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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 20 November 2008, commencing at 11.02 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.02am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson, Shire President Cr TK Iturbide Cr L Hodder Cr DP Morrissey Cr EC Rowe (from 1.26pm)
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, deputy Chief Executive Officer Mr C Hodder, Works Foreman
OBSERVERS	None
LEAVE OF ABSENCE	Cr DJ Grey
APOLOGIES	Cr L O'Connor

3. DISCLOSURE OF INTERESTS

None

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

None

5. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

- 14 November 2008 Murchison Country Zone
Noted that the Zone Presidents opening speech was excellent, and that a copy will be included in the minutes of the Meeting.
- 17 November 2008 Northern Wheatbelt Health Scheme
The Scheme is now in the process of winding up

7.2 COUNCILLORS

Cr Iturbide

- 14 November 2008 Murchison Country Zone
Noted that the same issues seem to come up throughout the Shires, and in almost every meeting – education, health, policing, housing
- 17 November 2008 Northern Wheatbelt Health Scheme

Cr Morrissey

- 5 November 2008 Murchison Regional Vermin Council
Now has several contractors working on different sections of the fence. Also enquired regarding a plaque for the section of the old fence erected in the Yalgoo Community Park, and noted that funding for erection of the fence was available.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 23 October 2008

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1101 Confirmation of Minutes

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

That the Minutes of the Ordinary Council Meeting of 23 October 2008 be confirmed.

Motion put and carried 4/0

9. MINUTES OF COMMITTEE MEETINGS

None

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

11. REPORTS OF OFFICERS

11.1 WORKS

11.1.1 WORKS REPORT

File: N/A
 Author: Cliff Hodder, Works Foreman
 Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 November 2008
 Attachments: RFT 2008-02 – Pavement Repair assessment and recommendation by GTS
 (dark blue)

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 –
- Yalgoo Ninghan Road –
 - o 1.5 km near Thundelarra to connect with next overtaking opportunity – gravelled, compacted, ready for water-binding and sealing in February 2009
 - o 3.7 km at the lakes crossing - gravelled, compacted, ready for water-binding and sealing in February 2009
 - Morawa Road –
 - o due to commence about 17 November, after the Yalgoo-Ninghan Rd construction,
 - o 3 km to be constructed once maintenance completed, and will then be allowed to settle until sealing
 - Tenders –
 - o 2008-02 for pavement repair – two tenders received
 - Downer EDI (est. \$183,660) and
 - Roadtech (est. \$599,253 after initial rate quotation est. at \$985,490)
 - o 2008-03 for bitumen supply, spray and cover, and
 - o 2008-04 for aggregates
 - Both closing shortly, and should be awarded by Council meeting
- b) Maintenance –
- flood damage works now effectively completed on all roads, and second inspection done.
 - o final works estimated at \$20,000 to be done on Paynes Find-Thundelarra Rd, Old Warriedar Rd and Yalgoo-Ninghan Rd

- o approval from MRWA to be sought to complete in March/April 2009 once construction complete on other roads
 - maintenance grading done –
 - o Maranalgo Road
 - o around Paynes Find
 - o Paynes Find-Thundelarra Road
 - o Wydgee Roads and Nardee West Road by contractors
 - o currently on Yalgoo-Ningham Road – various sections
 - maintenance work due –
 - o Morawa Road maintenance grading
 - o Yalgoo-Ningham Road – edges of bitumen
 - o Morawa Road – bitumen edges
 - o town – road shoulders
- c) Plant
- new water tanker – wiring, lights and switches to fit with both Volvo and Iveco
 - ride-on mower – now having troubles with the hydrostatic drive, quotes being obtained for repair or replacement
 - car trailer – new axles and springs being fitted
 - Community Bus – repairs to driver’s side required after a scrap with a fence post. Excess to be invoiced to hirer
- d) Other
- 2 new houses – outside work being completed, after some problems for the contractors
 - o fencing, sheds, window treatments, phone connections, final plumbing and wiring organised
 - o options for enclosing around the bottom of the houses being investigated
 - o quotes for decks for front verandah and back patio being sought. Will save costs of building up the surrounds, and reduce the height above neighbouring properties
 - o retaining walls, verandah edges etc to be installed prior to concrete work
 - o concrete will be from Cemex Geraldton (Readymix), and back loaded by Golden Grove truck.
 - Paynes Find –
 - o both town staff spent two days cleaning up around the Community Centre, toilets and grounds
 - o additional maintenance still required and work at cemetery to be done
 - o quote for building repairs (remove old air con, repair various ceilings, replace windows improve security etc) obtained and awarded
 - o still no application received for part time caretaker position
 - Employee Induction Training – planned for early 2009. Intention is to have all staff (including admin) through twice a year, either as new information or as a refresher. 1-2 hours on each occasion and conducted by the EHO. In compliance with Occupational Health requirements.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2008-1102 Works Foreman’s Report

Moved Cr DP Morrissey, Seconde Cr TK Iturbide

That the Works Report to 13 November 2008 be received.

Motion put and carried 4/0

11.2 DEVELOPMENT

11.2.1 EHO – ACTIVITY REPORT Sept –Oct 2008

File: E9
 Author: Dave Williams EHO
 Interest Declared: No interest to disclose
 Date: 11 November 2008

Date	Activity	Details/Comment
21 Oct 2008	Environmental Health	Complete review for effluent disposal requirements for Mt Gibson. Discuss Northern Wheatbelt Health Scheme resource sharing arrangement with CEO. Discuss waste management review with consultant.
	Building Control	Site visit for shed pads.
	Local Planning	Commence preparation for 120 man camp upgrade at Oz Minerals (Oxiana) project, value 2.0million dollars. Discuss Local Planning Scheme agenda with CEO.
28-Oct 2008	Environmental Health	Info provided to Mt Gibson for drilling programme ablutions. Info provided to Mt Gibson for sewerage approvals. Waste management survey downloaded for completion.
	Local Planning	Commence report to WAPC for modifications and submissions for LPS. Continue assessing info for Oz Minerals 120 man camp.
	Occupational Safety and Health	Discuss OSH with CEO.
	Building Control	Info to Mt Gibson Mining regarding Extension Hill. Arrange for modifications to house in Henty Street.
4 Nov 2008	Building Control	Geraldton all day for Building surveyors meeting.
11-Nov 2008	Environmental Health	Review correspondence for the NWHS. Assess correspondence for contaminated sites. Provide feedback on change of contaminated site classification for the depot site. Provide contact point for Department of Water correspondence.
	Building Control	Site visits to Henty and Campbell Streets still items requiring attention. Contact the plumber regarding the same Arrange for site visit next week for handover of new premises
	Local Planning	Agenda for Oz Minerals completed LPS forwarded to Western Australian Planning Commission Provide feedback on statutory Planning for Council information Provide feed back on Motor vehicle repair planning certifications

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1103 EHO Activity Report

Moved Cr DP Morrissey, Seconded Cr TK Iturbide

That the EHO’s Activity Report to 11 November-2008 be received.

Motion put and carried 4-/0

11.2.2 OZ MINERALS – extension of accommodation village

Formerly Golden Grove Oxiana

File: M5-5
 Author: David Williams, Environmental Health Officer
 Interest Declared: No interest to disclose
 Date: 11 November 2008
 Attachments: Location Plan (gold)

MATTER FOR CONSIDERATION

The purpose of this report is for Council to approve an application from Instant products Group on behalf on OZ Minerals (formerly Golden Grove Oxiana) to extend the accommodation village at the site as detailed on the attached location and site plan. The value of the development is \$2,019,312.00

BACKGROUND

The development of the Golden Grove Mine has change ownership several times in the past few years and is now under the management of OZ Minerals.

OZ Minerals have plans to increase the mining activities on site hence the application to increase the number of accommodation units at the site. Instant products on behalf of OZ Minerals have applied to place a further 28 accommodation units (4 man Single Person Units with ablutions), 2 laundries and a toilet block at the site. The units are donga style construction.

The units will be supported by a further increase in toilet and laundry facilities.

STATUTORY ENVIRONMENT

Shire of Yalgoo Town Planning Scheme No.1 Scheme Text.
 Town Planning (Local Government Planning Fees) Regulations 2000.

STRATEGIC IMPLICATIONS

The project provides for further development of the mining industry in the Midwest region and will be required to comply with all Environmental and sustainability objectives and be of benefit to the surrounding communities.

POLICY IMPLICATIONS

The application does align with the *Shire of Yalgoo Town Planning Scheme Policy No.4 'Residential Development in the Rural/Mining Zone'*.

FINANCIAL IMPLICATIONS

There is a fee for the application, \$4944.42, calculated on the value to construct the accommodation camp. The building licence fee received by Council is calculated at \$7067.59

CONSULTATION

Mr Tom Krt from Oxiana
 Adam Rizzi, Project Officer, Instant Products

COMMENT

The Shire of Yalgoo Town Planning Scheme No.1 Scheme Text 3.2.6 provides several objectives for land use in a *Rural Mining Zone* and includes the following –

- (a) *the zone shall consist of predominately rural and mining uses and,*
- (e) *To provide for and monitor mining activity and its associated works, however restricting the development of the residential component to areas with specific additional use rights.*

Furthermore 5.12 of the Scheme text provides that development in the Rural/Mining zone shall comply with the objectives of the zone as detailed above and with *such requirements as council sees fit relative to the proposed use*. The project will require further assessment for compliance with the Building Code of Australia and the provisions of the Health Act 1911.

As the accommodation camp is contained within the mining lease and is only a small footprint compared to the overall project there should be no need for Council to impose additional requirements relative to the proposed use.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1104 OZ Minerals – Extension of accommodation village

Moved Cr DP Morrissey, Seconded Cr L Hodder

That Council approves the application from Instant Products Group on behalf of OZ Minerals to extend the accommodation village at the site as detailed on the attached location and site plan.

Motion put and carried 4/0

ADJOURNMENT

The meeting adjourned at 11.59am and resumed after house inspection at 1.26pm with all in attendance before the adjournment present except Ms V Rowe.

Cr E Rowe entered the meeting 1.26pm.

Ms VJ Rowe entered the meeting at 1.31pm.

11.2.3 COMMUNITY DEVELOPMENT OFFICER’S REPORT

File: n/a
 Author: Rebecca Cowell – CDO
 Interest Declared: No interest to disclose
 Date: 11 November 2008
 Attachments: None

MATTER FOR CONSIDERATION
 Activity report 14 October 20th November 2008

14th October – 10th November

Week 1	First Play group session for the term, 7 children and 3 adults attended. Social Tennis started for the term, low attendance but expected to pick up. Emu Cup meeting Movie night at the hall, 25 children attended
Week 2	Geraldton for supplies for the girls night in and Halloween Party Low attendance at the Playgroup this week Social Tennis – more people attend this week Girls Night In – Event, 15 ladies attended we raised \$215.00 for cancer research.
Week 3	Attended a meeting with Neil and Craig Turley Last Emu Cup meeting before the event was held at the Sporting Complex Halloween Party – 30 children attended, was a lot of fun. (Some photos are shown in the November edition of the Bulldust).
Week 4	Attended three days of Bush Fire Training Geraldton for supplies for the Emu Cup Meeting with Brendan Flannigan Emu Cup – was a success, around 100 people attended, lots of assistance from community members on the day.

Future Commitments/Events:

- Play group
- Social Tennis
- Movie Night
- End of Year Party/Excursion (to be confirmed)
- Community Development Network Meeting – December (date to be confirmed)

VOTING REQUIREMENT
 Simple Majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1105 Community Development Officer’s Report

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That the Community Development Officer report to the 10th November be received.

Motion put and carried 5/0

11.2.4 HEALTHY COMMUNITY PROJECT – CUCRH EVALUATION

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 November 2008
Attachments: CUCRH Evaluation Report (white)

MATTER FOR CONSIDERATION

To consider the Report of the Combined Universities Centre for Rural Health concerning the Healthy Community Project

BACKGROUND

As part of FaHCSIA funding, a final evaluation report of the first four years was required to be made. CUCRH were contracted to prepare the report, given their experience with similar investigations on behalf of the Mid West Development Commission and others in recent times

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

Guidance for the future activities and directions of HCP

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

CUCRH – Ann Larson (Director), Kerrie Doyle (Asst Director), Tania Wiley, Des Thompson
Leanda Adams, former Community Capacity Builder
Ron Adams, Former Deputy CEO
Violet Rowe, Deputy CEO
Rebecca Cowell, Community Development Officer

COMMENT

Details of the methodology, background and purposes of the Healthy Community Project are detailed in the Report, and much would be familiar to Council.

In reviewing the Report, there were a number of things of particular interest.

Council may recall from the visit of the Local Government Grants Commission, that there was quite lengthy discussion concerning the Socio-Economic Indexes For Areas (SEIFA) and that these were used extensively throughout grant calculation methodology. The SEIFA scores are developed by Australian Bureau of Statistics from each census and 5 year intervening “mini-Census”.

These scores show that Yalgoo has dropped in socio-economic advantage quite significantly, while others of the Murchison have remained relatively static, with the exception of a major rise for Wiluna. The average for the Murchison region is effectively unchanged, although the State average surprisingly, dropped 40 points from 1004 to 964. However, the data is based on information prior to the mining boom really taking off.

The SEIFA score is based on 1000 being the average for Australia.

Local Government Area	Index of Relative Disadvantage	
	2001	2006
Yalgoo	968	849
Mullewa	963	918
Sandstone	918	903
Mount Magnet	917	948
Meekatharra	868	834
Cue	858	856
Wiluna	406	678
Unweighted Average for Murchison shires	843	842
Average for Western Australia	1004	964

From the ABS website –

Rank in WA	Most Disadvantaged in WA	
1	Halls Creek	534
2	Ngaanyatjarraku	545
3	Wiluna	678
4	Menzies	694
5	Derby-West Kimberley	722
6	Upper Gascoyne	764
7	Laverton	798
8	Meekatharra	834
9	Yalgoo	849
10	Cue	856

Other items of note that affect the HCP as a whole, rather than specific activities –

- a) page 17 second paragraph, and elsewhere – noted that constant staff turn over, not just of HCP people, but also CEO and DCEO, creates major problems with continuity and direction
- b) page 17 third paragraph – lack of measurable outcomes makes assessment of success, benefit or advantage difficult
- c) page 22 second paragraph – noted a significant gap in activities delivered, that contribute to directly improving families’ skills and capabilities, rather than only filling in time

Staff turnover issues is a matter that affects all aspects of the Shire’s operations, and there is little that can be done to significantly alter this factor, due to size and location, town infrastructure and so on.

Measurable outcomes is something that is being addressed with the development late last year of Activity Report Sheets. These reports are used during the activity to record who attends, general comments on the activity, any problems with behaviour, suggestions for the future etc. The intent of them is not just to gain some reportable data for evaluations, but also to comply with requirements for duty of care for the children. As children’s names are recorded, these sheets are treated as confidential under privacy legislation, and because the children are under 18.

Some of the gaps identified were addressed in April 2008 by Council with the resolution to have only one staff member in HCP who would focus increasingly on coordination of local people filling particular activity roles. Although started while Leanda Adams was still employed with the Shire, over the past couple of months, this re-direction is showing increasing signs of being the right choice. It has only just started, and in 2009, it is hoped that more opportunities will be able to be initiated.

The Report sets a very positive tone for the achievements and successes of the four years of operation of HCP, while recognising that there have been difficulties and problems to overcome. The Report also

acknowledges that where a program or activity has not been successful, has lost its way or is no longer supported by the community, that it has been discontinued and energies directed elsewhere, and not pursued for the sake of seeing it through.

The Report has two series of recommendations. The first series on pages 28-30 and are specific to Yalgoo. The second series on pages 38-39 are general to the Murchison region as they arise from a Report on CDO roles prepared for the Mid West Gascoyne Human Services Regional Manager's Group, but do have relevance to Yalgoo as parallels can be drawn, and inferences made.

Report Recommendations p.28-30

1: The Shire of Yalgoo continues to support the role of a community development officer and related activities, seeking additional funding as required.

Commitment given in March 2008, and budget provision made

2: The Shire of Yalgoo work cooperatively with other Murchison local governments and the Mid West Gascoyne Human Services Regional Manager's Group to enable networking and other support for community development officers.

The Community Development Officer is establishing links with CDO's in other towns, through CUCRH and MWDC, as well as of her own initiative.

3: The Shire of Yalgoo should seek to employ and provide support to local Aboriginal people to undertake community development roles.

This is intrinsic in the commitment given in March to continue the program, with a re-focus of the CDO role to coordination and facilitation, and employing local people as Activity Coordinators where possible

4: The Shire of Yalgoo should continue to be committed to improving the underlying factors leading to poor health and well-being in Yalgoo. However, any strategies should be developed using a multi-stage process that is based on Aboriginal people's values and experience.

This is an aspect that needs to be further developed. In recent times, there has been a cancer awareness night, and contact has been made with CUCRH for a mental health First Aid course. Closer links are also being worked on with Dept for Child Protection and Dept for Community Development.

5: Partnerships with relevant organizations should be formed to ensure that local priorities are addressed in an effective and sustained manner.

Close links are being established with CUCRH, the CDO Network etc. the CDO has also had several meetings with Craig Turley of OZ Minerals, and as part of the MOU to be developed with OZ Minerals, there will be the need for greater accountability of the Shire to them for the contribution they make.

As the Report was required by FaCSIA and LotteryWest due to funding obligations, a copy needs to be provided to them. Others have also requested a copy of the Report, including OZ Minerals and MWDC. The Report should be considered to be a public document.

I would like to note my appreciation to CUCRH for their time and effort in preparing this Report.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/COUNCIL DECISION 1

C2008-1106 CURCH Report – Endorsement

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That –

- **the CURCH Report evaluating the Yalgoo Healthy Community Project be received and the recommendations endorsed**
- **CUCRH be thanked for their participation and thoroughness of the evaluation**

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2008-1107 CUCRH Evaluation – Implementation

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

That the CUCRH Evaluation Report and recommendations be used to plan and develop future activities for HCP, noting in particular the need to –

- **develop activities for adults and men**
- **establish programs that address the fundamental issues such as managing finances, disciplining children, limiting alcohol abuse and violence or preventing sexual abuse, as identified on p.22 of the Report**
- **promote employment and training through involvement of local people in delivery of activities**
- **create support systems for Community Development staff.**

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

C2008-1108 CUCRH Report – Additional principles

Moved Cr EC Rowe, Seconded Cr DE Anderson

That the Recommendations made to the Mid West Gascoyne Human Service Regional Managers Group as listed on pages 38-39 of the Report be utilised as guiding principles in the further development of the Healthy Community Project.

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 4/ COUNCIL DECISION

C2008-1109 CUCRH Report – Distribution

Moved Cr DP Morrissey, Seconded Cr TK Iturbide

That a copy of the Report be sent to –

- **Dept of Families, Housing, Children’s Service and Indigenous Affairs,**
- **LotteryWest**
- **OZ Minerals**

and made available to other interested parties.

Motion put and carried 5/0

11.2.5 VACANT CROWN LAND – Lot 217

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 November 2008
Attachments: copy of purchase document detailing encumbrance
copy of emails and correspondence with All Property Settlements and State Land Services (sand)

MATTER FOR CONSIDERATION

To consider the conditions of purchase of Lot 217 Campbell Street

BACKGROUND

Council has previously agreed to purchase this lot, and made budget provision.

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

Appropriate development of land in accordance with the Local Planning Strategy, and future zoning

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Finalisation of purchase

CONSULTATION

Iliana Lopez, All Property Settlements
Jeanne Baker, State Land Services
Dave Williams, EHO

COMMENT

The intent of purchasing this lot was two fold –

1. to ensure that future development of Lot 185 (adjoining Lot 217 to the west) by Ferrowest as a mining accommodation village was protected, and
2. to provide for either –
 - a future site for expansion of Lot 185 mining accommodation or
 - for another interested party to use for mining accommodation.

On this basis, Council's interest and agreement to purchase Lot 217 was advised to State Land Services, and settlement planned for 4 November 2008.

In completing the purchase documentation, it was noticed that a condition was entered on the contract to purchase to the effect that the land was to be used for industrial development. On enquiry, I was advised that the condition was on the land and would be lifted. The lifting of the condition could not be made prior to purchase, in which case settlement would be delayed some time, or alternatively, purchase proceed, and the condition lifted at a later date.

Our settlement agents queried this again several days later, and on this occasion, were advised by SLS that the condition is an encumbrance on the Lot, and would not *"be removed until the Shire provides evidence of progress towards subdivision and sale as industrial lots is presented"*.

This is a substantial departure from previous understanding, and our settlement agents and SLS were advised to delay settlement on the Lot until such time as Council could further consider the matter, as details of the encumbrance is new information.

The purchase price of Lot 217 is \$18,000 excl GST, of which a 10% deposit has been paid direct to SLS. The balance of payment is being held in the settlement agents Trust account, pending instructions.

The issues before Council is whether or not to proceed with the purchase of Lot 217, now being aware of the encumbrance on the Lot, or seek some alternative.

State Land Services have advised that if purchased now, with the encumbrance still in place, the requirement for light industrial development becomes a contractual obligation. Should there be any development on the Lot, it must be light industrial. If purchased, the only alternative not in conflict with this obligation would be for the Lot to remain undeveloped.

In order for the Shire to control the land without this encumbrance, it will be necessary for SLS to go through the reassessment processes again, for Future Act clearance under Native Title legislation. The clearance that has been given at this time, is for use as light industrial, and not for residential purposes. A reassessment is likely to take 18 months or so. This timeframe is not critical for the Shire as far as can be determined at this time, as the Lot is being purchased for long term benefit, and is not needed immediately. In order to commence the reassessment process, they may stipulate that Council must complete a Planning Scheme amendment first.

However, once through the reassessment process is completed, as the land is to be used for residential purposes, and is zoned accordingly, its purchase price is likely to be much higher than the \$18,000 currently as light industrial use. Theoretically, the independent valuer, Landgate, places a market value on the property. Given the experience with the valuation of Lot 185 (Ferrowest), the price is sure to be exorbitant, well beyond actual market value.

SLS also noted that their records indicate it was the intent of the Shire was that this area be light industrial, despite being opposite a residential area to the west, and north of a future residential area. It was on the basis of anticipating zoning changes that would reflect this, that they initiated processes for sale to the Shire as industrial land.

The fact of current zonings and future zoning does not impact on the assessment process nor the contractual obligations once an agreement is signed.

Lot 217 has two zonings under the current Planning Scheme –

- i) the north eastern half as Recreation
- ii) the south western half as Rural/Mining

Under the proposed LPS No.2, the preliminary zoning in the draft documents is for the whole of the lot is Recreation. WA Planning Commission has been advised that Council requests a change from this proposed zoning to Rural/Mining, consistent with intended future uses, and the Strategy document.

The zoning is under Council's control, so an amendment permitting use as a Mining Accommodation Village is not out of the question.

It should be noted that under LPS No.2 once Gazetted, a Scheme amendment may be required before it can be used for mining accommodation village, if the zoning is inconsistent with this proposed use.

The options for Council appear to be –

1. Withdraw from the purchase of Lot 217 – SLS would then make it available to any interested developer for use as industrial. Council would have to either –
 - accept that there is likely be industrial development at some future date, that may be inappropriate for the surrounding area, or
 - rely on zoning as Recreation or Rural/Mining to block sale or otherwise prevent future development as industrial. However, if sold, the owner does have a right to use the land, and Council may be required to make an amendment to the Scheme to allow use as industrial. The right to use freehold land for the contracted purpose will be upheld by a Court.
2. Proceed with the purchase of Lot 217 – accepting that the only contractually permitted use is industrial, irrespective of the zoning, and leave the land undeveloped as vacant land, and therefore a buffer to any development north or east of the Lot. Council is effectively investing \$18,000 to protect the possible interests of Ferrowest.
3. Proceed with purchase of Lot 217 – and then seek the removal of the encumbrance. From discussions with SLS, this would seem to be a very low probability.

4. Proceed with purchase of Lot 217 – and pursue and amendment to the Planning Scheme that would permit “service and activities supporting light industrial and mining” to be conducted within the Zone. If this is the option, it is recommended that this be indicated to State Land Services, so that they are aware of Council’s intentions.
5. Defer purchase of Lot 217 – and request SLS to recommence the processes for sale of the lot to the Shire for a purpose which permits mining village accommodation, such as Rural Mining. This does have the disincentive of a high probability of an unrealistic price being put on the lot by Landgate, due to the change of intended use.
6. Defer purchase of Lot 217 – while Options 4 and 5 in particular, are further investigated and other possibilities sought.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2008-1110 Purchase of Lot 217 Campbell Street

Moved Cr EC Rowe, Seconded Cr DP Morrissey

That State Land Services be advised that –

- a) **due to the encumbrance, purchase of Lot 217 cannot be completed at this time,**
- b) **Council remains strongly interested in acquiring Lot 217 in order to buffer –**
 - **possible future development on Lot 185, where shift workers will be trying to sleep during the day**
 - **existing residential development to the west of the lot**
 - **possible future residential development to the south of the lot**
- c) **current zoning under Town Planning Scheme No.1 is split between Rural/Mining and Recreation**
- d) **preliminary zoning under Local Planning Scheme No.2 is Recreation for the whole of the lot, but that Council is seeking a change to Rural/Mining for the whole of the lot, consistent with the Local Planning Strategy, and future likely uses of the area**
- e) **use of Lot 217 as industrial is not consistent with the current or planned amenity of the immediate locality**

Motion put and carried 5/0

Ms V Rowe left the meeting at 1.44pm and returned at 1.49pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2008-1111 Options for the future purchase, development or control of Lot 217

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the CEO, in consultation with the Environmental Health Officer, investigate options for the future purchase, development or control of Lot 217 so as to be consistent with the Local Planning Strategy, and existing development, with State Land Services.

Motion put and carried 5/0

Ms V Rowe left the meeting at 1.54pm and returned at 1.56pm.

11.3 FINANCE

11.3.1 FINANCIAL ACTIVITY STATEMENTS – OCTOBER 2008

File:

Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 12 November 2008
Attachments: Financial Activity Statements for October 2008
Balance Sheet
Income Statement Detail
Income Statement by Nature & Type
Income Statement Summary
Actual vs Budget
Trust Balance Sheet (all green)

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for October 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

C2008-1112 Financial Activity Statements

Moved Cr EC Rowe, Seconded Cr TK Iturbide

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

Motion put and carried 5/0

11.3.2 ACCOUNTS PAID DURING THE MONTH OF OCTOBER 2008

File: N/A
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 11 November 2008
Attachments: EFT & Cheque Detail for October 2008 (green)

MATTER FOR CONSIDERATION

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1113 Accounts Paid During the Month

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

That:

1. **The Cheque Detail of payments covering vouchers EFT 1 to 33 totalling \$151108.34 paid during the month of October 2008, be received;**
2. **Cheque payments covering cheque numbers 10925 to 10942 totalling \$24999.36 paid during the month of October 2008, be received; and**
3. **Salaries and Wages totalling \$ 25254.27 paid during the month of October 2008 be received.**

Motion put and carried 5/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT – November 2008

File: N/A
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 13 November 2008
 Attachments: None

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

6 October Delegation 2.2 – Tenders
 Approved Greenfield Technical Services to call tenders –
 - Pavement repairs (Yalgoo-Ningham Road)
 - Supply, spray and cover seal (Ningham and Morawa Roads)
 - Supply and deliver sealing aggregates (Ningham and Morawa Roads)

11 November Delegated authority – Resolution 2008-1004
 Accepted tender of Downer EDI for pavement repairs in consultation with DCEO and Works Foreman

Mt Gibson Mining – Extension Hill

Advice has been received from the Office of the Appeals Convenor, that the appeals against the granting of approval for the upgrade of Wanarra East Road by the Conservation Council of WA were all dismissed.

Meetings

15-17 October LGMA Conference
 28 October Craig Turley, OZ Minerals re: confirmation of assistance for funding for Yalgoo-Ningham Road, HCP, brief discussion re MOU for road and HCP
 30 October with DCEO, Bill Bradford and Victor Ware – inspection of Paynes Find Community Centre and facilities for maintenance etc.
 3-5 November Bush Fire training courses with DCEO, CDO and other staff and interested people
 7 November Neil Congdon and Brendin Flanigan, Mid West Development Commission
 13 November Murray Brown, Murchison Country Zone, and Stuart Fraser, Dept of Local Government
 13 November Steve Douglas, CEO Mid West Development Commission

Future meetings –

14 November Murchison Country Zone WALGA – Cue
 17 November Northern Wheatbelt Health Scheme Meeting in Morawa
 4 December Murchison CEO’s in Sandstone

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1114 CEOs Activity Report

Moved Cr EC Rowe, Seconded Cr DP Morrissey

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

Motion put and carried 5/0

11.4.2 DELEGATIONS REGISTER – Annual Review

File: P11
Author: Niel Mitchell, CEO
Interest Declared: Person to whom delegations are made
Date: 4 November 2008
Attachments: Current Delegations Register (light blue)

MATTER FOR CONSIDERATION

To consider Delegations for the 2009 calendar year.

BACKGROUND

Council is required to review and confirm Delegations at least once every 12 months.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.42 – Council may delegate to the CEO
- s.5.43 – limitations on delegations that may be made

Dept of Local Government and Regional Development –

- Guidelines 17 – Delegations (includes references to “acting through” i.e. policy)

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Delegations to CEO and other staff

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Delegations are required to be approved by Council at least once every 12 months. There is no stipulation as to whether this is to apply to a calendar year or financial year. When the current delegations were adopted in April 2008, Council approved a timetable for November annually, in order to spread the workload.

In reviewing the delegations, two changes are suggested –

1. Delegation 2.6 – The delegation as it is, applies only to charges added to rates and not to sundry debtors. It is suggested a new dot point 1 be inserted –
– sundry debtors, where considered unrecoverable or not worth pursuing
2. Delegation 2.9 – amend point two to clarify that seeking of approval is for financial purposes only. It is imperative that in a fire situation, that there is only one chain of command, and that no-one other than the fire fighters supervisor issues instructions, to minimise the possibility of conflicting instructions. Accordingly, it is recommended that the following words be added to point 2 –
The approval to be sought is an administrative function for expenditure purposes only, and does not extend to the issue of operational instructions.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1115 Delegations Register

Moved Cr E Rowe, Seconded Cr DP Morrissey

That the current Delegations Register be confirmed to apply for the 2009 calendar year, with the following amendments –

- 1. Delegation 2.6 – in paragraph 1, insert as the first dot point –
– *sundry debtors, where considered unrecoverable or not worth pursuing***
- 2. Delegation 2.9 – the following words be added to point 2 –
*The approval to be sought is an administrative function for expenditure purposes only, and does not extend to the issue of operational instructions.***

Motion put and carried by Absolute Majority 5/0

11.4.3 POLICY MANNUAL – Annual Report

File: P11
 Author: Niel Mitchell, CEO
 Interest Declared: Person to whom delegations are made
 Date: 4 November 2008
 Attachments: Draft amended Bush Fire Vehicles Policy (purple)

MATTER FOR CONSIDERATION
 To consider amendments to the Policy Manual

BACKGROUND
 Council may make, amend and revoke Policy at any time.

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 17 – Delegations (includes references to “acting through” (i.e.: policy))

STRATEGIC IMPLICATIONS
 Nil

POLICY IMPLICATIONS
 Amendments to Policy

FINANCIAL IMPLICATIONS
 None

CONSULTATION
 None

COMMENT
 Unlike delegations, policy does not have to be reviewed annual or at any other time, however as a matter of good management. It should be reviewed regularly. The current policy manual was adopted in August 2008, revoking all previous policies. In order to spread the workload, Council approved a timetable for November annually, when a report on the Policy Manual is to be made to Council by the CEO.

A review has been made and a number of amendments are suggested –

Policy	Title	Details of proposed amendment
		<i>Comment</i>
2.1	Capitalisation of Assets	Amend “\$1,800” to “1,000” in both instances.
		<i>As recommended by Auditor</i>
5.4	Shire Facilities – Tables & chairs	Add as second paragraph to Point 1. – <i>“All applications for private use off-premises are to go to Council for decision, and will be subject to such conditions as considered necessary.”</i>
		<i>Consistent with Council decision of September 2008</i>
7.3	Credit / Debit Card Facilities	Amend title to read “Credit Card Facilities” In Points 2, 3, 4 and 5 delete reference to “debit card” in all instances
		<i>The National Bank has now advised that debit cards can only be issued to an individual and are not able to be issued to the Shire as a corporate entity.</i>

8.1	Bush Fire Brigade Vehicles	Amend as per attached Policy 8.1
		<i>Amendment as indicated and recommended by FESA</i>
9.1	Native Flora and Fauna	In Point 2, add to dot 1 – <i>"(collector includes the permit holder and up to 2 assistants)."</i>
		<i>It has been assumed this was the case in the policy, but needed for clarification as DEC require a separate licence to be held by each person.</i>
11.2	Removal Expenses	Amend Paragraph 2 to read – 2. <i>Where a removal company is used -</i> <ul style="list-style-type: none"> - <i>3 quotes are to be obtained and the CEO's approval for the preferred company sought</i> - <i>If the CEO's prior approval is not obtained, the lowest of any quotes received will <u>may</u> be used as the basis of reimbursement.</i> - <i>the Shire will meet the fuel cost of one accompanying vehicle, one way.</i>
		<i>Dot point 3 added so that entitlement is consistent with a person carrying out their own relocation.</i>
11.4	Staff Housing – Subsidies	In Paragraph 2 (a), delete third dot point Amend 5 (a) to read – <i>"upon production of evidence of rental payments, employees residing in non-Shire accommodation will have their rent subsidised, to the extent that the net cost to the employee is equivalent to staff in Shire owned accommodation"</i>
		<i>Para 2(a) – 3rd dot point is covered by 2 (b)</i> <i>Para 5 – for clarification of eligibility, limitation of subsidy, and clarification that the full rent is not subsidised.</i>

There are a number of policies identified that are need, and these will be prepared and presented as able –

- Equal Employment Opportunity – in compliance with the requirement of the Equal Opportunity Act to have various plans for the recruitment of Indigenous, migrant, disabled, female in executive positions etc.
- Rehabilitation of realigned roads, gravel pits etc
- Shire roads maintenance schedule according to road use etc – per Council resolution
- Significant accounting policies – as listed in the Financial Statements, but should be adopted as a formal policy statement
- Reserve Account purpose, balances or transfer amounts etc – as guidance for the preparation of budgets, and also for clear statements of intent for use of the funds
- Appointment of authorised officers under various Acts

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1116 Policy Manual– Annual Report

Moved Cr E Rowe, Seconded Cr D Anderson

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

Policy	Title	Details of amendment
2.1	Capitalisation of Assets	Amend "\$1,800" to "1,000" in both instances.
5.4	Shire Facilities – Tables & chairs	Add as second paragraph to Point 1. – <i>"All applications for private use off-premises are to go to Council for decision, and will be subject to such conditions as considered necessary."</i>
7.3	Credit / Debit Card Facilities	Amend title to read "Credit Card Facilities" In Points 2, 3, 4 and 5 delete reference to "debit card" in all instances
8.1	Bush Fire Brigade Vehicles	Amend as per attached Policy 8.1
9.1	Native Flora and Fauna	In Point 2, add to dot 1 – <i>"(collector includes the permit holder and up to 2 assistants)."</i>
11.2	Removal Expenses	Amend Paragraph 2 to read – 2. <i>Where a removal company is used -</i> - <i>3 quotes are to be obtained and the CEO's approval for the preferred company sought</i> - <i>If the CEO's prior approval is not obtained, the lowest of any quotes received may be used as the basis of reimbursement.</i> - <i>the Shire will meet the fuel cost of one accompanying vehicle, one way.</i>
11.4	Staff Housing – Subsidies	In Paragraph 2 (a), delete third dot point Amend 5 (a) to read – <i>"upon production of evidence of rental payments, employees residing in non-Shire accommodation will have their rent subsidised, to the extent that the net cost to the employee is equivalent to staff in Shire owned accommodation"</i>

Motion put and carried 5/0

ADJOURNMENT

The meeting adjourned at 2.43pm and resumed at 2.55pm with all in attendance before the adjournment being present.

- Tuesday, 15 December 2009 Change of day as in previous years for end of year function and holiday break-up on the Thursday 17th

All meetings to be held in the Council Chambers, commencing at 11.00 am.

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

The Healthy Community meetings are not Committee meetings of Council (refer Delegation 1.2) and accordingly do not need to be advertised as either Committee or Elector's meetings. Of the three meetings held in 2008 so far, two have had only staff in attendance despite extensive advertising, and shifting the meeting day from Monday to Tuesday (except October's). As it is very important that community feedback continue to be obtained for HCP, enquiries have been made with CUCRH about the possibility of having them run community consultation on a three or four monthly cycle.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2008-1117 2009 Council Meetings

Moved Cr L Holder, Seconded Cr EC Rowe

That 2009 Ordinary meetings of Council be held in the Council Chambers, commencing at 11.00 am, on the following dates –

- **Thursday, 19 February 2009**
- **Thursday, 19 March 2009**
- **Thursday, 23 April 2009**
- **Thursday, 21 May 2009**
- **Thursday, 18 June 2009**
- **Thursday, 23 July 2009**
- **Thursday, 20 August 2009**
- **Thursday, 17 September 2009**
- **Thursday, 22 October 2009**
- **Thursday, 26 November 2009**
- **Tuesday, 15 December 2009**

Motion put and carried 4/1

11.4.5 RECREATION FACILITIES – Architectural Services

File: R12
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 21 October 2008
12 November 2008
Attachments: copy of invoice from EIW for services to date
preliminary sketches from EIW
email from EIW of 14 October 2008
Shire of Narembeen – concept sketches
Shire of Narembeen – tender document from 2006 (lime green)

MATTER FOR CONSIDERATION

This matter was raised as a late item at the October Meeting of Council and deferred until November for further consideration.

Provision of architectural services for the design and development of the proposed recreation facilities in Gibbons Street

BACKGROUND

The proposed recreation facilities have been under discussion for quite some time, with quotes being obtained earlier in 2008 for the provision of sketch design.

Edgar Idle Wade, Architects, have now requested that a contract be signed engaging them as architects for the project before continuing with any further work. They have been advised that this must be referred to Council for decision.

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

Continued development of proposals for a recreation facility

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Possible cost of calling of tenders

CONSULTATION

Jeff Rees, Edgar Idle Wade

Ryan Duff, CEO Shire of Narembeen

Stephen White, WALGA Total Purchasing Solutions

COMMENT 1 – for 23 October 2008

Process to date

Quotes were sought in early 2008 for the provision of sketch plans, not for full architectural drawings and services, but for preliminary sketches etc. Three quotes were sought by the then DCEO, Ron Adams, with only one response, so the proposal of Edgar Idle Wade, Architects was therefore accepted.

The quotes were called and the preliminary sketches made in order to –

- ascertain if the proposed location had sufficient space
- get a rough idea of cost for the total project
- be able to make some decisions regarding the specific facilities to be included into the complex and generally have some firm information on which to base the next steps.

Work on various parts of the project has been continuing for quite some time with –

- preliminary sketch plans and a visit by EIW
- feature survey by Quantum Surveys
- geo-technical survey by Structerre

EIW's invoice for services to date was \$25,974.25 excl GST, and included a trip to Yalgoo and associated expenses. Their estimate of fees for full architectural service through to completion of the project is \$360,000, based on 6% of the estimated project cost of \$6 million.

Clearly, the total cost of architectural services will exceed the \$100,000 tender threshold limit imposed by the Regulations, and tenders or expressions of interest must therefore be called. An exemption is available under the Regulations if WALGA has previously called tenders for the services.

As no previous tender has been called or expressions of interest invited, it is now necessary to do so.

Considerations

While Council has delegated to the CEO the authority to call tenders, but not to determine a tender, for services in excess of \$100,000, in this instance, it is considered that Council needs to provide some guidance prior to proceeding. Until recently, there has been no reasonable estimate of cost of fees and for the total project.

a) Is it the intention of Council to build a facility?

Economically, construction of such a facility will be a financial disaster. It will cost the Council and therefore the community a great deal of money to construct, and then to maintain (more importantly). This cost is either directly through rates or indirectly through grants income having to be spent maintaining the facility, rather than directed to roads, or other facilities.

Construction funding –

- may be available from developers in the area, and although no commitments have been given, preliminary discussions appear supportive
- the Shire is eligible for a 43% grant through the Community Sporting and Recreation Facilities Fund, but as it is a competitive process there is no guarantee of funding. Typically, CSRFF is able to fund only one third of the value of bids made, i.e grants of \$9 million in response to bids totalling \$27 million or so
- grants may still be available through DITRDLG (previously DOTARS) however, they are tied to population, and from memory, Yalgoo would be eligible for about \$180-\$200,000. All funding through DITRDLG is currently on hold, pending the establishment of Regional Development Australia (replacing the Area Consultative Committees) and the development of new funding programs by the Federal Government through DITRDLG, if any.

Without very large contributions from private industry, Council would need to fund an estimated \$3.3 million for the proposed project as is.

It will not generate much at all in the way of income. It is strongly recommended that entry to the pool is not free, but that an appropriate fee for the community be charged. Many pools charge \$3 +/- for entry, however, for Yalgoo, entry fees of 50 cents for children or \$1 for adults may be more appropriate.

A rough estimate of income –

\$ 4,125	Pool – 25 children at 50c, 15 adults at \$1 per day, 5 days a week for 30 weeks
4,125	Court – very optimistically, same as for pool
2,000	Ancillary (meeting room, gym, crèche etc) – (a blue sky guess)
<u>3,000</u>	Government swimming pool subsidy for one year
13,250	
10,000	through the HCP program
?	subsidies from mining companies etc

Despite the large improvements in fitness, ability to concentrate, general health, behaviour etc, both the Health Department and Education Department have advised that they will no longer assist with construction costs, or subsidise maintenance expenses for remote pools.

However, the decision cannot be solely a pragmatic economic rationalist one, as the social benefits of a facility are enormous. The various benefits have been outlined on numerous occasions, and include –

- no school no pool
- significant verifiable health outcomes, particularly for children if a pool is built
- improved fitness for children and adults
- reduced boredom through improved recreational opportunities etc.

The time is fast approaching when Council needs to make a commitment to the proposal or to abandon it. At the moment, many people seem to be unclear as to how committed Council is to the proposal.

There is significant demand in the town for a pool; however, this is actually a very small population base for a very large investment. Use of any facilities by patrons from outside of town, is likely to have negligible impact on numbers, income or expenditure.

Council can continue to hold off on committing to the project, awaiting future certainty of an influx of population to the town from mining, but such a commitment may still be some years away. The options appear to be –

- continue in a holding pattern until mining village development in town is certain
- proceed without that certainty, but make provision in the plans for such a development
- cancel the project

Although an expensive process, development of architectural drawings for the project is a way of continuing on hold, and will be needed if the project proceeds. However, it does loudly imply to the community, that Council is committed to the project going ahead. If the project is not to proceed, it would be kinder, and much cheaper to put it to rest now.

Although it would not be beneficial to Yalgoo community, it would actually be much cheaper to employ a bus driver, and do two trips each day to and from Mullewa swimming pool, and subsidise the entry of Yalgoo people into the bargain. This is not a recommended option.

- b) If the project does go ahead, will it be staged, and if so, which section is the priority?

Whatever design or staged development that may be decided on, the administration offices, first aid room and any other requirements that could possibly be shared, need to be, and planned accordingly. The current preliminary sketch design does not provide for this. Essentially, the complex can be divided into three components –

- swimming facilities
- indoor court facilities
- support areas (meeting room, gym, crèche etc)

While not an urgent decision at this time, some indication from Council as to priority of stages for development would be useful. Given that the constant request for facilities is for a pool, and that court facilities do exist, although outside and not in top condition, it is suggested that priority should be given to the development of a 6 lane, 25 metre pool. Provision should also be made for it to be roofed so as to become an indoor pool at some future date, should the demand/need arise.

As noted, there are existing court facilities that can be used. The experience of a number of towns is that a swimming pool is one of the major contributors to improvements in child health, school attendance and therefore educational improvements and behavioural improvement generally. Passive and active recreation activities are possible. Refer to the research done by Dr Fiona Stanley, Health Dept and others for communities such as Wiluna and Jigalong.

The difficulties of operating a pool should not be underestimated –

- as a rough guess, a pool alone will cost in the order of \$150-\$200,000 per year to operate
- this does not include funds being set aside for future maintenance, upgrade or replacement
- compliance with some fairly onerous and tough Guidelines (which are mandatory by Regulation)
- attracting and retaining qualified pool staff, and the inevitable backlash that will occur when the manager leaves and the pool has to be closed due to lack of qualified staff

Despite these issues, it is considered that the pool should be the priority over an indoor court area.

Next steps

The point we are at now, is –

- firstly, to finally go to public consultation on the sketch plans, and
- secondly, consider the appointment of an architect to see the project, or specific stages, through to conclusion.

COMMENT 2 – for 20 November 2008

Since the previous report, brief discussion I have had brief discussion with Ryan Duff, CEO Shire of Narembeen, concerning their new pool. They had previously had a pool, but due to age and state of repair, it was demolished and a completely new facility built, including amenities rooms, kiosk, plant room etc. The tender price was approx. \$1.3 million, with an additional \$200,000 spent by the Shire doing various works (note tender was in 2006/07 and Shire works progressively since that date). The architects Narembeen used, Donovan Payne Architects, have won awards for their design of pools. Edgar Idle Wade, used by us for preliminary work, are also well experienced in the field.

I have also discussed with Stephen White, Business Manager WALGA Purchasing Solutions, regarding processes, his recommendation is to go to Expressions of Interest in the first instance, specifying particular criteria being sought, and the basis for consideration, for instance –

- specify looking for innovative solutions,
- ask for suggestions of type/style of construction
- noting that provision needs to be made for future indoor court facility with common admin area
- noting future possibility of enclosing the pool for 24 hr use all year round
- suggestions for alternative water based facilities other than a pool
- estimates of cost, timeframes etc.
- schedule of fees and basis of engagement – fee for service or percentage of total cost

After EOI's are received, Council can then decide to seek a full tender from selected people or firms who submitted an EOI.

In my previous comment, I noted that the decision cannot solely be one based on economics. Financially, a pool is a disaster, but consideration must be given to the social, community, health and educational spin-offs proven in other areas, that will be gained.

Consideration needs to be given as to staging, and priority of stages. Courts can be outdoor, and can be upgraded from the existing courts, but a pool cannot be halfway.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1

That Council commits to the construction of a combined recreation facility consisting of an indoor court area, a pool and necessary buildings/rooms, subject to grant and/or sponsor funding.

COUNCIL DECISION

C2008-1118 Consideration of construction of a Recreation Facility

Moved Cr E Rowe, Seconded Cr TK Iturbide

That Council consider the construction of a combined recreation facility consisting of an indoor court area, a pool and necessary buildings/rooms, subject to grant and/or sponsor funding.

Motion put and carried 5/0

REASON FOR VARIATION:

So that greater flexibility in future decision making is retained.

Ms V Rowe left the meeting at 3.35pm and returned at 3.36pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2008-1119 Stages of the Proposed Project

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

That the project be staged, with the pool facility being the priority.

Motion put and carried 3/2

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

C2008-1120 Expressions of Interest – Architectural Services for Proposed Project

Moved Cr TK Iturbide, Seconded Cr DP Morrissey

That Expressions of Interest be invited for the design of a pool or water facility in Yalgoo, with criteria for selection to include –

- specify looking for innovative solutions,
- suggestions of type/style of construction
- provision needs to be made for future indoor court facility with common admin area
- future possibility of enclosing the pool for 24 hr use all year round
- suggestions for alternative water based facilities other than a pool
- estimates of cost, timeframes etc.
- schedule of fees and basis of engagement – fee for service or percentage of total cost

Motion put and carried 4/1

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2008-1121 Funding for Construction and Operation of Proposed Project

Moved Cr TK Iturbide, Seconded Cr D Anderson

That the CEO to investigate avenues of funding for construction and operation for a proposed Recreation Facility.

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

VOTING REQUIREMENTS

Absolute 1/3 of Elected Members of Council (*i.e.* 3)
Refer Administration Regulation 10 (1)

COUNCIL DECISION

C2008-1122 Consideration of Notice of Motion to Revoke a Previous Decision

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the Notice of Motion to revoke Resolution 2008–1020 (Accommodation – Yalgoo Nursing Post) be considered.

Motion put and carried by 1/3 Absolute Majority 5/0

12.1.1 YALGOO NURSING POST

Requested by: Cr Lorraine O'Connor
File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 November 2008
Attachments: None

MATTER FOR CONSIDERATION

To consider revoking a previous decision of Council

BACKGROUND

The matter of alternative accommodation for the Community Nurse has been before Council for consideration on a number of occasions, most recently at the October meeting of Council.

Cr O'Connor's request that this matter be raised for revocation to be considered has been supported and signed by Cr Anderson and Cr Iturbide, thereby complying with the Regulations.

In order for the previous motion to be revoked, an Absolute Majority of Council is required.

STATUTORY ENVIRONMENT

Local Government Act –

- s.5.25 (e) – Regulations may be made concerning revocation of decisions

Administration Regulations –

- r.10 (1) – one third of Council must support discussion of revocation being listed
- r.10 (1a) – those supporting the notice of motion must sign the request
- r.10 (2) – revocation must be by absolute majority
- r.10 (3) – revocation only required where the change results in a substantial difference

STRATEGIC IMPLICATIONS

Accommodation for Community Nurse and for staff

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Stuart Fraser, Dept of Local Government re: administrative requirements

COMMENT

In her Notice of Motion, Cr O'Connor notes that she considers the house should be limited to Shire use only (i.e. Shire staff).

Please note that the intended reference was to Resolution 2008-1020.

This matter has been commented on extensively at previous meetings, but in summary –

- the current accommodation arrangements are unsatisfactory, as health and space requirements mean that the private part of the residence is frequently used by visiting health workers due to –
 - o health requirements prevent use of Nursing Post facilities for refreshments,
 - o there is insufficient space to accommodate visiting professionals, particularly if there is more than one at a time
 - o inadequate space for equipment means that patients are also having to enter the private accommodation area
- WACHS may be able to fund the construction of a new Nursing Post over an extended period, but not accommodation
- WACHS are able to fund redevelopment of the existing facilities as accommodation through their operational budget
- the process of constructing a new Nursing Post would be done by the Shire, through loan funds, and on a cost neutral basis.

The decision Cr O'Connor proposes should be revoked does not solve the issues of accommodation for the Community Nurse, but does provide an interim measure.

VOTING REQUIREMENTS

Absolute majority

MEMBER RECOMMENDATION 1/ COUNCIL DECISION

C2008-1123 Revocation of Resolution 2008-1020

Moved Cr DE Anderson, Seconded Cr L Hodder

That Resolution 2008-1020 reading –

That –

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

be revoked in full.

Motion put and carried by Absolute Majority 5/0

VOTING REQUIREMENTS

Simple majority

MEMBER RECOMMENDATION 2/ COUNCIL DECISION

C2008-1124 Lot 27 Stanley Street

Moved Cr DE Anderson, Seconded Cr EC Rowe

That Lot 27 Stanley Street not be leased to the WA Country Health Service (Mid West Region).

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2008-1125 Alternative Accommodation for the Nursing Staff

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the Council to offer unit for accommodation for Nursing staff at a market value at \$120/wk and other conditions as previous.

Motion put and carried 5/0

12.2 FOR CONSIDERATION AT THE FOLOWING MEETING

None

13. URGENT BUSINESS

As permitted by resolution of the Meeting

None

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

None

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held on Tuesday, 16 December 2008, commencing at 11.00am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 4.20pm.

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