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**Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 21 August 2008, commencing at 11.00 am.**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.00am, and welcomed Ms Violet Rowe, newly appointed as Deputy CEO to the meeting, and acknowledged Mr Ron Adams, the departing Deputy CEO.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr D E Anderson, Shire President Cr D J Grey Cr L Hodder Cr T K Iturbide Cr D P Morrissey (from 11.10am) Cr L J O'Connor Cr E C Rowe
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy Chief Executive Officer (commencing) Mr R J Adams, Deputy Chief Executive Officer (departing) Mr C Hodder, Works Foreman
APOLOGIES	None
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 – 17 July 2008

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0801 Confirmation of Minutes 19 June 2008

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the Minutes of the Ordinary Council Meeting of 17 July 2008 be confirmed.

Motion put and carried 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Cr Anderson read a letter received from the Governor of Western Australia, His Excellency Dr Ken Michael AC, thanking Council for their welcome and hospitality during his recent visit to Yalgoo.

Mr Ron Adams left the meeting at 11.06am and returned at 11.08am.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Attachments: Letter to Oxiana re Contributions (Mauve)

11.30am Mr Javier Brodalka, Environment and Community Relations Manager, and Mr Craig Turley, Community Liaison Officer, OZ Minerals Golden Grove (following merger of Oxiana and Ziniflex)

Deferred to later in the meeting.

10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

10.1 PRESIDENT

None

10.2 COUNCILLORS

Cr O'Connor

31 Jul-7 Aug 2008 Attended WALGA Annual Convention considered that it went well.

Cr Iturbide

31 Jul-7 Aug 2008 Attended WALGA Annual Convention and felt that it was very good. Also attended a number of training courses before and after the Convention, which were excellent.

Cr DP Morrissey entered the meeting at 11.10am.

Cr Rowe

31 Jul-7 Aug 2008 Attended WALGA Annual Convention and got a lot out of it

11. DISCLOSURE OF INTERESTS

Item 13.3.7 Meekatharra School of the Air
 Cr LJ O'Connor made an Impartiality Interest disclosure

12. REPORTS OF COMMITTEES

None

Note: Mr Javier Brodalka, Environment and Community Relations Manager, and Mr Craig Turley, Community Liaison Officer, OZ Minerals Golden Grove, and Ms Leanda Adams, formerly Community Capacity Builder for the Shire, joined the meeting at 11.32am.

9.1 PRESENTATION – OZ Minerals

Mr Brodalka introduced Mr Craig Turley, and thanked Council for the opportunity to meet with them and to make a presentation. He advised –

- Oxiana had recently merged with Ziniflex, and in the process created the third largest mixed minerals company in Australia
- recent price decreases for minerals has resulted in the initial \$12 billion valuation of the merged company being reduced to \$5 billion
 - o cost reduction efforts are underway
 - o re-budgeting processes commenced
 - o despite this, the future does remain bright
- Gossen Hill extension – hoping for August 2009
- tailings dam – a new evaporation dam will be needed soon
- life of mine – 2013 to 2023 depending on a range of factors
- OZ Minerals are pleased to welcome Craig Turley as their Community Development Officer, and while currently part time in order to finish commitments, he will be going to full time early in 2009

Mr Turley noted –

- he has been in the role now for 4 months, and he appreciates being able to introduce himself to Council
- primary focus to 31 January 2009 will be on the Aboriginal pre-employment foundation, pursuing better outcomes and consolidating programs
- from February 2009, will be broadening the role, and keen to make strong links with stakeholders
- wanting to ensure that OZ Minerals does deliver on their community responsibilities
- he is also keen to establish contact with Ms Rebecca Cowell, soon to commence as the Shire's Community Development Officer, and to gain an insight into the background of the Healthy Community Project

Ms Leanda Adams on behalf of the Healthy Community Project and the Shire, thanked Oxiana for their assistance over the past four years of the project, and presented Mr Brodalka and Mr Turley with a photo collage of various activities the children had been involved in during this time. The border of the collage has been painted by Margaret Simpson in dot style.

Mr Brodalka also advised that OZ Minerals are happy to assist the Shire with the reseal and extension of seal of the Ninghan Road, and with a contribution to community development as requested in the letter to them in July 2008.

He also announced that OZ Minerals have decided to increase the contribution for community development from the \$30,000 per year requested to \$50,000 per year. It is suggested that these amounts and the proposed arrangements be outlined formally in an MOU between OZ Minerals and the Shire.

The President on behalf of Council expressed our appreciation for their consideration and continuing commitment to the Yalgoo community.

The CEO noted the Shire's great appreciation for the willing response of the Emergency Teams from Golden Grove in several incidents over the past 12 months or so. Their contribution in this additional way is also very highly valued.

ADJOURNMENT

The meeting adjourned at 11.58am and resumed at 12.59pm with Councillors Anderson, Grey, Morrissey, Hodder, Mr Mitchell, Ms Rowe and Mr Adams present.

Cr Rowe joined the meeting at 1.00pm.

Cr O'Connor joined the meeting at 1.01pm.

Cr Iturbide joined the meeting at 1.02pm.

13. REPORTS OF OFFICERS

13.1 WORKS

13.1.1 WORKS REPORT

File: N/A
 Author: Cliff Hodder, Works Foreman
 Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 August 2008
 Attachments: None

MATTER FOR CONSIDERATION

Works Report for the past month

BACKGROUND

Overview of works for the past month

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction –
 - cement stabilisation of floodways on Yalgoo Ninghan Road to be done after flood damage works
 - at the lakes crossing on the Ninghan Road, a metal pipe at the floodway removed, floodway lengthened.
- b) Maintenance –
 - flood damage works now completed on the Ninghan and Old Warriedar Roads, and is in progress on Thundelarra section of the Paynes Find Road, Burnerbinmah Road and 2 creek crossings on the Wagga Wagga Road remain to be done,
 - Kim Edmeades (MRWA) and Michael Keane (Greenfield Tech Services) –
 - o second inspection due to determine if any cement stabilisation of various floodways to be done and some work on the lakes crossing floodway on the Ninghan Road, can be included
 - o works will be done on a 2/3rd grant, 1/3rd Shire cost
 - o flood damage work is essentially reinstatement work, and does not include improvements
 - shoulders of the bitumen section of the Ninghan Road and Morawa Road need to be tidied up to clear regrowth etc and repair edges,
 - work on Morawa Road is needed as soon as the graders are free
- c) Plant
 - new float –repairs to rams done under warranty
 - Cat grader – repairs to final drive (no oil after service) done under warranty
- d) Other
 - Yalgoo Community Park – work well under way, with most plants and shrubbery now either purchased and put in, or ordered.

- (i) rocks and soil carted for gardens and amphitheatre, but some earthworks remain to be done
- (ii) electricals done, ready for reticulation to be purchased and installed.
- (iii) tank purchased and ready for base to be done, pump connected for reticulation etc.
- (iv) once all this is done, there'll be a pause while costings are compared to budget, before continuing any further work

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0802 Works Foreman's Report

Moved Cr LJ O'Connor, Seconded Cr DP Morrissey

That the Works Foreman's report to 13 August 2008 be received.

Motion put and carried 7/0

Note CEO to prepare a report on the future use of Morawa Road, options for management of traffic usage, its construction and maintenance, for consideration at the September Council meeting.

Mr Cliff Hodder left the meeting at 11.21am.

13.2 DEVELOPMENT

13.2.1 EHO – ACTIVITY REPORT June-August

File: E9
 Author: Dave Williams EHO
 Interest Declared: No interest to disclose
 Date: 12 August 2008
 Attachments: None

Date	Activity	Details/Comment
10-June	Environmental Health	Trip to Mt Gibson Legend mine to review camp site suitability for Mt Gibson Road construction.
24-June	Environmental Health	Discuss Paynes find compliant with CEO. Discuss septic requirements with DHW for 28 A and 28 B Selwyn. Inspect sites for effluent disposal suitability.
	Building Control	Compaction tests for Lot 6 Henty and 54 Campbell Streets completed and sent. Review of site requirements for ambulance centre. Follow up on power supplies for houses.
	Local Planning	Discuss LPS copies with CEO.
1 to15 July	Environmental Health	Continue with Mt Gibson Accommodation and Administration approvals.
	Building Control	Continue with Mt Gibson Accommodation and Administration approvals.
22-July	Environmental Health	Check chemical shed for Vectobact mosquito control. Department of Health effluent disposal applications x 4 sent for, sewerage, gate house, administration block, crib room. Discuss waste management with CEO and dangerous goods licence for fuel station. Respond to waste inquiry from Oxiana. Review EPA approval for Mt Gibson Wanarra Road.
	Building Control	Building licence for Mt Gibson nearly complete. Building licence for Beamer Nominees nearly complete. Follow up on compaction tests for Shire houses. Follow-up on shed location for new houses and site plans for the same sent.
	Local Planning	Submission from Department of aboriginal affairs received.
29-July	Environmental Health	Reminder to take photos of tip. Confirm meeting in Meekatharra next week for waste management. Discuss same with consultant. Site visit to effluent disposal pond for hotel. Follow-up on Mt Gibson Mining effluent disposal requirements.
	Local Planning	Discuss and review TPS for submission to Council.
07-August	Environmental Health	Travel to Paynes Find for premises inspection then to Meekatharra for Strategic Waste Management.
08-August	Environmental Health	Meeting in Meekatharra for Strategic Waste management meeting then return to Morawa

12-August	Environmental Health	Discuss effluent disposal requirements with DHW for Selwyn Street. Arrange for invoice for the Shire of Cue for inclusion in the Regional Waste Management review. Provide feedback to Department of Health regarding Paynes Find complaint. Administration for the Scheme. Activity report to Council
	Local Planning	Submission received from Water corporation.
	Building Control	Fax compaction Certificates to Fleetwood

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0803 EHO Activity Report

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the EHO’s Activity Report to 12 August 2008 be received.

Motion put and carried 7/0

13.3 FINANCE

13.3.1 FINANCIAL ACTIVITY STATEMENTS – June 2008

File:

Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 10 July 2008
 Attachments: Financial Activity Statements for June2008
 Balance Sheet
 Income Statement Detail
 Income Statement by Nature & Type
 Income Statement Summary (all green)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for June 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

Changes to the Local Government(Financial Management) Regulations 1996 come into effect on 1 July 2008. The old regulations are still in force for the reporting period ending 30 June 2008. The purpose of this change is to provide for the withdrawal of the local government industry based Australian Accounting Standards (AAS 5 and ASS 27) by replacing them with a generic reference to the Australian Accounting Standards (AAS).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0804 Financial Activity Statement – June 2008

Moved Cr TK Iturbide, Seconded Cr LJ O'Connor

That Council adopt the financial statements for the period ending 30 June 2008, as attached.

Motion put and carried 7/0

13.3.2 FINANCIAL ACTIVITY STATEMENTS – July 2008

File:
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 10 July 2008
 Attachments: Financial Activity Statements for July 2008
 Balance Sheet
 Income Statement Detail
 Income Statement by Nature & Type
 Income Statement Summary (all green)

MATTER FOR CONSIDERATION

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

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CONSULTATION

None

COMMENT

None

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0805 Financial Activity Statement – July 2008

Moved Cr DP Morrissey, Seconded Cr DJ Grey

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

Motion put and carried 7/0

13.3.3 ACCOUNTS PAID DURING THE MONTH OF July 2008

File:
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 31 July 2008
Attachments: EFT & Cheque Detail for July 2008 (green)

MATTER FOR CONSIDERATION

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0806 Accounts Paid – July 2008

Moved Cr EC Rowe, Seconded Cr LJ O'Connor

That:

1. **The Cheque Detail of payments covering vouchers EFT 1 to EFT 48 totalling \$333,070.03 paid during the month of July 2008, be received;**
 2. **Cheque payments covering cheque numbers 10850 to 10866 totalling \$22,871.67 paid during the month of July 2008, be received; and**
 3. **Salaries and Wages totalling \$74099.36 paid during the month of July 2008, be received.**
- Motion put and carried 7/0**

13.3.4 RESERVE FUND TRANSFERS

File: F8
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to declare
 Date: 31 July 2008
 Attachments: Nil

MATTER FOR CONSIDERATION

1. Council to approve transfer of funds from Housing Maintenance Reserve to the Municipal Account.
2. Council to approve transfers from Plant Reserve to Municipal Account

BACKGROUND

The Housing Maintenance Reserve was established to draw funds from to maintain council owned housing. A transfer of unexpended funds from the 2007-08 year was the initial start up of this Reserve. Projects that have not been able to be completed in 2007-08 have now been completed. The funding for these properties has been disclosed in the 2008-09 budgets to be transferred from reserve.

Carpet to Admin Building,	Budget \$10,000	Actual Cost \$ 7570
Carpet to 16 Shamrock	Budget \$ 3,000	Actual Cost \$ 1970
Carpet to 30 Selwyn	Budget \$ 5000	Actual Cost \$ 2460
Carpet to 17 Shamrock	Budget \$ 3000	Actual Cost \$ 3800

The Plant Reserve was established for the replacement of major and minor plant. In line with the adopted plant replacement program and adopted budget for 2008-09 the following vehicles have been changed.

YA0	CEO Vehicle, traded in Subaru Outback and purchased Mitsubishi Pajero c/o	\$ 21967
YA800	CDO Vehicle, traded in Toyota Avensis and purchased a Holden Captiva C/o	\$ 18180
	Purchased new Sidetipper from Roadwest	\$ 95000

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.11—Provides that where a local government wishes to set aside money for purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 5.4- Allows for the process of purchasing capital and operational items

FINANCIAL IMPLICATIONS

1. In line with the adopted budget for 2008/09 transfer from Housing Maintenance Reserve to Municipal Account an amount of \$15,800
2. In line with the adopted budget for 2008/09 transfer from Plant Reserve to Municipal Account an amount of \$ 135,147

COMMENT

Nil

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0807 Reserve Fund Transfers

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That Council:

1. **Approve the transfer of \$15,800 in August 2008 from Housing Maintenance Reserve to the Municipal Account.**
2. **Approve the transfer of \$135,147 in August 2008 from the Plant Reserve to the Municipal Account.**

Motion put and carried 7/0

13.3.5 INTERIM AUDIT REPORT for year ending 30 June 2008

File: A14
 Author: Ron Adams, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 22 July 2008
 Attachments: Interim Audit Report (Sea green)

MATTER FOR CONSIDERATION

To note completion of the interim Audit, and receive the report.

BACKGROUND

BJ Thomas of Anderson Munro and Wylie carried out the interim Audit in April 2008.

STATUTORY ENVIRONMENT

Local Government Act 1995 –
 - s.7.2 – requirement for Council have the accounts audited.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Niel Mitchell, y CEO

COMMENT

There is no requirement for an Interim Audit Report to be dealt with by the Audit Committee.

Matters noted in the Interim Report –

- Employee deduction authority – noted that not all employees had signed deduction authorities on their personnel files to authorise the deduction of Social Club fees from their wages.
 - o **DCEO-This has been fixed on the one employee it affected**
- Superannuation- it was noted that in some instances that the additional 5% superannuation contributed for some employees was being calculated on not just ordinary times earnings as the 9% superannuation guarantee levy is, but included such things as “Electricity Allowance’ and “Reimbursements in the calculation.
 - o **DCEO-The adjustments in Quickbooks set up has been rectified on the “reimbursements” function. Electricity Allowances paid to employees “is” to be calculated in the 9% super guarantees but not in any other contributions, this has been corrected.**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0808 Interim Audit Report

Moved Cr LJ O’Connor, Seconded Cr TK Iturbide

That the Interim Audit Report, and the actions of the administration be noted

Motion put and carried 7/0

13.3.6 SHIRE OF MT MAGNET – FACET Annual Conference

File: T7
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 August 2008
 Attachments: none

MATTER FOR CONSIDERATION

To consider a request from the Shire of Mt Magnet to assist with the cost of hosting the FACET annual conference.

BACKGROUND

The Shire of Mt Magnet has been approached by FACET for assistance to host their 2009 Annual Conference in the Murchison Region

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Precedent for sponsoring meetings, conferences and tourism oriented initiatives.

FINANCIAL IMPLICATIONS

Suggested \$2,000 contribution towards covering costs of the Conference

CONSULTATION

None

COMMENT

David Burton, CEO Shire of Mt Magnet, has advised that the Forum Advocating Cultural and Eco Tourism (FACET) have approached the Shire of Mt Magnet about the possibility of their 2009 Annual Conference being held in Mt Magnet in 2009. At this stage, there has been no date set, although the April/May 2009 or September/October 2009 periods are being considered.

FACET also requested the Shire of Mt Magnet to make a contribution of \$10,000 or so to assist with costs, and Mt Magnet subsequently considered putting in \$5,000 of this amount and to seek the support of surrounding Councils for the balance. Mt Magnet suggested \$2,000 from each of the surrounding Councils.

Mr Burton also notes that “*FACET will provide a tourism charter for the region which will be available for all contributing Councils.*”

In discussion with him, it appears that FACET are seeking \$10,000 from Mt Magnet alone, and were intending to approach surrounding Council such as Yalgoo directly themselves.

With 150-200 likely to attend, if an extra \$5-\$10,000 was raised from surrounding Council, this means that Local Government would be sponsoring each individual attending by between \$100 to \$130 or so.

While the organisation is not well known, it does have some well credentialed people on its Board of Management –

- Chairperson: Prof. Ross Dowling, Foundation Professor & Head of Tourism, Edith Cowan University
- Vice Chair: Colin Ingram, Manager, Parks Policy & Tourism, Dept of Environment & Conservation
- Secretary/Treasurer: Pauline McMullan
- Executive Members: Pat Barblett, AM, Founder & Immediate Past Chairperson
 - Andrew Horan, Bunbury Dolphin Discovery Centre
 - Karen Jacobs, Kwillana Dreaming, Tourism Australia
 - Dr Diane Lee, Murdoch University
 - Danielle Miller, Department of Culture & the Arts

Jeremy Perks, Global Gypsies
Stev Slavin, Department of Environment & Conservation
Dr Amanda Smith, Murdoch University
Aggie Wegner, Murdoch University

No specific provision has been made in the 2008-09 Budget, although there is a \$4,000 allocation for Tourism Promotion.

It is impossible to quantify the indirect and flow on benefits that may arise from hosting the Conference in Mt Magnet, although the direct benefits will be 150-200 people staying in Mt Magnet for several nights. It is assumed that most would spend an extra day or two somewhere around the region. There is no indication of the possibility of charter buses transporting delegates coming through Yalgoo, or of tours of the area.

If the Shires engaged in a co-operative regional promotion, perhaps many more people may be directly influenced.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0809 Shire of Magnet – FACET Annual Conference

Moved Cr LJ O'Connor, Seconded Cr EC Rowe

That the Shire of Mt Magnet be advised –

- **that the Shire of Yalgoo, is supportive of the concept, but does not commit to making a contribution at this time**
- **further information regarding day trips or tours, or likely benefits for Yalgoo is sought from FACET**
- **that the preferred period for holding the Conference would be September/October 2009, when wildflowers are more likely, rather than immediately after the hottest period of the year**
- **that any provision for support by the Shire of Yalgoo would be made in the 2009/10 Budget.**

Motion put and carried 7/0

Note: Cr O'Connor declared an Impartiality Interest in the following item as her granddaughter is a student with Meekatharra School of the Air.

13.3.7 MEEKATHARRA SCHOOL OF THE AIR – Donation Request

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

MATTER FOR CONSIDERATION

To consider a request from Meekatharra School of The Air for a donation.

BACKGROUND

The Meekatharra School of the Air serves a large geographic area which includes Yalgoo and surrounding Shires.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The President of the Meekatharra School of the Air P & C advises –

I write to you on behalf of the P & C Association, Meekatharra School of the Air. We are currently seeking donations to help provide an end of year graduation book for each of our students within our school. Currently we have one family within the Yalgoo shire and we were wondering if the Yalgoo Shire would be interested in donating a small amount towards our very good cause. As you are no doubt aware our school has suffered many major disruptions in the past few years and we are still trying to get the school back up to the level it used to be when based in Meekatharra. This book award that we are trying to raise funds for is to make each individual child in our school community feel important and recognise the achievements they have made during the school year.

If you feel that the Yalgoo Shire would like to assist us please feel free to give me a call or alternatively reply to this email at your earliest convenience.

You are also most welcome to attend our Graduation ceremony to be held in Meekatharra on the 22nd October to hand out some of the awards if you would like to, we would consider it an honour to have you there.

No specific allocation has been made in the Education Program expenses for a donation, however, if Council does wish to make a donation, a budget provision of \$1,500 has been made for Members Donations in the Governance Program.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0810 Meekatharra School of the Air – Donation Request

Moved Cr L Hodder, Seconded Cr TK Iturbide

That a donation of \$50 be made to the Meekatharra School of the Air, towards the cost of providing end of year graduation books for students.

Motion put and carried 5/2

13.4 ADMINISTRATION

13.4.1 CEO – ACTIVITY REPORT – August 2008

File: N/A
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 August 2008
 Attachments: Mid West Regional Council letter to Eric Lumsden, Director General, Dept for Planning and Infrastructure (Blue)

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

None

Regional Zero Waste Management Plan meeting

Six Shires are now participating in the Project – Yalgoo (Project Manager), Mt Magnet, Sandstone, Cue, Meekatharra and Wiluna. A range of matters were discussed, and it is likely there will be some regional possibilities, that would be unavailable to Shires individually.

Meetings

21 July Victoria Thomas, re possible occupational health training for staff
 23 July Visit to Yalgoo by His Excellency Dr Ken Michael AC, Governor of Western Australia
 24 July Mid West Gascoyne ACC – public consultation re changes to Regional Development Australia, and future directions
 31 Jul-2 Aug WALGA State Convention and AGM
 1 August With other Mid West CEO, meeting with Eric Lumsden, Director General, Dept of Planning and Infrastructure
 4 August Inspection of houses at Fleetwood – target uplift date for transport to Yalgoo of 22-27 August
 8 August Meet with other Murchison CEOs, EHOs and consultant in Meekatharra, re Zero Waste Management Planning
 13 August Joanne Payne of Geraldton TAFE re possibility of booking the new Mobile Indigenous Training Unit for Yalgoo

Future meetings –

27 August Mid West Resources Forum in Geraldton
 early Sept With other Murchison CEOs re MRWA Term Network Contracts, in Mt Magnet
 10 September DOAC meeting in Geraldton
 early October With other Mid West CEO, meeting with DPI regarding capturing social benefit from mining – following on from 1 August meeting (to be confirmed)
 15-17 October LGMA Conference

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0811 CEO – Activity Report

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That the CEO’s Activity Report to 13 August 2008 be received.

Motion put and carried 7/0

13.4.2 POLICY MANUAL - Review

File: P11
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 7 July 2008
 Separate cover: Draft Policy Manual – compiled as directed
 Attachments: New Policies –
 - 9.1 – Native Flora and Fauna
 - 11.10 – Gifts to Employees by Third Parties (Gold)

MATTER FOR CONSIDERATION

To consider the review of the Shire of Yalgoo Policy Manual, recommended changes and additions.

BACKGROUND

The review of the current policy manual has been an on-going task over the past 12 months or so.

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.

Dept of Local Government and Regional Development –

- Guidelines No.17 – Delegations

STRATEGIC IMPLICATIONS

Provides Council’s specific instructions for implementation and guidance on a wide range of matters

POLICY IMPLICATIONS

Adoption of new Policy Manual following full review of all Council policies

FINANCIAL IMPLICATIONS

None

CONSULTATION

Ron Adams, Deputy CEO

Dave Williams, EHO

BJ Thomas, Auditor

Max Barker, Regional Manager, Fire and Emergency Service Authority

Tony Brown, Manager Governance, WA Local Government Association

COMMENT

At the July 2008 Council Meeting it was resolved –

1. That a draft new Policy Manual be compiled incorporating –
 - a) the current policies, amended or omitted according to the review comments noted in the document circulated,
 - b) the draft new policies contained in the draft the new Policy Manual, and
 - c) amendments to current and draft policies as directed by Council –

Current Policy Schedule 1.5	Standing orders	Add to 13 – (g) “that the matter lay on the table until (specify meeting).” If carried, has the effect that all consideration and discussion of the matter is deferred until the meeting specified.
Current Policy 10.6	Airstrip grades	Add – 2. Only one airstrip for each holding, individual station or collective, is eligible for grading. 3. The CEO is to compile a list attached to this policy, and amend the details as advised from time to time.
New Policy 7.1	Purchase Orders – Authorised Signatories	Add to both (c) and (d) – “to the value of \$5,000.00.”

<i>New Policy 10.5</i>	<i>Staff Housing – Subsidies</i>	<i>Replace first draft with draft in July 2008 Agenda</i>
<i>New Policy 10.6</i>	<i>Workplace Drug and Alcohol Use</i>	<i>Replace first draft with draft in July 2008 Agenda "Fitness for Work".</i>
<i>New Policy 11.2</i>	<i>Removal Expenses</i>	<i>Add to 1 – "to the value of \$5,000.00."</i>

2. *That the draft new Policy Manual as compiled, be presented to the August 2008 Council Meeting –*
- (i) for adoption, and*
 - (ii) revocation of all previous policies.*

A replacement Draft Policy Manual, incorporating the changes above, is circulated with this Agenda as a separate document.

Cr Iturbide has requested that Local Laws for Standing Orders be investigated. WALGA is currently in the process of reviewing the Model Standing Orders Local Laws, and it is suggested that further consideration of this be deferred until the WALGA review is complete (due December 2008). In the meantime, it is recommended that Council continue with the Standing Orders Policy.

Comments are still awaited from several of those to whom matters were referred, and these can be addressed in time as appropriate.

During the compilation, as the amendments were made, it was noted that a number of additional corrections and inclusions were needed and several additional new policies required

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0812 Policy Manual – Review (a)

Moved Cr EC Rowe, Seconded Cr DP Morrissey

1. That the following amendments and additions to the Policy Manual as compiled be made –

Policy 1.3	Authorised Meetings – Claim	Delete “ <i>Senior</i> ” in last dot point for consistency with the Local Govt Act Add new last dot point – - <i>Council road inspections</i>
Policy 5.1	Library	Delete “will” in second line of point 1
Policy 7.7	Donations and Sponsorship	Amend final point to – <i>3. The following Policy Schedules are adopted, and form part of this Statement –</i> - <i>7.7 (a) – Request for Support.</i> - <i>7.7 (b) – Criteria for Assessment of Requests</i>
Policy 9.1	Requests for Permission to Pick Wildflowers on Common	Delete in favour of replacement Policy 9.1
Policy 9.2	Commercial Collection of Reptiles, Amphibians and Birds	Delete in favour of replacement Policy 9.1
Replacement Policy 9.1	Native Flora and Fauna	To replace 9.1 and 9.2
Policy 10.4	Fitness for Work	Amend first dot point of clause 7 to read – <i>“the right to explain their apparent impairment”</i>
Policy Schedule 10.4 (a)	Fitness for Work Procedures	Amend “Shire of Perenjori” in 5.2, to “ <i>Shire of Yalgoo</i> ”.
Policy 11.1	Designated Senior Staff	Delete “ <i>Senior</i> ” in title and Statement for consistency with the LG Act
Policy 11.7	Severance and Redundancy Pay	Delete “ <i>Senior</i> ” in Point 2 (x2) for consistency with the Local Govt Act
New Policy 11.10	Gifts to Employees by Third Parties	Additional, since the Local Govt Act and Regulations only extend to Councillors and some staff

2. That the draft new Policy Manual as compiled, be adopted, and all previous policies be revoked.

Motion put and carried 7/0

COUNCIL DECISION

C2008-0813 Policy Manual – Review (b)

Moved Cr EC Rowe, Seconded Cr DJ Grey

That Policy 11.4 Staff Housing Subsidies be amended as follows –

- **in point 3 (c) – insert the word “*non-salaried*” at the commencement of the text, and**
- **in point 5 – add t the end of the first line the words “*where Shire accommodation is not available*”**

Motion put and carried 7/0

REASON FOR VARIATION

To further clarify eligibility for receipt of subsidies.

13.4.3 CEO – PERFORMANCE REVIEW

File:
 Author: Niel Mitchell, CEO
 Interest Declared: Employee to be reviewed
 Date: 11 August 2008
 Attachments: none

MATTER FOR CONSIDERATION
 Review of CEO's performance as per Contract

BACKGROUND

A performance review was carried out in October 2007 after several months in the position, and a full review was actually due at the end of June 2008, being the completion of the first 12 months of my contract with the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.36 – appointment of CEO
- s.5.38 – review at least once per year required
- s.5.39 (3) – performance criteria to be included in contract

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Mr John Phillips, WALGA Workplace Solutions.

COMMENT

The performance review is part of the CEO's contract of employment, and can be undertaken by either Council directly, or be co-ordinated by a person appointed by Council.

The 3 months review of October 2007 was carried out by Mr John Phillips of WALGA Workplace Solutions. He was requested to provide a quote once again, and has advised that –

... using a similar process to last year I estimate that the maximum fee that we would charge for the appraisal service would be \$3300 inc GST. This excludes travel costs but does include all other services including –

- Draft and distribute the questionnaire to all nominated parties (yourself and all Councillors). This can again include the option of a telephone interview for anybody who prefers not to complete a questionnaire;
- Aggregate all feedback and compile a 'Feedback Report';
- Attend at Council's preferred location to facilitate the Appraisal, presumably in Yalgoo, viz –
 - o Meeting with you to brief on the process for the day, and overview of the Feedback Report;
 - o Meeting with Council/Review Committee to also brief on process for the day, and provide an overview of the Feedback Report ,
 - o Facilitate Appraisal,
 - o Review and refine KRA's for 2008/2009

Whilst this quote is a little higher than last year, this is because in October 2007 I was able to work with two Local Governments in your region and thus minimise travel and labour costs. If, however, we are able to arrange travel up to Yalgoo and back within one day I am certain that this would reduce my estimate.

There are others who would be able to provide a similar service, both specialists in local government recruiting, such as Logo Appointments, Fitz Gerald Strategies, Lester Blades, Anne Lake (if still operating), as well as other HR firms such as Deloitte, Beilby etc.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION/COUNCIL DECISION

C2008-0814 CEO – Performance Review

Moved Cr DP Morrissey, Seconded Cr EC Rowe

**That WALGA Workplace Solutions be engaged to co-ordinate the performance appraisal of the CEO.
Motion put and carried 5/2**

13.4.4 APPLICATION TO COLLECT SEED

File: C15
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 12 August 2008
 Attachments: none

MATTER FOR CONSIDERATION

To consider a request for permission for the commercial collection of wildflower seed.

BACKGROUND

Elaine Taylor has for some years, been given approval by Council to collect seed within the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.54 – management of reserves vested or placed under Council’s control

Wildlife Conservation Act –

- protection of native flora and fauna

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Former Policy 10.1 – Requests for permission to pick Wildflowers on Common

- 1) *That permission be granted to applicants seeking to pick wildflowers on Shire Reserves for their own domestic and hobby use only, subject to their obtaining a permit from the Department of Conservation and Land Management*
- 2) *That commercial picking of wildflowers on Shire Reserves not be permitted.*

New Policy 9.1 Collection of Flora and Fauna (subject to Council decision) –

2. *All applications for commercial picking of wildflowers or collection of seed are to be referred to Council, for consideration of –*
 - *collector’s credentials and purpose*
 - *duration of approval, if any,*
 - *the area of picking and/or collection*
 - *not more than one collector being permitted in any one location*
 - *a maximum of 25% of seed only to be taken in any one area*

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Ms Taylor has been collecting seed from various areas of the Shire for many years as a commercial operation to assist several mining companies with their rehabilitation programs.

In August 2007, Council resolved –

C2007-0829 Seed Collection – Cr EF Taylor

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That Cr Taylor’s request to harvest seed from native plants for commercial purposes on Shire Reserves, be approved, subject to the following conditions –

- (a) within the general locality of Paynes Find and Fields Find,*
- (b) on Unallocated Crown Land in the Mt Gibson area,*
- (c) within 200m of Great Northern Highway, from the southern boundary of the Shire to the Paynes Find / Yalgoo road intersection, and then along the Paynes Find / Yalgoo road, through Fields Find, to the Yalgoo town boundary,*
- (d) a maximum of 25% of seed only to be taken in any one area.*

Motion put and carried 5/0

Once again, permission of the Shire is requested, although Ms Taylor asks that picking of seed be permitted on all road reserves in the Shire.

Council's previous policy covered only picking of wildflowers, however, the effect is the same whether the flowers are picked or the seed collected, in that the quantity of seed available for natural propagation is reduced.

A circular letter from DEC received 14 August 2007 states in part –

A Commercial Purposes Licence is required to be held by all operators intending to harvest seeds, fruit, flowers etc for commercial purposes from any area of Crown land.

The letter further requires the licence to specify the area in which they wish to pick seed, flowers etc.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0815 Application to Collect Seed

Moved Cr DP Morrissey, Seconded Cr TK Iturbide

That Ms Elaine Taylor's request to harvest seed from native plants for commercial purposes on lands under the control of the Shire of Yalgoo, be approved, subject to the following conditions –

- (i) within the general locality of Paynes Find and Fields Find,**
- (ii) on Unallocated Crown Land in the Mt Gibson area,**
- (iii) within 200m of –**
 - the Great Northern Highway, from the southern boundary of the Shire to the Yalgoo-Paynes Find Road intersection,**
 - along the Yalgoo-Paynes Find, through Fields Find, to the intersection with the Yalgoo-Ningham Road at Thundelarra,**
 - Yalgoo-Ningham Road from the Great Northern Highway to the Yalgoo town boundary**
 - Old Warriedar Road, and**
 - Warriedar-Perenjori Road**
- (iv) a maximum of 25% of seed only to be taken in any one area.**

Motion put and carried 7/0

13.4.5 YALGOO NURSING POST

File: M2-3 and R10-112
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 12 August 2008
 Attachments: None

MATTER FOR CONSIDERATION

To consider 2 year rental agreement of Lot 27 Stanley Street by the Mid West Health Region of the Health Dept of WA.

BACKGROUND

This matter was originally raised at the April 2008 Council meeting, as the facilities at the Nursing Post have been of concern to Council and the Yalgo Health Service.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Mr Shane Matthews, Regional Manager, Midwest Health Region

COMMENT

At the April 2008 Council meeting it was resolved –

1. *That the CEO raise with the Mid West Health Region, the following options –*
 - *short to long term lease of Lot 27 Stanley Street for the Community Nurse*
 - *construction by the Shire of a new Nursing Post and/or nurse residence*
2. *That Council agrees in principle and without commitment, to the construction of premises for the Yalgo Health Service, either medical facilities or residence or both, subject to agreement by the Health Department that –*
 - *any arrangement is to be cost neutral to the Shire,*
 - *construction would be funded by the raising of a loan,*
 - *whole of life costing to include land acquisition if required, construction, loan repayment costs, and maintenance,*
3. *That subject to the response of the Health Department, and approval by Council of any agreement, applications for funding for a new Nursing Post or residence be made to the Dept of Infrastructure, Transport, Regional Development and Local Government.*

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

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

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

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

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

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

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

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

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

Council is now requested to confirm these arrangements so that the agreement can be finalised.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0816 Lease of Lot 27 Stanley Street

Moved Cr EC Rowe, Seconded Cr L Hodder

That –

- **Lot 27 Stanley Street be rented to the Health Department for an initial period of 2 years,**
- **the commencing rent amount be \$155 per week, being the market rental as assessed by Ray White Real Estate Geraldton**
- **the rent be fixed for the initial 12 months of the period, to be reviewed at that time for the concluding 12 months**
- **the rental agreement be as per the Residential Tenancies Act**
- **the Health Dept to be responsible for the maintenance of the grounds and out-goings (power, water, phone etc)**

C2008-0817 Procedural Motion – Lay on the Table

Moved Cr EC Rowe, Seconded Cr L Hodder

That this matter lay on the table to the September 2008 Council Meeting.

Motion put and LOST 3/4

C2008-0818 Amendment

Moved Cr EC Rowe, Seconded Cr L Hodder

That the motion be amended to –

- **a one year term**
- **rent fixed at \$300 for the initial 6 months of the term**
- **rent to be reviewed after the initial 6 months**

C2008-0819 Procedural Motion – Suspend Standing Order

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That Standing Orders clause 12, be suspended to permit open discussion

Motion put and carried 6/1

Cr O'Connor left the meeting at 2.52pm, and returned at 2.54pm.

C2008-0820 Procedural Motion – Resume Standing Orders

Moved Cr EC Rowe, Seconded Cr L Hodder

That Standing Orders be resumed

Motion put and carried 7/0

The Amendment was put and carried 4/3

The Motion as amended was put and LOST 2/5

REASON FOR VARIATION

Council is of the opinion that with the current pressure on Shire housing that the residence needs to remain available for staff use.

ADJOURNMENT

The meeting adjourned at 2.57pm and resumed at 3.08pm with all present before the adjournment present once again at the resumption, except Mr Adams.

Mr Adams rejoined the meeting at 3.14pm.

13.4.6 AUTHORISED OFFICERS – Bush Fires Act and Dog Act

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

MATTER FOR CONSIDERATION

To determine various authorised officers required by the Bush Fires Act and Dog Act.

BACKGROUND

Both the Bush Fires and the Dog Act require that various functions be carried out by officers specifically authorised to do so.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 –

- s.38 – Council may appoint bush fire control officers, and if so, shall appoint Chief and Deputy Chief Bush Fire Control Officers

Dog Act 1976 –

- 3 – definitions of “authorised person” and “registration officer”
- 29 (1) – the local government shall appoint persons to exercise the powers of the Act
- 29 (1a) – a Police Officer may exercise any power of an authorised person

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Ron Adams, Deputy CEO

COMMENT

In recent times, there have been a number of staff changes, as well as several people leaving the district, which means that the appointment of various officers needs to be reviewed.

Those who have left or are leaving the Shire’s employment are Rikki Sweetman, Kay Power, and Ron Adams. Leith Peskett of Edah Station has also left the district.

Richard Hall has also advised of his resignation as Captain of the Town Bush Fire Brigade for personal reasons, however, this does not automatically invalidate his appointment as Deputy CBFCO (Town).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

1. That the following appointments be revoked –
 - Dog Act –
 - o Registration Officers – Rikki Sweetman, Kay Power, Ron Adams
 - o Authorised Officers – Ron Adams
 - Bush Fires Act –
 - o Chief Fire Control Officer – Ron Adams
 - o Deputy Chief Fire Control Officer (North) – Leith Peskett
2. That the following appointments be made –
 - Dog Act –
 - o Registration Officers – Hayley Forrester, Violet Rowe

- o Authorised Officers – Violet Rowe
- Bush Fires Act –
 - o Chief Bush Fire Control Officer – _____
 - o Deputy Chief Bush Fire Control Officer (North) – _____

COUNCIL DECISION

C2008-0821 Authorised Officers

Moved Cr EC Rowe, Seconded Cr DJ Grey

1. **That the following appointments be revoked –**
 - **Dog Act –**
 - o **Registration Officers – Rikki Sweetman, Kay Power, Ron Adams**
 - o **Authorised Officers – Ron Adams**
 - **Bush Fires Act –**
 - o **Chief Fire Control Officer – Ron Adams**
 - o **Deputy Chief Fire Control Officer (North) – Leith Peskett**

 2. **That the following appointments be made –**
 - **Dog Act –**
 - o **Registration Officers – Hayley Forrester, Violet Rowe**
 - o **Authorised Officers – Violet Rowe**
 - **Bush Fires Act –**
 - o **Chief Bush Fire Control Officer – Niel Mitchell**
 - o **Deputy Chief Bush Fire Control Officer (North) – remain vacant at this time**
- Motion put and carried 7/0**

REASON FOR VARIATION

To specify the CEO as Chief Bush Fire Control Officer, with Deputy CBFCO (North) to remain vacant at this time.

13.4.7 FIREBREAKS NOTICE 2008-09

File: B5-3
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 August 2008
Attachments: 2007-08 Firebreaks Notice
2008-09 Firebreaks Notice – draft (Yellow)

MATTER FOR CONSIDERATION

To consider the Firebreaks Notice for 2008-09.

BACKGROUND

Each year, a Firebreaks Order has been issued as a fire preventative measure.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 –

- s.33 – authority to require fire preventative measures

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Max Barker, Regional Manager, FESA Geraldton

COMMENT

It appears that it may be some time since the order was reviewed and looked at closely for practicality. The current wording effective requires a firebreak of a minimum of 180m wide surrounding homestead properties, and while this may be what Council intends, it does seem to be unnecessarily large.

The draft for 2008-09 reduces this requirement, but does include specific provision for fuel dumps/depots if not in a building, i.e. overhead tanks.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

That the draft Firebreaks Order for 2008-09 be adopted.

COUNCIL DECISION

C2008-0822 Firebreaks Order 2008-09

Moved Cr DP Morrissey, Seconded Cr DJ Grey

That the draft Firebreaks Order for 2008-09 be adopted, with the following amendments –

- **title to include the period for which the order is made**
- **opening paragraph to delete alternate closing date, with the correct closing date of 30 April 2009 remaining**
- **in paragraph 3, in the title and line 1 specify application of this section to Yalgoo townsite**
- **in paragraph 3, in line 2 amend the word “outside” to read “inside”**

Motion put and carried 7/0

REASON FOR VARIATION

To clarify dates and areas of application of the Firebreaks Order.

13.4.8 MT GIBSON MINING – Wanarra East Road Use Agreements

File: R11-66
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 August 2008
 Attachments: Road Access Agreement
 Public Benefit Agreement (Sand)

MATTER FOR CONSIDERATION

To consider the final drafts of the agreements for use of Wanarra East Road.

BACKGROUND

These agreements have been in the process of negotiation since late 2007, and provide for the upgrade of Wanarra East Road, its maintenance and a contribution from Mt Gibson Mining for the benefit of the community. There has been extensive co-operation with the Shire of Perenjori, to ensure that the best possible agreement is reached and that both Shires are pursuing the same conditions and benefits.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.54 – management of reserves vested or placed under Council’s control

Public Works Act 1902 –

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

STRATEGIC IMPLICATIONS

Upgrade of Wanarra East Road

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Stan Scott, CEO Shire of Perenjori

COMMENT

Over the period of negotiation, a number of matters have undergone substantial change, as well as many minor changes.

The original draft was presented to Council in December 2007, and Resolution 2007-1203 authorised the signing of the Agreements once changes had been agreed. Some aspects of this Resolution remain to be finalised –

- land exchange between Mt Gibson Station and Wanarra East Road to the correct alignment

These original drafts were then reviewed by both Greenfields Technical Services and Civic Legal, and various amendments incorporated. While both stated their opinion that ordering etc of the Agreements could be better and simpler, MGM expressed their strong wish for the formatting to remain close to that in the Agreements with Shire of Mullewa regarding the Talling Peak operations.

As some of the changes are significant from the original draft presented in December 2007, it is appropriate that Council review these, and consent to the alterations. The most important changes have been –

- A) Road Access Agreement, clause –
 - 3 – extension of the contract and terms upon application by MGM
 - 6.3 – initially a sand seal most likely, but upgraded to a 10mm aggregate seal within 3 years maximum
 - 7.3 – inspection by a person nominated by the Shire, not necessarily an engineer or technically qualified person
 - 8.1.3 – Shire can close the road if more than 5 defects in a month are not rectified
 - 10.1.2 – Council may, but is not required to, to take action including legal proceedings to protect the interests of MGM

- 14.1 – recognition that the road is being upgraded specifically due to MGM's need for access / haulage operations
- 14.2 – standard of road at handover to be suitable for 15 years low volume use before major maintenance is required
- 14.2.2 – general care and maintenance during this 15 year period will be at Shire cost
- 14.2.3 – at handover, MGM liability to upgrade the road to the agreed 15 year standard is \$50,000 or \$100,000 if a second aggregate seal has not been done
 - Note – there is no maintenance fund contribution to be made by MGM
- 14.3 – a reseal at the end of the Agreement will not be required, however, this is subject to the requirement for them to leave the road in a 15 year condition
- 17 – dispute resolution has been written in such a way as to try to avoid possibility of legal action.
- 17.3 – should a dispute arise, a mutually agreed expert, or the MRWA Regional Engineer, will determine, and this determination will be binding on the Shire and MGM

In particular, please note that under the revised Road Access Agreement, MGM will not be putting funds aside each year into an account for the reseal or upgrade of the road after handover. Instead, the agreement requires a quite high standard of road to be constructed and maintained for the full period of haulage operations, right up to the final day, and then the road to be independently assessed as to anticipated longevity. If the road is deemed to have a lifespan of less than 15 years before major maintenance is required, MGM is required to carry out the necessary work, at their cost, prior to handover to the Shire, subject to the maximum figure stipulated in the Agreement. Should the independent assessment be disputed, resolution is by a mutually agreed expert, or the Main Roads Regional Engineer.

- B) Public Benefit Agreement, clause –
 - 2 – term is now 6 years, not 5 years
 - 3.2 – amount is \$40,000 per year, payable in 6 monthly instalments
 - 3.4 – use of the funds will be by application to Council, who will then review and make a recommendation to MGM, who then reviews and confirms/rejects. Please note that MGM effectively has a veto, as distribution of funds is by mutual agreement.

The Public Access Agreement does not provide for CPI increases in following years as requested, however, the combined offer of \$140,000 per year is a sizeable increase over their original offer of \$100,000, and potentially puts \$800,000 into the Perenjori, Yalgoo and Paynes Find communities over the 6 years of the Agreement.

The Shire of Perenjori has advised that these revised agreements are acceptable to them, and that the Agreements have been signed off.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/

1. That Council approves the revised Road Access Agreement and Public Benefit Agreement, as negotiated and finalised on 13 August 2008.
2. That the President and CEO be authorised to sign and seal the Road Access Agreement and Public Benefit Agreement.

COUNCIL DECISION

C2008-0823 Mt Gibson Mining – Wanarra East Road use agreements

Moved Cr DP Morrissey, Seconded Cr L Hodder

1. **That Council approves the revised Road Access Agreement and Public Benefit Agreement, as negotiated and finalised on 13 August 2008, subject to minor corrections and amendments clarifying provisions, not altering the intent of the Agreements.**
2. **That the President and CEO be authorised to sign and seal the Road Access Agreement and Public Benefit Agreement.**

Motion put and carried 7/0

REASON FOR VARIATION

To permit minor changes not impacting the intent, to be made without further reference to Council, to ensure consistency with the Agreements reached with the Shire of Perenjori.

13.4.9 SSS STATEWIDE FORUM

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 14 August 2008
Attachments: None

MATTER FOR CONSIDERATION

To consider Council representation at the Systemic Sustainability Study Statewide Forum.

BACKGROUND

Following the release of the draft SSS Report, there has been a great deal of pressure for a Forum to be held.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of travel, accommodation and registration

CONSULTATION

None

COMMENT

At the last Murchison Zone Meeting in May 2008, Yalgoo moved a motion asking for a Statewide Forum to be held to discuss the outcomes of the Report and the feedback obtained by WALGA. At that time WALGA was not intending a Forum to discuss the consolidated Report, but were simply going to endorse and implement it by State Council decision. As noted at the time, this seemed to confirm a trend of WALGA away from representative leadership, to a more directive style of leadership, which concerns many country Councils.

State Council, following the AGM on 2 August 2008, decided that a Forum should be held for Councils to endorse the Final SSS Report.

Setting aside the proposals of the SSS report for the Regional Models, and the proposals for the Local Government Standards Office, there is a great deal within the Report that is not objectionable, and in fact has much to commend it – refer to the draft Shire of Yalgoo Responses spreadsheets circulated some months ago.

The Local Government Standards Office is proposed to have 6-7 Board members appointed by the Minister, with both WALGA CEO and DLGRD DG as Deputy Commissioners Assisting. It would have the primary functions of Assisting and Monitoring. Most CEOs and many Councillors would remember when these were core functions of DLGRD. The proposed Standards Office seems to assume functions that properly belong with the Department, and the Standards Panel. I see no need to double up, and get WALGA further involved in supervising Councils.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Cr _____ and the CEO be authorised to attend the SSS Forum to be held on 15 September 2008, at the City of Stirling.

COUNCIL DECISION

C2008-0824 SSS Forum - Attendance

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That Cr Anderson, Cr Iturbide and the CEO be authorised to attend the SSS Forum to be held on 15 September 2008, at the City of Stirling.

Motion put and carried 7/0

REASON FOR VARIATION

To specify the names of the Councillors authorised to attend the SSS Forum.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 APPRECIATION

COMMENT

The Deputy CEO, Mr Ron Adams, concludes his employment with the Shire of Yalgoo, in order to take up the position of CEO at the Shire of Murchison, on Friday 22 August 2008.

The Community Capacity Builder, Mrs Leanda Adams, finished with the Shire on 23 July 2008.

MEMBER RECOMMENDATION/COUNCIL DECISION

C2008-0825 Appreciation

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

- 1. That Council records its appreciation for the efforts of Mr Ron Adams as Deputy CEO since July 2006, for his dedication to the job and significantly improving the financial and administrative systems, and his contribution to the community made in his own time.**
- 2. That Council records its appreciation for the efforts of Mrs Leanda Adams as Community Capacity Builder, since February 2007 and particularly over the past 8 months, when she has had full responsibility for the Healthy Community Project.**

Motion put and carried 7/0

15. URGENT BUSINESS

As permitted by resolution of the Meeting

None

16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

17. NEXT MEETINGS

The next Ordinary Meeting of Council is due to be held on Thursday, 18 September 2008, commencing at 11.00am.

The October 2008 Ordinary Meeting is due to be held on Thursday. 16 October 2008, commencing at 11.00am.

COMMENT

At the September 2008 meeting, Council will need to consider the submissions received made in relation to the Local Planning Scheme No.2. The EHO has been heavily involved with this project over the past two and half years, and his input to the discussion is strongly recommended. However, he will not be available to meet with Council until the following week.

When meeting dates were set for this year, the dates of the Local Government Managers Conference were not known. The Conference is planned for 15 to 17 October 2008, clashing with the Council meeting due on Thursday 16 October

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-0826 Dates for Next Meetings

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That –

- **the next meeting of Council be held on Thursday, 25 September 2008, commencing at 11.00am, and**
- **the following meeting of Council be held on Thursday, 23 October 2008, commencing at 11.00am.**

Motion put and carried 7/0

18. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 3.40pm

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