Capital Works Plan

That:

- 1. Council commits to reviewing the Forward Capital Works Plan for submission to RDL between 30 October and 30 December 2012; and**
- 2. That a tentative date of 10am on Friday 14 September 2012 (to be confirmed) be set for a workshop to review the Forward Capital Works Plan including establish infrastructure priorities and allocate project/s for 2012-13 CLGF.**

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

Note: The agenda papers showed a proposed date for the workshop of Mon 10 September. This date was changed to Friday 14 September before the motion was put.

11.3 FINANCE

Financial statements have not been prepared for the month of July as staff have been working to finalise the statutory budget and the annual financial statements. The Shire's accountants needed to complete the annual financial statements in order to establish an opening balance to prepare the July accounts.

July accounts, in the new format, will be presented to the September meeting of Council and August accounts will be presented to the October meeting.

11.4 ADMINISTRATION

11.4.1 REVISE – WA Request for Donation

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	16/8/12
Attachments (yellow)	P60-61 Letter from Revise WA seeking support for outback families educating children through school of the air or distance education.

Matter for Consideration

To consider a request from REVISE-WA for financial support of \$200.00 to assist with their volunteers' travelling expenses.

Background

A letter was received by the Shire in July 2012 seeking a donation of \$200.00 to assist REVISE-WA with their educational assistance program.

REVISE-WA is a not-for-profit organisation that provides voluntary tutors to assist parents in the supervision of their children's education received through the School of Isolated and Distance Education and regional Schools of the Air. The tutors are unpaid volunteers, with REVISE-WA organising and paying for tutor's transport to and from properties.

While REVISE-WA relies on support from a number of organisations and from families who use the service as well as an annual grant, the contributions do not cover all of the volunteer's expenses and therefore REVISE-WA are seeking additional funding to help support the program.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Council has \$960 remaining in the 2012/13 discretionary budget for donations. Sponsorship of \$200.00 is requested.

Consultation

CEO Sharon Daishe

Comment

REVISE-WA provides a valuable service to children receiving School of the Air or distance education by providing assistance particularly at a time when parents have a high workload or through illness may not be able to adequately able to supervise a child’s education. Children often benefit from the professional assistance of a trained teacher.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0812 Donation to Revise -WA

That Council donates \$200.00 to Revise-WA to assist with their volunteer program.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

11.4.2 Waiver of Hall Hire Fee

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	16/8/12
Attachments	Nil

Matter for Consideration

Endorsement of the decision of the Shire President to authorise the CEO to waive the hall hire fee for the funeral of Daniel Simpson.

Background

Victor Ware, Robert Mongoo and Philip Hill from MEEDAC met with CEO Sharon Daishe on 16 August 2012 and requested that the hall hire fee for the funeral of Daniel Simpson be waived due to family hardship.

Daniel, working closely with MEEDAC, volunteered a considerable amount of time into bringing the hall up to a useable standard for the funeral of Thomas Hodder. The hall, which had been run down and unusable was tidied, cleaned, repaired and painted within a short period of time by volunteers of MEEDAC including Daniel.

Daniel’s funeral is scheduled to be held in the Hall on 24 August 2012.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Reduction of income from hall hire fees of \$65.00 including GST.

Consultation

Shire President Terry Iturbide

CEO Sharon Daishe

Comment

The family of Daniel will be holding the funeral in the Hall and in consideration of the effort by Daniel towards its renovation, the CEO sought approval from the President to waive the nominal hire fee.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0813 Waiver of Hall Hire Fee

That Council endorses the Shire President Terry Iturbide’s decision to authorise the CEO to waive the hall hire fee for the funeral of Daniel Simpson in recognition of services donated by Daniel in preparing the hall for an earlier funeral.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

11.4.3 Badimia Native Title Claim #2, WAD100/2012

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments (yellow)	P62-79 National Native Title Tribunal correspondence relating to Claimant Application Badimia #2, WAD100/2012

Matter for Consideration

To consider registering an interest in the above claim.

Background

The registrar has not accepted Badimia Claim #2 WAD100/2012 for registration. However, if this decision is appealed, a determination may still be made.

A person who wants to become a party to the application must notify the Federal Court in writing before 21 November 2012.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

NA

Policy Implications

NA

Financial Implications

NA

Consultation

Councillors and Shire President

Comment

It is recommended that the Shire investigates becoming a party to the matter.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0814 Badimia #2 Native Title Claim WAD100/2012

That the Shire requests that the CEO investigate whether the Shire should register to become a party to the Badimia #2 Native Title Claim WAD100/2012; and authorises the CEO to make the application before the due date of 21 November 2012.

Moved: Cr L Hodder

Seconded: Cr M R Valenzuela

Motion put and carried 3/0

11.4.4 MMG Golden Grove request to fence wells in vicinity of Yalgoo Ninghan Road

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments	P80 Letter from MMG Golden Grove regarding fencing of wells (yellow)

Matter for Consideration

To consider Golden Grove’s intention to fence wells.

Background

MMG Golden Grove has identified deep, open wells in the vicinity of the Yalgoo Ninghan Road that may pose a safety risk to the public and local community. MMG intends to fence the wells.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

Public safety

Policy Implications

Nil

Financial Implications

Nil

Consultation

Project Executive Ron Adams

Craig Turley, MMG Golden Grove

Comment

It is recommended that the Shire does not object to the fencing of wells as identified by MMG Golden Grove. MMG have indicated that the fence will be two metre high chainmesh.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0815 MMG Golden Grove Fencing of Wells

That Council advises MMG Golden Grove that it does not have any objection to the fencing of wells as per the application provided at the locations:

- 490598, 6833480, approximately 40 metres to the eastern side of the Yalgoo Ninghan Road, 2 to 3 kilometres south of the Muralgarra Station turnoff; and
- 494312, 6826179, approximately 10 metres to the eastern side of the Yalgoo Ninghan Road in the Messengers Patch area.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

11.4.5 Timing of WALGA Convention

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 August 2012
Attachments	Nil

Matter for Consideration

To consider recommending to WALGA that the local government convention be held at a time of year that does not conflict with the heavy workload associated with the end of the annual financial year and annual budget.

Background

The annual convention of the Western Australian Local Government Association is traditionally held at the beginning of August.

Councillors have observed that CEOs in small local governments are routinely unable to attend, or have difficulty in managing the demands of their workload if they do attend.

This occurs as in small local governments CEOs without departmental staff shoulder a greater responsibility for the annual budget and end of financial year processes at this time of year.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Strategic Implications

The convention is a particularly relevant forum for CEOs to maintain networks and keep abreast of contemporary matters in Local Government.

Policy Implications

Nil

Financial Implications

Nil

Consultation

President Terry Iturbide and councillors of the Shire of Yalgoo

Comment

Timing of the conference will need to take in a number of factors; but the end of financial year/ new budget year carries a particularly heavy and business critical workload for CEOs in smaller local governments.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0816 Timing of WALGA Annual Local Government Convention

That Council writes to WALGA to recommend that they consider changing the time of the Annual Local Government Convention to a time of year that does not conflict with the pressure of annual financial year/ budget processes.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

ATTENDANCE: 1.50pm DCEO Heather Boyd left the meeting.

ATTENDANCE: 1.52pm DCEO Heather Boyd rejoined the meeting accompanied by Margaret Hemsley from Risk ID.

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

- (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971* ; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
- (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

- (1) In this regulation —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
- non-confidential document** means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
- (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or

- (g) if the disclosure is required or permitted by law.

14.1 Consideration of matters affecting employees 5.23 (2) (a)

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0817 Close Meeting to the Public

That the meeting be closed to the public to discuss matters affecting employees (LGA s. 5.23 (2) (s)).

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

The meeting was closed to the public at 1.50pm.

Remaining in the meeting were:

- Cr TK Iturbide
- Cr LJ Terry
- Cr L Hodder
- Cr M R Valenzuela
- CEO Sharon Boyd
- DCEO Heather Boyd

ATTENDANCE: 2:05pm DCEO Heather Boyd left the meeting.

ATTENDANCE: 2:30pm CEO Sharon Daishe left the meeting.

ATTENDANCE: 2:50pm CEO Sharon Daishe rejoined the meeting.

ATTENDANCE: 3:00pm Cr Neil Grinham entered the room.

ATTENDANCE: 3:02pm Cr Neil Grinham left the room.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0818 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

The meeting was reopened to the public at 2:51pm.

14.1.1 Change in employment of employee designated senior

OFFICER RECOMMENDATION/ DECISION MADE DURING CLOSED MEETING

Change in employment of employee designated senior under the Local Government Act (Works Foreman transfer to Specialist Roads Technician)

That in accordance with LGA s5.37 (2), Council accepts the decision of the CEO to transfer Cliff Hodder out of the designated position Works Foreman to a non designated specialist position of Specialist Roads Technician.

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

14.1.2 CEO Renewal of Contract

RECORD DECISION MADE DURING CLOSED MEETING

Renewal of Contract of Chief Executive Officer Sharon Daishe

- 1. That Council offers to renew the contract of the Chief Executive Officer, Sharon Daishe:**
 - **for a further period of two (2) years from 15 March 2013 to 14 March 2015;**
 - **with all remuneration, benefits and provisions of the current contract preserved and transferred to the new contract;**
 - **except that the contract will include termination provisions consistent with Clause 11.3 (2), (3) and (4) of the model Local Government Managers' Association (LGMA) contract (ie: provision for payment of 100% of the remuneration package up to a maximum of twelve months remuneration on early termination under the circumstances described in the model LGMA contract).**
- 2. That Council offers a performance based bonus to be included in the contract on this unique occasion, being that Council will pay the full cost of the best of three quotes from professional removalists to return Ms Daishe's goods and chattels to her home base in NSW.**

Moved: Cr M R Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

Extract from LGMA Model Contract of Employment for a CEO 30 December 2010, as provided by the Local Government Managers' Association:

11.3 Termination by the [City/Town/Shire] at will

(2) The Council may terminate Your employment at any time for any reason.

(3) If the Council terminates Your employment under this clause, the [City/Town/Shire] must pay to You the lesser of –

- (a) an amount equal to 100% of the remuneration package; and*
- (b) the balance of Remuneration package payable for the term.*

[The maximum amount that may be paid on termination to a CEO in these circumstances is 12 months’ remuneration]

(4) If the Council terminates Your employment under this clause as a result (wholly or partially) of an order made, or anticipated to be made, under section 2.1 of The Act, the [City/Town/Shire] must pay to You the lesser of –

- (a) an amount equal to 100% of the remuneration package; and*
- (b) the balance of Remuneration package payable for the term.*

2.1 of the Act relates to change of boundaries.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Paynes Find Community Centre on Thursday, 20 September 2012 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 3.10pm.

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

Common Acronyms

Acronym	Detail
AGM	Annual General Meeting
ASKAP	<i>Australian Square Kilometre Array Pathfinder</i>
BFS	Bush Fire Service
CEO	Chief Executive Officer
CLGF	Country Local Government Fund (Royalties for Regions)
CSRFF	Community Sporting and Recreation Facilities Fund
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
DIA	Department of Indigenous Affairs
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLG	Dept of Local Government
DPI	Dept for Planning and Infrastructure
EA	Executive Assistant
EA	Executive Assistant
ECC	Emergency Coordination Centre
EWP	Elevated Work Platform
ERM	Emergency Risk management
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HMA	Hazard Management Agency
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGMA	Local Government Managers' Association
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
MMGHSRMG	Murchison Mid West Gascoyne Human Services Regional Managers Group
MRVC	Murchison Regional Vermin Council
MRWA	Main Roads WA
MWAC	Municipal Waste Advisory Council
MWDC	Mid West Development Commission
MWIP	Mid West Investment Plan

Acronym	Detail
MWRC	Mid West Regional Council – consisting of 7 Shires
OPR	Oakajee Port and Rail
PE	Project Executive
POC	Plant Operating Costs
PWOC	Public Works Overhead Costs
R2R	Roads to Recovery (Cmwlth)
R4R	Royalties for Regions (State)
RDA	Regional Development Australia
RDL	Dept of Regional Development and Lands
RFT	Request for Tender
RGS	Regional Grant Scheme
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SLK	Straight line kilometres
SOP	Standard Operating Procedure
SWMP	(Regional) Strategic Waste Management Plan
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
VAST	Viewer Access Satellite Television
WACHS	WA Country Health Service
WALGA	WA Local Government Association
WWTP	Waste Water Treatment Plan