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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Tuesday 18 December 2007, commencing at 11:04am.

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

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

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

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

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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None

**4. PUBLIC QUESTION TIME**

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None

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

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None

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

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None

## **7. CONFIRMATION OF MINUTES**

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### BACKGROUND

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

### VOTING REQUIREMENTS

Simple majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2007-1201 Confirmation of Minutes 15 November 2007**

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

**That the Minutes of the Ordinary Council Meeting held on 15 November 2007, be confirmed as a true and correct record of proceedings.**

**Motion put and carried 7/0**

## **8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

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None

## **9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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Visitors expected at meeting –

11.30 Brett Manning and Graham Johnston, Ferrowest – refer notes p.8

11.50 Darren Gill, Officer in Charge, Yalgoo Police – did not attend

## **10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **10.1 PRESIDENT**

5.12.07 DHAC – pushing for bigger Nursing Post for Yalgoo

8.12.07 Healthy Consumers Seminar – only aware of South West Aboriginal issues, not anyone elsewhere.

### **10.2 COUNCILLORS**

Cr Iturbide –

19.11.07 Northern Wheatbelt Health Scheme meeting in Morawa, with CEO

## **11. DISCLOSURE OF INTERESTS**

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- Item 13.1.1 Works Report –  
Cr DE Anderson made a disclosure of Interest Affecting Impartiality as the Burnerbinmah Nalbarra Road grading is incomplete.
- Item 13.2.7 Reserve 48915 – Stabling of Horses  
Mr R Adams made a disclosure of Financial Interest as he has applied for one of the licences
- Item 13.4.8 Railway Station Complex Leases  
Cr DJ Grey made a disclosure of Financial Interest for legal/financial reasons

## **12. REPORTS OF COMMITTEES**

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None

## **13. REPORTS OF OFFICERS**

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### **13.1 WORKS**

*Cr DE Anderson made a disclosure of Interest Affecting Impartiality relating to item 13.1.1, as grading of the Burnerbinmah Nalbarra Road near his property is incomplete.*

#### **13.1.1 WORKS REPORT**

File: N/A  
 Author: Cliff Hodder, Works Foreman  
 Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 13 December 2007  
 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
  - Ninghan Road –
    - o waterbinding and final preparation for sealing of the second 6.5 km completed about 22 November
    - o second coat to Stage 1 and both coats to Stage 2, were due to be done on about 26/27 November by Pioneer, but still waiting. See notes at (e) below.
  - some flood damage work done on Narloo-Tardie (in preparation for closure), as well as on Gabyon and Pindathuna Roads
  - private works for Mulgara Minerals cleaning up Prosperity Mining old lease, for Ferrowest and also for the School
  - construction on Morawa Road likely in March 2008
- b) Maintenance
  - assisted on Ninghan Rd construction
  - concentrated in the south-east of the Shire with maintenance grading including –
    - o Ninghan Rd
    - o Paynes Find Rd
    - o Burnerbinmah Rd
  - maintenance on Morawa Rd started
  - the North Road will need to be the first job on the crew's return from New Year break
- c) Plant
  - New grader from Westrac delivered on 28 November

- S/P roller – brakes and electrics being repaired
- Forklift – brakes being repaired
- water tanker – Ron Adams to pursue options over January in Queensland
- air-con on all plant and trucks being serviced
- electricals on some plant and all trailers in the process of being checked and repaired as needed
- new Community Bus in January, subject to Council decisions
- water tankers returned to Leonora

## d) Other

- welding training taking place on 17 and 18 December
- crew finish work on Thursday 20 December and return Monday 7 January 2008
- Richard Hall will continue working over this period for essential items
- David Painter of LGIS Risk Management did an audit of the depot for Occ. Health and Safety, and noted that although old, there is little that is of concern. Full report coming.

## e) Pioneer – sealing of Ninghan Road

Pioneer's initial delay was from 26 November to 5 December, then to 12<sup>th</sup>, later 15<sup>th</sup>, then 18<sup>th</sup> and is now due 19 December. Initially the delays were caused in completing a large MRWA job in Broome due to rain, and it was expected that they would come direct from here from that work. However, Matt Barns after numerous phone calls to try to establish a firm date, has been advised that they had a job in Millstream and other work in Carnarvon between then and arriving here.

Matt Barns did advise all tenderers at the end of October, that our target date for sealing was 26 November, and it has been a continual series of delays since then. Unfortunately, the other supplier in the panel of tenderers approved by Council, Boral, once the first delay was advised by Pioneer, was then booked up until early January. The other tenderer, RNR, although not in the panel was also heavily booked, and was not available until 17 December.

Matt has advised Pioneer of our dissatisfaction and frustration (and his) with the continual delays, which has meant that TK has had to keep the water to the road so that it does not deteriorate. Matt Barns advised that it is cheaper to maintain the road by keeping water up to it, than to let it dry out, lose its compaction, and then have to re-do it.

The last advice from Pioneer (11 December) is that they should be here on 19 December. They have been advised that the works crew finishes for the Christmas/New Year break on 20 December, and that the road must be done by that time. Matt Barns is negotiating a suitable arrangement with them, and at this stage, it looks like being –

- Pioneer to do the first coat of the second 6.5 km on 19-20 December
- the second coat to both sections to be deferred until sealing work is done on the Morawa Road. Matt is confident that the single coat seals will hold until that time
- the first coat will be 7 mm, so that the road does not deteriorate, without water continually being applied
- the cost of the extra bitumen required by doing the 7 mm seal first, followed by the 14 mm seal (approx. \$20,000) is to be met by Pioneer
- Shire to meet one mob/demob cost to Ninghan Road only – the cost of mob/demob from Morawa Road to Ninghan Road next year, to be at their cost.

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1202    Works Report**

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

**That the Works Foreman's report for November/December 2007 be received.**

**Motion put and carried 7/0**

## **PRESENTATION**

*Mr Brett Manning and Mr Graham Johnston from Ferrowest joined the meeting at 11:30am*

*Mr Manning noted –*

- *much has been accomplished since the last briefing to Council*
- *112M tonne resource established, enough to produce 500,000 tonnes of Merchant Pig Iron for 20+ yrs*
- *pre-feasibility completed in July 2007*
- *definitive engineering study now underway*
- *drilling for the second project is now underway*
- *environmental planning about to start*
- *will be maintaining close contact with the Shire over the next 12 months, including public meetings*
- *target is for a bankable study by the end of 2008*
- *it is emphasised that there are many factors bearing on the Project, which will determine whether or not it will proceed*
- *discussions are continuing with potential purchasers of MPI*
- *interaction with the Shire suggested for the future –*
  - o *looking for synergies between their Project and improvements in the town*
  - o *there will be direct and indirect benefits – such as support industries, community facilities, local employment etc.*
- *once committed, there will be a two year construction phase prior to operations commencing*
- *one option being considered is a requirement for sub-contractors to “apprentice” local people*
- *suggested the possibility of a charter for communication between Ferrowest and the Shire.*

## **ADJOURNMENT**

*The meeting adjourned for lunch at 12.12pm and resumed at 12:43pm with all those present before the adjournment present once again with the exception of Cr DP Morrissey, Mr C Hodder Mr B Manning and Mr G Johnstone.*

*Cr Morrissey rejoined the meeting at 12:44pm*



### **13.1.2 WANARRA EAST ROAD**

File: R11-66  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 12 December 2007  
 Attachments: Greenfield Technical Services – assessment of road design  
                   - assessment of Road Use Agreements (original drafts Sept 2007)  
                   Mt Gibson Iron – Road Access Agreement (draft Dec 2007)  
                   - Public Benefit Agreement (draft Dec 2007) (all blue)

#### **MATTER FOR CONSIDERATION**

To approve the design and construction plans for Wanarra East Rd, by Mt Gibson Iron, the road access agreements, and road realignment.

#### **BACKGROUND**

Mt Gibson Iron is nearly at the construction phase of the mine site, and part of the preparatory works required for operation is the upgrade of Wanarra Road in Yalgoo and Perenjori Shires.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
     - s.3.1 – general function of the local government is to provide for the good governance of the district  
 Public Works Act 1902 –  
     - s.86(3) – roads under the control of local governments  
 Land Administration Act 1995 –  
     - s.56 – opening of new public roads  
     - s.58 – closure of road reserves no longer required

#### **STRATEGIC IMPLICATIONS**

Development of road for mine operations

#### **POLICY IMPLICATIONS**

Affixing of the Common Seal

#### **FINANCIAL IMPLICATIONS**

All associated costs to be borne by Mt Gibson Iron.

#### **CONSULTATION**

Peter Panek, Project Manager, Mt Gibson Iron  
 Matt Barns, Engineer, Greenfield Technical Services  
 Allen Jones, State Lands Office

#### **COMMENT**

In the course of negotiations, there have been three matters identified that require Council's direction or approval –

1. Design of the road to be upgraded – previously approved in principle by Council in August 2007. Since that time, MGI have supplied a full design brief for the roadworks required, which has also been assessed by Greenfield Technical Services, a copy of which is attached. Most of GTS's comments are either addressed or are in progress except for the issue of sand prime (single coat) of the road.

The design plans provide for a sand prime seal to the road. In the opinion of GTS, this is not sufficient, and should be a two coat seal. This was raised with MGI, who have advised that they will be seeking tenders on the basis of a two coat seal being an option.

The Road Access Agreement does require the road to be maintained in a safe and satisfactory condition, so if there is deterioration, Council could issue instructions for the unsafe areas to be rectified, and if necessary, ask Main Roads to cancel the road train permits.

A sand prime seal may create problems for Council at the end of the 5 year agreement, in that if a second coat has not been done, it would almost certainly be needed within a few years.

MGI need to understand, that as the road would not normally be considered for seal or any substantial upgrade, at the end of the agreement, the condition needs to be of a sufficiently high standard, which does not require Council funds for many years.

2. Road Access Agreement – there have been several drafts exchanged between MGI and the Shire. The original draft provided by them was based on that used by the Shire of Mullewa for the Tallering Peak Mine operations, and contained quite a few references to matters not relevant to Wanarra East Road. These agreements were also assessed by Matt Barns. At the last meeting on 10 December, MGI provided a revised draft and expressed their strong wish that the agreement reached be similar to that used for Tallering Peak. I advised that while the Shire would prefer to use the agreements prepared through GTS some time ago, we would not insist on it, subject to all matters considered necessary by the Shire are addressed.

Mr Panek specifically noted that the provisions in the Agreement relating to repair of the road at the conclusion of haulage operations after about 5 years, are not intended to bring Wanarra Rd up to newly constructed road standard, but to a level that is consistent with being in a good state of repair after 5 years of use.

The agreement does provide for negotiation of what is required at this time, however, the road is not one that Council would normally consider for sealing, and the future expectation that it will remain sealed must be taken into account.

Despite this, amount offered for road repairs of \$5,000 (clause 14.2.1) at the conclusion of the agreement is completely inadequate to cover reasonable expectations. A full reseal of the 5 km approx. of Wanarra Road in 5 years time has been estimated by GTS at being in the order of \$250,000 to \$300,000. Given previous comments that Wanarra Rd would not have usually received any significant attention, either MGI or Asia Iron should commit to funding significant restoration work in five years, or a full reseal.

The Public Benefit Agreement is fairly straight forward, although the amount offered of \$3,000 is very disappointing. It is recognised that Yalgoo will not be their social centre, but Perenjori or Dalwallinu and that Yalgoo will get the rates on the mine, unlike the other Shires, but I believe the amount should be consistent with Oxiana's current contribution (excluding roads) to the Shire of \$30,000 or so each year.

3. Alignment – as noted previously, Maunsells discovered in the preparation of the road design plans that the road as constructed at the moment, is not on the gazetted alignment. The gazetted alignment is immediately adjacent to the south of the road as constructed. State Lands Office has advised that under the Land Administration Act, the old alignment must be revoked, and the correct alignment gazetted. There are several ways of achieving this, the easiest and simplest being with the agreement of the landholder for a land exchange. Once the landholder's agreement to a land exchange has been received, approval of the State Lands Office to commence work can be obtained, subject to Council's agreement to –
  - de-Gazette the old alignment under the Land Admin Act s.58
  - Gazettal of the new alignment under the Land Admin Act s.56

Survey of the road will need to be done, but depending on the quality and availability of data, being such a simple job, it may be possible to do the survey from desktop, rather than being required on site.

#### VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATIONS/COUNCIL DECISIONS

**C2007-1203    Wanarra East Road**

**Moved Cr DP Morrissey, Seconded Cr LJ O'Connor**

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

**Motion put and carried 7/0**

*The meeting then proceeded to Item 13.2.2, in the absence of Mr Dave Williams EHO.*

## **13.2 DEVELOPMENT**

### **13.2.2 TENDERS 2007-09 and 2007-10 – Housing**

File: T5 2007-09 and T5 2007-10  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 December 2007  
Attachments: Summary of tenders received  
Copies of Offer Forms

#### **MATTER FOR CONSIDERATION**

Consideration of tenders received for the provision of two new residences on Lot 6, 13 Henty St, and Lot 54, 19 Campbell St.

#### **BACKGROUND**

The calling of tenders was authorised at the October Council Meeting, advertised on 3 and 10 November 2007 in the West Australian, and 2 and 9 November 2007 in the Geraldton Guardian 2007. Tenders closed at 4.00 pm 3 December 2007.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

#### **STRATEGIC IMPLICATIONS**

Provision of staff housing

#### **POLICY IMPLICATIONS**

Purchasing Policy – goods and services over \$100,000

#### **FINANCIAL IMPLICATIONS**

Cost of construction and ancillary works

#### **CONSULTATION**

Ron Adams, Deputy CEO

Dave Williams, Environmental Health Officer

Cliff Hodder, Works Foreman

#### **COMMENT**

Tenders were advertised in accordance with the Local Government Act and Regulations, and opened at 4.00 pm on Monday 15 October in the presence of Kay Power, PA.

Tenders were received from –

- Aussie Portables
- Modular Housing Solutions
- T & R Homes
- Fleetwood
- Steelhomes

A summary of the tenders received is attached. Budgeted cost for each residence is \$300,000 for a total project cost of \$600,000. Funding is by way of Reserve Funds.

In assessing the tenders, it is clear that the tenders of T & R Homes and Fleetwood are the most advantageous to Council, with both firms providing tenders that are either below or just over the budget provision once the additional work is factored into the total project cost.

Both offer reasonable construction timeframes of approximately 5 months from time of order and issue of building licence.

Standard warranties by both companies are for 6 years, although there is a slight difference in the maintenance periods of 1 month.

Floor designs are all adequate, with three proposals being in the order of 161-167m<sup>2</sup>, and the fourth proposals with two options being 150 m<sup>2</sup> approx.

Extract from summary –

	T & R Homes		Fleetwood	
	Henty St	Campbell St	Henty St (a) & (b)	Campbell St
Design name	Breakaway	Peninsula	Napier	Mitchell
<b>AS TENDERED</b>	<b>249,905.00</b>	<b>250,081.00</b>	<b>(a) 226,050.00</b> <b>(b) 222,880.00</b>	<b>229,343.00</b>
Works by others (est.)	34,000.00	42,000.00	34,000.00	42,000.00
Additional works (est.)	19,600.00	19,600.00	20,600.00	20,600.00
<b>Estimated total project cost</b>	<b>303,505.00</b>	<b>311,681.00</b>	<b>(a) 280,650.00</b> <b>(b) 277,480.00</b>	<b>291,943.00</b>

(a) bay window  
(b) standard

After discussion with the Works Foreman, it is proposed that the tender of Fleetwood be accepted, using the Napier design Option 2 (i.e. proposed Henty St design) for both residences, and request that the carport be extended full length of the house, and a patio across the back of the house for summer shade.

The recommendation is made based on –

- value for money
- suitability of design for each block

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

**C2007-1204 Tenders 2007–09 and 2007–10 Housing**

**Moved Cr DP Morrissey, Seconded Cr TK Iturbide**

- (1) That the tender of Fleetwood for Tender 2007-09 for the supply and construction of a residence at Lot 6, 13 Henty Street, being Napier Option 2 for \$222,880.00 be accepted.**
- (2) That all tenders for Tender 2007-10 for the supply and construction of a residence at Lot 54, 19 Campbell Street be declined.**
- (3) That Fleetwood be contracted to supply and construct a residence at Lot 54, 19 Campbell Street being Napier Option 2 for \$222,880.00.**
- (4) That the following work in addition to the supply and construct price of Fleetwood be approved –**
  - **works to be carried out by others estimated at –**
    - o **Henty Street residence – \$34,000**
    - o **Campbell Street residence – \$42,000**
  - **additional works estimated at –**
    - o **Henty Street residence – \$20,600**
    - o **Campbell Street residence – \$20,600**
- (5) That a contingency sum of \$40,000 be authorised for each residence.**
- (6) That Fleetwood be requested to provide a quote for consideration –**
  - **to extend the carport the full length of each house, and**
  - **a patio across the back of each house.**

**Motion put and carried 7/0**

Mr Dave Williams joined the meeting at 1:52pm

The meeting then returned to Item 13.2.1

**13.2.1 EHO – ACTIVITY REPORT NOV-DEC**

File: E9  
 Author: Dave Williams EHO  
 Interest Declared: No interest to disclose – Have a safe and happy Christmas.  
 Date: 7 December 2007

Date	Activity	Details/Comment
20-Nov	Environmental Health	Return from CEO secondment with The Shire of Morawa Arrange for information on the Strategic Waste Management Plan Investigate fly compliant Administration for the scheme Trip to old mine to discuss waste clean up
	Building Control	Discuss new storage shed requirements with Golden Grove Review tender specifications for staff housing.
23-Nov	Environmental Health	Shire administration for the scheme
	Building Control	Disable parking return completed Building Licence issued Builder: William Price Type: Additions to Yalgoo Store Location: Lot 70 Gibbons Street Cost:\$18955 Building Licence return completed and forwarded
	Local Planning	Private Members Bill request reviewed(Third party appeals) Review Planning Bulletins 85(small bars) and 86(LP scheme text)
26- Nov	Environmental Health	Meeting in Perth with Coffey Natural Systems & Oxiana to discuss stakeholder consultation for reopening of Gossan Hill.
	Building Control	On site assessment of Habode transportable accommodation units. These are a new concept of building design.
29-Nov	Environmental Health	Geraldton all day for Zero Waste work shop
04-Dec	Environmental Health	Discuss Zero Waste Process with CEO
	Occupational Safety and Health	Arrange site meeting with area LGIS risk manager, David Painter
	Building Control	Review tender documents for 2 new houses
07-Dec	Environmental Health	Activity report to Council Foods recalls completed Order Gastro WA information package Discuss HERO plant with Water Corp Site visit to Yalgoo Hotel kitchen
	Occupational Safety and Health	OSH info distributed
	Building Control	ABS stat sent
11 Dec	Environmental Health	Liaise with CEO with regard to Strategic Waste Management plans due November 2008
	Occupational Safety and Health	On site audit with Dave Painter – LGIS
	Local Planning	Discuss delegation requirements for proposed accommodation at Extension Hill
	Building Control	Discuss building requirements with proponent for Extension

		Hill Review housing tenders Shire Yalgoo
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VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1205    EHO Activity Report**

**Moved Cr , Seconded Cr**

**That the EHO's Activity Report to 7 December 2007 be received.**

**Motion put and carried 7/0**

*The meeting then proceeded to Item 13.2.3*

### **13.2.3 FERROWEST – LOT 185 SHAMROCK STREET**

File: M5-7  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 11 December 2007  
Attachments: Draft Option Deed of Purchase by Ferrowest (lilac)

#### **MATTER FOR CONSIDERATION**

To approve the Option Deed of purchase of Lot 185 Shamrock Street.

#### **BACKGROUND**

Council approved the conditional sale of Lot 185 Shamrock Street to Ferrowest in July 2007, subject to advertising for public comment on the proposal.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.58 (3) – a local government may dispose of property (other than by public auction or by tender) if, before agreeing to dispose of the property, it gives local public notice for at least 14 days inviting submissions for the proposal.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Affixing the Common Seal

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

The disposal of property was subject to the Local Government Act s.3.58, and had to be advertised for public comment. No comment was received during the required period, and the draft documentation was forwarded to our solicitors in early September 2007.

After some delay, a final revision of the document was received on 5 December 2007 and forwarded to Ferrowest for their consideration the following day.

As a deed, the agreement is a legally binding and enforceable document, whereas an MOU generally is not.

#### **VOTING REQUIREMENTS**

Simple majority

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

#### **C2007-1206 Ferrowest – Lot 185 Shamrock Street**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That Council approve the draft Option Deed to Purchase Lot 185 Shamrock Street Yalgoo by Ferrowest, subject to their agreement, and the President and CEO be authorised to affix the Common Seal.**

**Motion put and carried 7/0**



**13.2.4 ST JOHN AMBULANCE YALGOO SUB CENTRE**

File: A9-1  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to declare  
 Date: 27 November 2007  
 Attachments: Letter and Grant Proposal, Yalgoo Sub Centre (blue)

**MATTER FOR CONSIDERATION**

Council to approve construction of a two bay shed on lot 124 Gibbons St to be used for the purpose of ambulance storage.

**BACKGROUND**

The Shire of Yalgoo currently provides a shed for storage of Yalgoo’s ambulance. The Yalgoo Sub Centre has applied to St John Ambulance Australia (W.A.) Inc for funding to build a new shed to house the ambulance.

The Yalgoo Sub Centre requests permission to use land at the rear of the Fire Shed, see attached map, to construct a shed the same as the Fire Shed.

The Sub Centre construction budget provides an amount of \$3000 for pad and site works that the Shire of Yalgoo will be engaged to perform.

The asset of the shed will be on the St John Ambulance Register until it is ultimately transferred to the Shire. Operating costs of the shed, including power, insurance, water etc are to be paid for by the Yalgoo Sub Centre. This can either be done as an invoice from the Shire or the Sub Centre can handle its own accounts.

**STATUTORY ENVIRONMENT**

None at this stage

**STRATEGIC IMPLICATIONS**

Key Area – ensuring the provision of all appropriate services meet the needs of the community.

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

None at this stage

**CONSULTATION**

Michael Jack – St John Ambulance  
 David Williams – Building and Planning  
 Des Hodder – chairman, Yalgoo Sub Centre

**COMMENT**

The Yalgoo Sub Centre has approximately 15 members who have prepared submissions for funding of new premises and new plant for the benefit of the community. It is strongly recommended that they be supported and encouraged to continue their community work.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2007-1207 St John Ambulance Yalgoo Sub Centre**

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

**That Council make lot 124 Gibbons St available to St John Ambulance Sub Centre for the purpose of building a new Ambulance Shed, subject to FESA agreement, and building approval application to follow the usual process.**

**Motion put and carried 6/1**

### **13.2.5 HEALTHY COMMUNITY PROJECT**

File: H2-4  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 December 2007  
Attachments: Reference Group Meeting Notes (yellow)

#### **MATTER FOR CONSIDERATION**

To receive the Notes of the Reference Group Meeting held 3 December 2007.

#### **BACKGROUND**

As per the framework adopted by Council in November 2007, the Healthy Community Project Reference Group meeting was 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**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

None

#### **COMMENT**

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

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

I would like to record my appreciation of the efforts of all those involved in the Healthy Community Project, both as staff members, Councillors, the School, Nursing Post and Police. Recognition must also be given to those members of the community who regularly attend the meetings, to make sure that their voice and concerns are heard.

#### **VOTING REQUIREMENTS**

Simple majority

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

#### **C2007-1208 Healthy Community Project Notes**

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

**That the Notes of the Healthy Community Reference Group meeting held on 3 December 2007 be received.**

**Motion put and carried 7/0**

### **13.2.6 JOINT VENTURE UNITS – 28A & 28B Selwyn Street**

File: H6-13, H6-14  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 11 December 2007  
 Attachments: Email – Dept of Local Government and Regional Development  
 Letter – Dept of Housing and Works  
 Ray White Real Estate – Report on properties (all sea green)

#### **MATTER FOR CONSIDERATION**

To consider the transfer of the land and the Shire's equity in the units to Dept of Housing and Works

#### **BACKGROUND**

This matter started almost 18 months ago, with a first approach to DHW, requesting that they accept the transfer of the Shire's equity in the project to them under the terms of the Joint Venture Agreement.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
 - s.3.58 – Disposition of property

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Surrender of Council's equity and transfer of land from the Shire to DHW

#### **CONSULTATION**

Ron Adams, Deputy CEO  
 Dave Williams, EHO  
 Russell Murphy, Community Housing, Dept of Housing and Works

#### **COMMENT**

This matter has been continuing for some time, without success to date, as Council's decision was made in late 2006 to divest the Shire of involvement in the project. The reasons were many, including –

- the cost to maintain the units against the income generated
- the difficulty in management with a transient workforce
- lack of continuity of corporate expertise in managing the units
- difficulty in managing repairs etc

In August 2007, DHW were advised that the Shire still wished to proceed with transfer of the equity and land, and proposed a changeover date of 1 November 2007.

As there had been no response other than acknowledgement by this date, I made arrangements to meet with Russell Murphy, Senior Project Officer, Community Housing for DHW to discuss possible resolutions to the situation.

The letter attached accurately summarises the outcomes of our meeting, which is that DHW will now accept full equity and the transfer of land, and will carry out the maintenance required.

This offer is a substantial saving to Council, since under the terms of the Joint Venture Agreement, the Shire could be required to carry out the maintenance at our cost, prior to handover.

Enquiries with the Dept of Local Government and Regional Development indicate that although the equity and land transfer arrangements are stipulated in the Joint Venture Agreement, it is still a disposition of property and will have to be valued, and then either tendered or advertised.

Valuation was carried out by Ray White Geraldton on these units and several other Council properties on 6 December 2007 to obtain the required market valuation.

Market valuation has been assessed at \$45,000 to \$50,000 for each unit.

The Project consists of both the buildings constructed, and the land on which they are situated. Under the terms of the Joint Venture Agreement, Council's equity in the Project is 22.25%, or \$20,025 to \$22,250 of the combined valuation of \$90,000 to \$100,000.

The estimated total Project cost disclosed in the Joint Venture Agreement was \$455,273.

Council's contribution of approximately \$100,000 was funded by a loan. Following the Budget review in January/February 2008, a report will be presented to Council regarding possible payout of the loan.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2007-1209 Joint Venture Units – 28A & 28B Selwyn Street**

**Moved Cr DP Morrissey, Seconded Cr LJ O'Connor**

**That –**

- **in accordance with the Local Government Act 1995 section 3.58 (3), local public notice be given of disposition of the 22.25% Shire of Yalgoo equity in Units 28A and 28B Selwyn Street valued at \$20,025 to \$22,250 each to the Department of Housing and Works, without charge, and submissions be invited,**
- **should no submissions be received, the CEO is authorised to complete all arrangements for the transfer of the Shire's 22.25% equity in the Project to the Department of Housing and Works, and**
- **the President and CEO be authorised to affix the Common Seal to the transfer of land and other documentation required in order to complete the transfer of the Project to the Department.**

**Motion put and carried 7/0**

*Mr Ron Adams made a disclosure of Financial Interest relating to Item 13.2.7, as he has applied for one of the licences.*

**13.2.7 RESERVE 48915 – Stabling of Horses**

File: R10-151  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 13 December 2007  
 Attachments: None

**MATTER FOR CONSIDERATION**

To consider the use under licence of the Reserve

**BACKGROUND**

This matter has been before Council on a number of occasions over the past 2 years, the most recent in February 2007. The Reserve has now had its purpose amended, and Council has authority to lease, sub-lease or licence.

**STATUTORY ENVIRONMENT**

Management Orders on Reserves 48915 and 49241 permitting Council to lease, licence etc

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Small income from rental/licence to use portions of the Reserve  
 Cost of public liability insurance

**CONSULTATION**

Ron Adams, Deputy CEO

**COMMENT**

The Council meeting of 15 February 2007 resolved –

*That –*

1. *That the purpose of Reserve 48915 be changed from “Recreation” to “Stabling of Horses”.*
2. *That the boundaries of Warramboos Location 58 (Reserve 48915) be identified by GPS coordinates.*
3. *That 4 blocks of approximately 1 hectare each be established, 3 of which will be available for lease for the purpose of stabling/agistment of horses.*
4. *That the 4<sup>th</sup> block surround the old abattoir building and be subject to a special heritage lease to the previous lessees of the site.*
5. *The Licence Agreement for Horse Blocks as presented be adopted.*
6. *That the annual rental be set at \$440 per block plus public liability insurance cover to \$10 million.*
7. *That an annual fee be paid in advance and reviewed annually.*
8. *That the Original Lessees be contacted in writing to clear the block of disused and waste material by 08 April 2007.*

Item –

- 1 – Purpose has been changed
- 2 – Boundaries established
- 3 – A plan has been prepared, corner posts to be installed to identify boundaries for the licensee to fence
- 4 – Separate Reserve 49241 Historical and Cultural has been created
- 5 – Licence has been prepared, and it is suggested that the licence be a 12 months period from 1 July to 30 June following. A common licensing date would simplify administrative matters
- 6 – Annual fee of \$440, reduced to \$220 if less than six months to the next annual licensing date
- 7 – Suggested that the fee be reduced to half if taken out after 1 January
- 8 – Blocks cleared

Council has the authority to lease, sub-lease or licence the use of the reserve or parts of it, subject to the approval of the Minister for Lands.

Following an inquiry with the Dept of Local Government and Regional Development, I was advised that as Council retains control of the property and is not relinquishing control, a licence is not considered a disposition of property under the Local Government Act s.3.58

As there has been two expressions of interest made for a block in January 2007, following an advert in the Yalgoo Bulldust on 19 January 2007, it is suggested that two block be offered to them, and the availability of the third advertised in the Yalgoo Bulldust when it resumes in February 2008.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2007-1210 Reserve 48915 – Stabling of Horses**

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

- (1) That the licence to users be for a period of up to 12 months, from commencement date to 30 June following, at an annual fee of \$400 + GST, reduced to half fee if the licence commences after 1 January.**
- (2) That licences be offered to Mr Ron Adams, and P & H Forrester, having previously expressed an interest, and the remaining block be advertised in the Yalgoo Bulldust for expressions of interest.**
- (3) Subject to acceptance of the licence conditions by Mr Adams and P & H Forrester, the approval of the Minister for Lands be sought for the licence, prior to the licence becoming operative, and the CEO authorised to sign on Council's behalf**

**Motion put and carried 7/0**

**13.2.8 SHIRE HOUSING – Interest received to purchase**

File: H6  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 13 December 2007  
 Attachments: Ray White Real Estate – Report on properties

**MATTER FOR CONSIDERATION**

To consider the possible sale of Shire house/s that may be surplus to need.

**BACKGROUND**

Approaches have been made by an employee and a member of the community, interested in purchasing a house from Council.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
 - s.3.58 – disposition of property

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Possible income from sale of houses

**CONSULTATION**

Ron Adams, Deputy CEO  
 Phillipa Ives, Ray White Real Estate Geraldton

**COMMENT**

There have been two expressions of interest received in purchasing Shire houses –  
 - Steven Hayes, a Shire employee, has indicated his interest in buying the house he currently rents from the Shire at Lot 17 Shamrock St  
 - Olive Gibson has advised of her interest in acquiring the vacant Shire house at Lot 30 Selwyn St.

As per Council instructions, an assessment of these two houses, as well as the house at 16 Shamrock St currently occupied by Diane Hodder was carried out by Ms Phillipa Ives of Ray White Real Estate in Geraldton, at the same time as the assessment of the two Joint Venture units. Copies of her report are in the attachments.

The Selwyn Street house is the only Shire residence not currently occupied. All six of the units are occupied, as one unit specified for an HCP employee, is not required at this time. With the construction of two new residences, for CEO and Works Foreman, subject to Council decision elsewhere during this meeting, at least one house is likely to be surplus to requirements. The CEO's current residence on Stanley Street will become vacant. It would be appropriate to retain this residence for any future need.

The process of updating the Shire's housing stock will leave the Shire with one house surplus, which could be sold, without negative impact on the Shire's capacity to accommodate staff. There will be a net increase of one residence owned by the Shire.

Market valuation and condition of the houses have been set at –

- Lot 16, 9 Shamrock St \$65,000-\$70,000
- Lot 17, 11 Shamrock St \$65,000-\$70,000
- Lot 30, 15 Selwyn St \$65,000-\$70,000

The two Shamrock Street houses are both better floor plan than the Selwyn St house, better yards and surroundings. All things considered, the Selwyn Street residence is the most appropriate to offer for sale.

Should Council decide to sell one or more of the houses, then either –

- the sale must be advertised as a disposition of property, and submissions invited and considered, or
- the house put up for public tender / auction.

Looking to the future, it is suggested that the funds resulting from any sale should be put into Building Reserve for future housing needs. In particular, the placement of a 2-3 bed unit/residence at the Caravan Park for a Caretaker / Manager is recommended, possibly in 2008-09, should funds permit.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2007-1211    Shire Housing – Interest received to purchase**

**Moved Cr DP Morrissey, Seconded Cr L Hodder**

- (1) That lot 30 Selwyn Street, Yalgoo, be offered for sale by public tender, to be considered at the February 2008 meeting of Council.**
- (2) That the proceeds of any sale be transferred to Building Reserve.**
- (3) That construction of a Caravan Park Caretaker's unit/residence be listed for consideration in the 2008/09 Budget.**

**Motion put and carried 7/0**



### **13.3 FINANCE**

#### **13.3.1 DCEO – ACTIVITY REPORT November 2007**

File: N/A  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 30 November 2007  
 Attachments: Speech notes Ian Bodill- CEO Shire of Broome

#### Diploma of Business (Local Government)

Attended the three sessions of eight modules to complete the above course. The three modules included Manage Meetings, Community Consultation, and Team Effectiveness

#### Annual Leave

Completion of Annual Leave

#### Grant Acquittals

Acquittals completed were: Main Roads - Regional Roads Group, Dotars –Railway Station Refurbishment, DLGRD-Railway Station Refurbishment, and Grants Commission

#### Meetings

*Department of Sport & Recreation- Adam Muszewski, 26 November*

Discussions on progress of Sporting developments, Cert 11 in Sport & Rec, Grants Process for CRFF

*CUCRHC*

Met with Tania Wiley and others. They are doing a report on Community Development Officers. Discussed the possibility of CUCRH doing the evaluation of the Healthy Community Project.

*Functional Communities –LGMA*

Attended the LGMA Functional Communities Conference in Perth with HCP Officers and community members. This was a two day conference with several guest speakers.

The Hon Ljiljanna Ravlich MLC introduced herself to Josh Simpson, asked him several questions like Why are you not at school?, Josh responded “it’s finished for the year”, and “What do you want to do for career?”, Josh responded “Play football” and she finished with “Well that will get you through till you’re 30, so you need to be considering a long term future.” Josh may not realise the effect that meeting with the Minister may have in the future.

The Minister opened proceedings with the standard state government line and that changes in the federal government will have an immediate effect to indigenous affairs.

Minister Ravlich spoke of a forensic approach to indigenous affairs, as clearly what has been happening in the current and past is not working.

This also included that that a new advisory committee had commenced (without any indigenous people on the advisory committee)

Fred Chaney spoke very bluntly to point where he was accusing the state and federal government of not being interested or willing to make change.

General Sanderson, Special Advisor for Indigenous Affairs Premier & Cabinet

General Sanderson made an analogy of Indigenous Affairs to flogging a dead horse. This was represented by a presentation on all the ways you could get the dead horse to work again. He proceeded with a statement “If you have a bureaucracy that is not working- you have an obligation to shape it into one that works “

The work that is being done in the Kimberly–Pilbara area and funding to that effect is principally made because of the fact that the “culture” is still reasonably intact, and there are only four councils to deal with.

Tom Calma, ATSI Social Justice Commissioner

Tom spoke on asking the question of “service” deliveries to indigenous communities, this is linked heavily to becoming a local government issue. The Federal Government will be re introducing the CDEP programme although on a more contractual arrangement. (Note: that CDEP has now been handed back to FACSIA)

Ricky Burgess (WALGA)

Ricky spoke for WALGA and I am sure you would have read the press release put out by WALGA. The emphasis was the Bi-lateral Agreement and how local government had been excluded from the signing of this agreement due to commence in June 2008.

Ian Boddill, CEO Broome Shire

See attached notes

Allan Cooper, CEO East Pilbara

Gave a brief presentation on the East Pilbara

Don Burnett, CEO of Kalgoorlie-Boulder

Don presented a slide show of how the desert people transient through their shire. He also described the amount of funding received from Lotterywest, Facsia, Mining co etc that had been achieved to set up a transient accommodation facility only to have it fall over as the federal government only want to fund the project for one year. The basic message here was that Federal Government really needs to be funding for 10-20 years.

Lionel Quartermaine

Lionel had a speech prepared but due to a “run in with the Premier the day before” he decided on a different tack. He was passionate to say the least. His idea was that Local Government and Indigenous communities will need to work together as they are clearly not being listened to by state or federal.

Dr Peter Twigg, Paupiyala Tjarutja Aboriginal Corporation

Dr Twigg started with “I don’t know who you are, or where you come from, or how you got here, but I want to congratulate you on getting here, because in twenty years you are the future”. Dr Twigg was talking about Josh Simpson. Dr Twigg gave a presentation on the Spinifex People, how they do things and how the government engaged that community. He introduced the “gap” filling theory.

Joe Ross, Director of Australian Indigenous Leadership Centre.

Joe from Fitzroy Crossing spoke of how the alcohol ban had already improved living conditions in Fitzroy Crossing. He spoke of land rights and how communities should be demanding that royalties be spent on infrastructure for communities and not to individuals, his example of an individual who received a royalty payment and nearly drank himself to death highlighted this. Joe also spoke of his belief that everyone under the age of 18 years old in Fitzroy Crossing is and will be affected by Alcohol Foetal Syndrome, this will have a significant strain on health resources in years to come.

Tony Kirwan, CEO Shire of Wiluna

Tony spoke of how the Shire Council at Wiluna went about change for their community. They have a full indigenous council. In two years they have built a new school, recreation facilities, and twenty five new houses. This was made possible by funding from state government. One of the main council views was “if the children can’t sleep at night, then how are they going to learn?”

How does it affect Yalgoo? There may be issues that will come in via the bi-lateral agreement, but further study of this will be required. There is certainly a push for local governments to deliver more services so we will need to be aware that as Federal & State Government make the rules that we are not too disadvantaged by their moves. The major concern will be to stay abreast of the changing state and federal views, because they are most likely to push most of this onto local governments, and local governments will need to be in a position to demand extra resources and funding to achieve this.

*Edgar Idle*

Met with architects and discussed the conceptual drawing stage of Recreational Facilities for Yalgoo. They will arrive in Yalgoo in first week of February 2008 to complete site inspection and prepare a brief for the concepts.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1212    DCEO – Activity Report**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**Council note the DCEO activity report for November 2007**

**Motion put and carried 7/0**

### **13.3.2 FINANCIAL ACTIVITY STATEMENTS – November 2007**

File: N/A  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 30 November 2007  
 Attachments: Financial Activity Statements for November 2007  
 Balance Sheet  
 Income Statement Detail  
 Income Statement by Nature & Type  
 Income Statement Summary  
 Actual Vs Budget (all green)

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for November 2007.

#### **BACKGROUND**

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

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

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

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

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

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **CONSULTATION**

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1213 Financial Activity Statements November 2007**

**Moved Cr DP Morrissey, Seconded Cr DJ Grey**

**That Council adopt the financial statements for the period ending 30 November 2007, as attached.  
Motion put and carried 7/0**

**13.3.3 ACCOUNTS PAID DURING THE MONTH OF NOVEMBER 2007**

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

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of November 2007.

**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 November as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2007-1214 Accounts Paid During the Month of November 2007**

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

**That:**

1. **The Cheque Detail of payments covering vouchers EFT 1 to EFT 63 totalling \$461375 paid during the month of November 2007, be received;**
  2. **Cheque payments covering cheque numbers 10652 to 10697 totalling \$52167.82 paid during the month of November 2007, be received; and**
  3. **Salaries and Wages totalling \$62847.06 paid during the month of November 2007, be received.**
- Motion put and carried 7.0**

**13.3.4 RESERVE FUND TRANSFER**

File: N/A  
Author: Ron Adams, Deputy Chief Executive Officer  
Interest Declared: No interest to declare  
Date: 14 November 2007  
Attachments: None

**MATTER FOR CONSIDERATION**

Council to approve transfer of funds from Plant Reserve Account to the Municipal Account.

**BACKGROUND**

A new grader was purchased during December 2007. A transfer from Plant Reserve to the Municipal Account needs to take place.

**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**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

1. In line with the adopted budget for 2007/08 transfer from Plant Reserve to Municipal Account an amount of \$196411

**COMMENT**

None

**CONSULTATION**

None

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2007-1215 Reserve Fund Transfer**

**Moved Cr DP Morrissey, Seconded Cr DJ Grey**

**That Council approve the transfer of \$196411 from Plant Reserve to the Municipal Account.**

**Motion put and carried 7/0**

## **13.4 ADMINISTRATION**

### **13.4.1 CEO – ACTIVITY REPORT November/December 2007**

File: N/A  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 11 December 2007  
 Attachments: None

#### Use of Common Seal

None

#### Use of Delegated Authority not elsewhere reported

None

#### Harmony Gold

Staggered intersection put in at the intersection of the Dalgaranga-Cue Road and Dalgaranga-Meteorite Road for the duration of the haulage from the Western Queen Mine to Mt Magnet.

#### Mt Gibson Mining

I met with Mr Peter Panek on Monday 10 December 2007. He advised that building and development applications will be submitted in the next few weeks for both the mine administration area and the accommodation village.

Shire of Perenjori has decided not to tender for the road construction, and Mt Gibson will be seeking tenders shortly.

#### Community Bus

Both applications prepared by Glenn Bone in July to DoTARS and Lotterywest have been successful. Lotterywest have given the all clear to proceed with purchase, and the contract with DoTARS is awaited. The two grants total just under \$77,000 excl GST with the new bus costing \$98,200 excl GST. The current bus trade-in of \$4,000 leaves a shortfall of approx. \$17,000. \$20,000 net Shire provision was made in the Budget.

#### Mid West Regional Development Scheme

The Scheme is run in two "instalments" each year by the Mid West Development Commission, and an application was submitted in August for funding to assist with the development of Yalgoo Park, next to the Office, and solar floodlighting of the three town entry statements. Advice has been received that the application has been partially successful with \$30,000 being approved, subject to a revised budget being approved by them. \$30,000 is the maximum they generally approve under the Scheme.

#### Meetings

8 Nov Murray Brown, Murchison Country Zone, and Jenni Law, Dept of Local Government  
 9 Nov Murchison Country Zone in Cue  
 19 Nov Northern Wheatbelt Health Scheme Meeting in Morawa, with Cr Iturbide  
 22 Nov Russell Murphy, Project Officer Community Housing Dept of Housing and Works regarding the Joint Venture Housing units  
 26 Nov Nick Phillips, Coffey Natural Systems, and Gerry Stokes, Oxiana Open Pit Project Manager, with Dave Williams, EHO, regarding environmental briefing for the open pit mining proposal at Gossen Hill (Golden Grove) planned for 2009  
 29 Nov Adam Murzewski, Mid West Regional Officer, Dept of Sport and Recreation  
 3 Dec Health Community Project Reference Group meeting  
 4 Dec Workshop in Geraldton with Mr Peter Watson MLA, Parliamentary Secretary to Minister for Sport and Recreation  
 4 Dec Ann Larson, Manager, Combined Universities Centre for Rural Health regarding review of the Healthy Community Project as required by the contract with FaCSIA  
 6 Dec Brendin Flanigan, Mid West Development Commission  
 6 Dec Charles Jenkinson, Executive Officer, Mid West Gascoyne Area Consultative Committee  
 6 Dec end of year School Concert at Town Hall  
 7 Dec Murchison Zone Strategy Group Meeting in Cue



- 10 Dec Met with Peter Panel, Project Manger, Mt Gibson Iron
- 11 Dec David Painter, Local Government Insurance Services, Occupational Health and Safety consultant

Future meetings –

- 5 Feb LGMA Mid West branch meeting in Geraldton
- 5 Feb To be confirmed – Shire of Dalwallinu presentation to Mt Gibson Iron Project.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1216 CEO Activity Report November/December 2007**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That the CEO's Activity Report to 11 December 2007 be received.**

**Motion put and carried 7/0**

### **13.4.2 2008 COUNCIL, COMMITTEE AND HCP REFERENCE GROUP MEETINGS**

File:  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 12 November 2007  
 Attachments: None

**MATTER FOR CONSIDERATION**  
 To set dates and times of meetings for 2008.

**BACKGROUND**  
 Council is required under the Local Government Act to give local public notice of dates and times of Council and Committee meetings.

**STATUTORY ENVIRONMENT**  
 Local Government Act –  
 - s.5.3 – Council meeting not to be more than 3 months apart  
 - s.5.25 – Regulations may be made  
 Administration Regulations –  
 - r.12 – local public notice of date and time of Council and Committee meetings to be given at least once each year.

**STRATEGIC IMPLICATIONS**  
 None

**POLICY IMPLICATIONS**  
 None

**FINANCIAL IMPLICATIONS**  
 Cost of advertising.

**CONSULTATION**  
 None

**COMMENT**  
 In previous years, Council has not held a January meeting, and it is assumed that this will also be that case in January 2008.

The Act does not require Council to meet on a particular day, and Council has generally met on the third Thursday of each month. Previously, the advertised commencement time has been 10.00 am. There has been some informal discussion about the meeting day being changed, and also commencing at 1.00 pm after lunch but no direction given at this time.

Proposed meeting dates for Council remaining on the third Thursday each month with all meetings commencing at 11.00 am –

- Thursday, 21 February 2008
- Thursday, 20 March 2008                      Note – 21 March 2008 is Good Friday
- Thursday, 17 April 2008
- Thursday, 15 May 2008
- Thursday, 19 June 2008
- Thursday, 17 July 2008
- Thursday, 21 August 2008
- Thursday, 18 September 2008
- Thursday, 16 October 2008
- Thursday, 20 November 2008
- Thursday, 18 December 2008

Special meetings of Council for Budget or other matters – as determined or directed from time to time.

Committee Meetings –  
 - Audit Committee – as determined, since will depend on receipt of Auditor’s Report etc.

- Local Emergency Management Committee – required to meet three monthly, but Committee is yet to be established, and initial meeting to work out an agreed timetable with other organisations

In discussion with Healthy Community Coordinator and Community Capacity Builder, it was felt that it would be best to shift the meetings for Healthy Community Project Reference Group from the first Monday to the first Tuesday, to avoid Monday public holidays, first day back at school from holidays, and other commitments after a weekend. Monday is sometimes a difficult day for community members.

Proposed meeting dates for Healthy Community Project Reference Group, with all meetings commencing at 3.00 pm, are therefore –

- Tuesday, 5 February 2008
- Tuesday, 1 April 2008
- Tuesday, 3 June 2008
- Tuesday, 5 August 2008
- Tuesday, 14 October 2008 (2<sup>nd</sup> Tuesday to avoid school holidays)
- Tuesday, 2 December 2008

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

#### **C2007-1217 Council, Committee and HCP Reference Group Meetings**

**Moved Cr EC Morrissey, Seconded Cr L Hodder**

**That 2008 meetings of Council and Healthy Community Project Reference Group meetings for 2008 be as follows –**

- **Council Meetings commencing at 11.00 am, on the third Thursday each month being –**
  - o Thursday, 21 February 2008
  - o Thursday, 20 March 2008
  - o Thursday, 17 April 2008
  - o Thursday, 15 May 2008
  - o Thursday, 19 June 2008
  - o Thursday, 17 July 2008
  - o Thursday, 21 August 2008
  - o Thursday, 18 September 2008
  - o Thursday, 16 October 2008
  - o Thursday, 20 November 2008
  - o Thursday, 18 December 2008
- **Healthy Community Project Reference Group commencing at 3.00 pm, generally on the first Tuesday of even numbered months, being –**
  - o Tuesday, 5 February 2008
  - o Tuesday, 1 April 2008
  - o Tuesday, 3 June 2008
  - o Tuesday, 5 August 2008
  - o Tuesday, 14 October 2008 (2<sup>nd</sup> Tuesday to avoid school holidays)
  - o Tuesday, 2 December 2008

#### **C2007-1218 Amendment Motion – Council, Committee and HCP Reference Group Meetings**

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

**That the March 2008 Ordinary Meeting of Council be held on Tuesday 18 March 2008 instead of Thursday 20 March 2008.**

**The Amendment was put and carried 5/2**

**C2007-1219    Amended Motion – Council, Committee and HCP Reference Group Meetings**

**That 2008 meetings of Council and Healthy Community Project Reference Group meetings for 2008 be as follows –**

- **Council Meetings commencing at 11.00 am, on the third Thursday each month being –**
  - o **Thursday, 21 February 2008**
  - o **Tuesday, 18 March 2008 (3 days prior to Good Friday)**
  - o **Thursday, 17 April 2008**
  - o **Thursday, 15 May 2008**
  - o **Thursday, 19 June 2008**
  - o **Thursday, 17 July 2008**
  - o **Thursday, 21 August 2008**
  - o **Thursday, 18 September 2008**
  - o **Thursday, 16 October 2008**
  - o **Thursday, 20 November 2008**
  - o **Thursday, 18 December 2008**
- **Healthy Community Project Reference Group commencing at 3.00 pm, generally on the first Tuesday of even numbered months, being –**
  - o **Tuesday, 5 February 2008**
  - o **Tuesday, 1 April 2008**
  - o **Tuesday, 3 June 2008**
  - o **Tuesday, 5 August 2008**
  - o **Tuesday, 14 October 2008 (2<sup>nd</sup> Tuesday to avoid school holidays)**
  - o **Tuesday, 2 December 2008**

**Motion as amended put and carried 5/2**

### **13.4.3 YAMATJI LAND & SEA COUNCIL and MURCHISON SHIRES MOU**

File: A2-5  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 11 December 2007  
Attachments: Shire of Cue, and copy of MOU

#### **MATTER FOR CONSIDERATION**

To consider whether the MOU should be reinstated.

#### **BACKGROUND**

The Memorandum of Understanding was originally signed in 2002 and was intended to operate for an 18 month term.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
- s.3.1 – good governance of the district

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

Murchison Zone Strategy Group

#### **COMMENT**

The MOU has now been lapsed for over three years and does not appear to have had any detrimental impact. There have been no recent approaches for meetings, nor any advices received in accordance with the MOU.

The core provisions of the document require monthly meetings between the Shires and the Yamatji Land and Sea Council. I am not aware of any meetings that have taken place.

The document was discussed at the last meeting of the Murchison Zone Strategy Group held in Cue on 7 December, and it was agreed –

*That it be noted that the Memorandum of Understanding between the Yamatji Land and Sea Council and the Shires involved, has expired and that a renewal of the agreement not be pursued at this time.*

#### **VOTING REQUIREMENTS**

Simple majority

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

### **C2007-1220 Yamatji Land & Sea Council and Murchison Shires MOU**

**Moved Cr EC Rowe, Seconded Cr DP Morrissey**

**That it be noted that the Memorandum of Understanding between the Yamatji Land and Sea Council and the Shires involved, has expired and that a renewal of the agreement not be pursued at this time.**  
**Motion put and carried 7/0**

#### **ADJOURNMENT**

*The meeting adjourned at 2:18pm and resumed at 2:31pm with all those present before the adjournment present once again.*

### **13.4.4 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS**

File: B5  
Author: Ron Adams, Deputy Chief Executive Officer  
Interest Declared: No interest to declare  
Date: 21 November 2007  
Attachments: None

#### **MATTER FOR CONSIDERATION**

1. Council to appoint Bush Fire Control Officers
2. Council to appoint Chief and Deputy Chief Bush Fire Control Officers
3. Determine the part of the district the officers hold

#### **BACKGROUND**

Appointments to bush fire control officers are required to be made by Council. These appointments are to be named as a person and cannot be appointed by title. Currently vacancies exist for positions of Chief & Deputy Chief Bush Fire Control Officers.

The appointments to these positions authorise the officers to carry functions and duties as required by the Bush Fires Act 1954.

Yalgoo being an extremely large district, the number of people and resources available is hindered by geography. Previously there has been a Deputy Bush Fire Control Officer at the north and south of the townsite and the CEO as the Chief Bush Fire Control Officer for the town. For administrative purposes, as provided for by the Act, the Chief BFCO is to have a primarily managerial responsibility for the organisation and maintenance of bush fire brigades.

The Act requires that when a bush fire control officer holds office in respect to part only of the district there is a requirement to have a prescribed area determined.

#### **STATUTORY ENVIRONMENT**

##### **Bush Fires Act 1954**

- Section 38(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Act, and of those officers shall subject to section 38A(2) appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- Section 39 A- provides for duties to be carried out, subject to the Act, for local government, bush fire control officers, brigade members to extinguish bush fires.
- Section 50 (b)- where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

A small cost to advertise the appointments

#### **CONSULTATION**

Max Barker FESA

Niel Mitchell CEO

#### **COMMENT**

None

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1221 Appointment of Bush Fire Control Officers**

**Moved Cr DP Morrissey, Seconded Cr LJ O'Connor**

**(1) That Council revoke all previous appointments of Bush Fire Control Officers.**

**(2) That the following people be appointed as Bush Fire Control Officers –**

- Ron Adams,
- Richard Hall,
- Cliff Hodder Snr

**(3) That the following appointments be made –**

- Ron Adams as Chief Bush Fire Control Officer
- Richard Hall as Deputy Chief Bush Fire Control Officer (Town)
- Tom Morrissey as Deputy Chief Bush Fire Control Officer (South)
- Leith Peskett as Deputy Chief Bush Fire Control Officer (North)

**(4) That the following districts be established –**

- town district to be 20km radius,
- North to be north of the town radius and the Geraldton-Mt Magnet Road
- South to be south of the town radius and the Geraldton-Mt Magnet Road.

**Motion put and carried 7/0**

**13.4.5 APPOINTMENTS FOR DOG CONTROL**

File: D5  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to declare  
 Date: 21 November 2007  
 Attachments: None

**MATTERS FOR CONSIDERATION**

1. Council to approve appointments as required under Dog Act 1976.
2. Deletion of Council Policy 9.1 Authorised Officer

**BACKGROUND**

Appointments to registration and authorised officers are required to be made by council. These appointments are to be named as a person and cannot be appointed by title.

**STATUTORY ENVIRONMENT**

Dog Act 1976

Section 29 (1) provides for – A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.

Section 11 provides for the local government to establish and maintain a pound and have it suitably staffed.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

9.1 Authorised Officers – provisions made for the authorisation of CEO, DCEO, Ranger and Admin Staff

**FINANCIAL IMPLICATIONS**

A small cost to advertise in Government Gazette

**CONSULTATION**

None

**COMMENT**

Council Policy 9.1 could be considered ultra vires to the Dog Act 1976 as Council cannot make a policy automatically appointing officers to positions.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2007-1222 Appointments for Dog Control**

**Moved Cr DP Morrissey, Seconded Cr EC Rowe**

**That Council:**

1. **Appoint the following Officers to carryout administrative functions under the Dog Act 1976**
  - o **Rikki Sweetman, Diane Hodder, Kay Power, Ron Adams**
2. **Appoint the following Officers as Authorised Officers to carry out authorised functions under the Dog Act 1976**
  - o **Niel Mitchell, Ron Adams, Peter Smith, David Williams, Richard Hall**
3. **Delete Council Policy 9.1 Authorised Officers**

**Motion put and carried 7/0**



**13.4.6 ESTABLISHMENT OF A BUSH FIRE BRIGADE**

File: B5  
 Author: Ron Adams, Deputy Chief Executive Officer  
 Interest Declared: No interest to declare  
 Date: 21 November 2007  
 Attachments: None

**MATTER FOR CONSIDERATION**

To establish a Town Bush Fire Brigade and make appointments as required by Bush Fire Brigades Local Law 2006

**BACKGROUND**

In March 2006 Council resolved (Item 10.4.4) to review local laws and to engage Lance Croft to perform this duty.

In June 2006 Council resolved (Item 10.4.6) to make a local law regarding Yalgoo Bushfire Brigades. The purpose at that time was to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades, and to repeal by-laws of the Yalgoo Road Board relating to the establishment, maintenance and equipment of bush fire brigades for the Road District or any part of the Road District of Yalgoo, which were published in the Government Gazette on 2 March 1961. The effect of this was to align existing local laws with changes in the law and operational practice.

As it is clear that it was Council’s intention to establish brigades, hence the adoption of local laws, several items of governance need to be completed to complete the establishment of a brigade.

Section 43 of the Bush Fires Act 1954 and Section 2.2 Bush Fire Brigades Local Law 2006 provide for the local government to appoint persons to positions of the brigade. These sections also provide for other requirements when establishing a brigade

Several volunteers have completed Fire Control Officers and Fire Fighting courses. The current registered member list shows 18 members. Consideration of those training requirements should be taken into account by the local government when making the appointments.

**STATUTORY ENVIRONMENT**

Bush Fires Act 1954  
 Section 41 provides for a local government to establish a brigade for the purpose of carrying out normal brigade activities  
 Section 43 provides for in conjunction with the locals laws (Section 2.2) appoint officers to the brigade.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

A small cost to advertise the appointments

**CONSULTATION**

Max Barker FESA  
 Niel Mitchell CEO

**COMMENT**

None

**VOTING REQUIREMENTS**

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1223    Establishment of a Bush Fire Brigade**

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

- (1)    That Council –**
  - a)    Cancel all previous bush fire brigades and appointments**
  - b)    Establish a brigade to be known as “Yalgoo Town Bush Fire Brigade”**
  
- (2)    That the Yalgoo Town Bush Fire Brigade’s –**
  - a)    primary responsibility is to carry out normal brigade activities as required by Bush Fires Act 1954**
  - b)    primary brigade area is the town site including the rubbish tip.**
  
- (3)    That the following appointments of the Yalgoo Town Bush Fire Brigade be made –**
  - a)    Richard Hall as Captain**
  - b)    Thomas (TK) Hodder as First Lieutenant**
  - c)    Chris Hodder as Second Lieutenant**
  - d)    Ron Adams as Secretary/Treasurer**

**Motion put and carried 7/0**

**13.4.7 COMMUNITY BUS**

File: G6-5  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 12 December 2007  
 Attachments: DITRDLG – notification and Draft Contract ]  
 LotteryWest – letter of notification ] (gold)

**MATTER FOR CONSIDERATION**

To authorise the contract with the Department of Infrastructure, Transport, Regional Development and Local Government (formerly DoTARS) for the purchase of a replacement Community Bus.

**BACKGROUND**

Mr Glenn Bone, previously Acting CEO, made application for a replacement bus to both DITRDLG and LotteryWest.

**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**

Purchasing policies of Council.

**FINANCIAL IMPLICATIONS**

Cost to Council for changeover, as provided for in Budget.

**CONSULTATION**

Young Motors  
 Steven Purcher, Purcher International  
 Skipper Trucks Belmont  
 Ron Adams, Deputy CEO  
 Emma Yates, Dept of Infrastructure, Transport, Regional Development and Local Government  
 Lee Gmas, Lotterywest

**COMMENT**

Both applications submitted by Mr Bone have been successful –

- DITRDLG	\$47,000.00 plus GST		
- Lotterywest	\$32,850.00 plus GST	Totalling	\$79,850.00

Recent quotes have been obtained from –

- Purchers	\$96,200.00 + GST	Mitsubishi Rosa, 24 passenger, seatbelt, bull bar etc
- Skippers	\$98,070.00 + GST	Mitsubishi Rosa, 24 passenger, seatbelt, bull bar etc
- G'ton Toyota	\$88,752.28 + GST	Toyota Coaster, 21 passengers, no seatbelts, with bulbar etc

On the basis of the extra seats, fitted seatbelts, and price, an order for the bus quoted by Purcher International will be placed under delegated authority, trading in the existing Community Bus for \$4,000.00 for an estimated net changeover of \$12,350.00.

Lotterywest do not require any formal contract, but the Shire will need to acquit the grant in time.

DITRDLG do require a formal contract, as well as acquittals on completion. It should be noted that the contract does require the Shire to contact them if the bus is to be disposed of or its use changed within 8 years.

**VOTING REQUIREMENTS**

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1224    Community Bus**

**Moved Cr L Hodder, Seconded Cr TK Iturbide**

**That the Regional Partnerships Funding Agreement with Dept of Infrastructure, Transport, Regional Development and Local Government for \$47,000.00 + GST to assist in the purchase of a replacement Community Bus, be approved.**

**Motion put and carried 7/0**

*Cr DJ Grey made a disclosure of Financial Interest relating to Item 13.4.8, for legal/financial reasons and left the meeting at 2:43pm*

### **13.4.8 TENDERS 2007-06, 2007-07 & 2007-08 – Railway Station Complex Leases**

File: T5 2007-06, 07, 08  
Author: Niel Mitchell, CEO  
Interest Declared: No interest to disclose  
Date: 12 December 2007  
Attachments: Summary of tenders received]  
Copies of Offer Forms ] (lilac)

#### **MATTER FOR CONSIDERATION**

Consideration of re-called tenders received to lease portions of the Old Railway Station Complex.

#### **BACKGROUND**

The re-call of tenders for leasing of the Complex was directed by Council at the October 2007 meeting.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000, and where tenders are invited under that limit as directed by Council.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Cost of construction and ancillary works

#### **CONSULTATION**

Phillip Mavor, Solicitor, Civic Legal

Sze-Hwei Yen, Solicitor, Civic Legal

Brian Eckhart, Local Government Insurance Services

#### **COMMENT**

The re-call of tenders was advertised in the West Australian and Geraldton Guardian in accordance with the Local Government Act and Regulations, and also notified to previously interested tenderers, who were asked to review their tender and confirm or amend as necessary. Tenders closed at 4.00 pm on Wednesday 12 December 2007, and were opened in the presence of Ron Adams, Deputy CEO.

Tenders confirmed on re-call were received from –

- 2007-06 – 24 hour Fuel Station
  - o Geraldton Fuel Company
- 2007-06, 2007-07 and 2007-08 – Fuel Station, Tearooms and Office/Retail areas
  - o Barry Horsman and or Nominees

Two previous tenderers have notified that, they wished their tenders not to be reconsidered.

As per the tender specifications, a credit check of both remaining tenderers has been requested, and should be available in time for the Council Meeting.

The base annual value (i.e. for Year 1 of the lease) of the tenders received is –

Tenderer	Tendered for	Base annual value
Geraldton Fuel Company	2007-06 – 24 hour Fuel Station	\$17,000.00
Barry Horsman and or Nominees (Pingar Project Management Group)	2007-06 – Fuel Station 2007-07 – Tearooms 2007-08 – Office/Retail	\$10,400.00

In reviewing the tenders, it is considered that the submission from Geraldton Fuel Company is the most advantageous to Council –

- on total combined value of –
  - o annual lease payment and
  - o rebate on fuel purchased in Yalgoo
- certainty of supply for the Shire and the community, through –
  - o being a fuel company, and
  - o intention to use as a storage facility maintaining maximum stock on hand for distribution
- certainty of operation of equipment and maintenance

Acceptance of the Geraldton Fuel Company’s tender also means that the Tearooms and Office/Retail areas remain available for lease or rent. If rented, total combined income to the Shire from the three leases would increase further.

In considering the tenders, Council should also bear in mind the matters Mr Horsman has reserved to himself in his correspondence to the Shire.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

- (1) That Council accept the tender of Geraldton Fuel Company for the lease of the 24 hour Fuel Station area of the Old Railway Station Complex, Yalgoo being –
  - base annual amount of lease of \$5,000.00, increased annually in line with Perth CPI
  - rebate to the Shire of 6 cents per litre on fuel purchased through the Yalgoo Fuel Station
  - for an initial term of 5 years, with an option of a further 5 year term
  - a once off donation of \$5,000.00 to a Community Development project to be selected at the discretion of Council,
  - water cost to be charged to Council in total.
  
- (2) That the President and CEO be authorised to affix the Common Seal to the following documents, subject to the appropriate amendments being made to reflect the details tendered by Geraldton Fuel Company –
  - the Lease of the Yalgoo 24 Hour Fuel Station, and the Disclosure Statement required

COUNCIL DECISION

**Moved Cr L Hodder, Seconded Cr EC Rowe**

**C2007-1225 Tenders 2007-06, 2007-07 & 2007-08 – Railway Station Complex Leases**

- (1) That Council accept the tender of Geraldton Fuel Company for the lease of the 24 hour Fuel Station area of the Old Railway Station Complex, Yalgoo being –
  - base annual amount of lease of \$5,000.00, increased annually in line with Perth CPI
  - rebate to the Shire of 6 cents per litre on fuel purchased through the Yalgoo Fuel Station
  - for an initial term of 5 years, with an option of a further 5 year term
  - a once off donation of \$5,000.00 to a Community Development project to be selected at the discretion of Council,
  - water cost to be charged to Council in total.
  
- (2) That the President and CEO be authorised to affix the Common Seal to the following documents, subject to the appropriate amendments being made to reflect the details tendered by Geraldton Fuel Company –
  - the Lease of the Yalgoo 24 Hour Fuel Station, and
  - the Disclosure Statement required
  
- (3) That the tender of B. Horsman be declined as it is conditional on all three leases being acquired

**Motion put and carried 6/0**

*REASON FOR VARIATION*

*To clarify that Mr Horsman's tender is declined.*

*Cr D Grey rejoined the meeting at 3:01pm*

**13.4.9 WILDFLOWER COUNTRY TRAVEL BROCHURES**

File: T7-1  
 Author: Niel Mitchell, CEO  
 Interest Declared: No interest to disclose  
 Date: 13 December 2007  
 Attachments: none

**MATTER FOR CONSIDERATION**

To consider participation in the reprint of the Wildflower Country travel brochure.

**BACKGROUND**

For some years, Yalgoo has partnered with Morawa, Mullewa, and other Shires to the west to promote travel in the 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**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

\$3,000.00 + GST should Council choose to participate.

**CONSULTATION**

Debbie McIlraith, Shire of Morawa

**COMMENT**

This matter was briefly considered at the September 2007 Council meeting, where it was resolved to obtain an estimate from Wildflower Country Tourism for the printing of the brochures only, and also for the development and printing of a Yalgoo specific map.

Wildflower Country Tourism advise that the \$3,000 from each of the 8 current Shires annually is for –

- printing of a new book each second year \$14,500 est.
- associated costs – upgrade of website, new logo, design and layout \$ 7,700
- distribution of brochures etc \$ 1,300

The next print run of 30,000 copies will cost about \$28,000, in part funded by the alternative year surplus.

This surplus is also used for other promotional activities such as –

- booth at Caravan and Camping shows etc
- promotional banners

The cost is a single subscription to cover all the group’s activities, and is not split into component parts.

There would be some benefit

On the second matter, Promaco have provided an estimate for a Yalgoo map –

- map preparation, layout, etc – similar to Wheatbelt maps of \$8,800 to \$9,800
- printing of 15,000 copies - \$4,272 (if map size or smaller scale, is the same as the Wheatbelt maps)
- total in the order of \$15,000

At this time, sponsorship/advertisers for the map have not yet been sought.

**VOTING REQUIREMENTS**

Simple majority



OFFICER RECOMMENDATION/COUNCIL DECISION

**C2007-1226    Wildflower Country Travel Brochures**

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

**That Council does not participate in the Wildflower Country travel promotions.**

**Motion put and carried 7/0**

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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None

**15. URGENT BUSINESS**

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None

**16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**

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None

**17. NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held on Thursday, 21 February 2008, commencing at 11.00am.

**18. MEETING CLOSURE**

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There being no further business, the President declared the meeting closed at 3:05pm

**DECLARATION**

These minutes were confirmed by Council at the Ordinary meeting held on \_\_\_\_\_ as a true and correct record of proceedings.

Signed \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed