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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 22 October 2009, commencing at 11.02 am.

In accordance with the Local Government Act Schedule 2.3 (3), the CEO is to preside at the meeting until the election of the President.

The Chief Executive Officer declared the meeting open at 11:02am.

SWEARING IN OF RE-ELECTED AND NEW COUNCILLORS

Declarations of Office are to be made before a Justice of the Peace or other authorised person.

Declarations of Office by each of Cr Ellen Rowe and Cr Michael Forster before Sgt Darren Gill, OIC Yalgoo Police.

ELECTIONS

a) Election of Shire President

The CEO advised that written nominations for President had been received from –

- Cr Don Anderson, and
- Cr Laurence Hodder nominating Cr Terry Iturbide, who accepted nomination

The CEO invited further nominations.

There being no further nominations a ballot was conducted in accordance with the Local Government Act and Regulations, and Cr Terry Iturbide was declared elected.

Declaration of Office to be made before an authorised person

Declaration of Office for Shire President was made before Sgt Darren Gill.

NOTE: Shire President to assume the Chair

Cr Iturbide assumed the Chair at 11:13am, and thanked the members for her election.

b) Election of Deputy Shire President

The CEO advised that one written nomination had been received from Cr Ellen Rowe, and invited further nominations.

There being no further nominations Cr Rowe was declared elected.

Declaration of Office to be made before an authorised person

Declaration of Office for Deputy Shire President was made before Sgt Darren Gill.

Sgt Gill left the meeting at 11.17am

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.17am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr TK Iturbide, Shire President Cr EC Rowe, Deputy President Cr DE Anderson Cr L Hodder Cr MJ Forster	
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy CEO Mr CF Hodder; Works Foreman	(from 1.05pm)
OBSERVERS	Sergeant Darren Gill	
LEAVE OF ABSENCE	None	
APOLOGIES	None	

3. DISCLOSURE OF INTERESTS

Disclosures of Interest made prior to the Meeting.

Mr N Mitchell

14.1 CEO Performance Review
Disclosure of Financial Interest

Cr EC Rowe

11.3.3 Accounts Paid
Disclosure of Financial Interest

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

None

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 CEO Performance Review

Ms V Rowe left the meeting at 11.21pm.

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

None

7.2 COUNCILLORS

Cr EC Rowe

- 18-21 October FACET Conference in Mount Magnet
- well worth attending, and noted many positive comments from visitors to the region
 - noted that Mid West Development Commission advised that they have funds available for tourism projects
- 21 October Yalgoo Community Meeting coordinated by Ruth Bermeister of Yalgoo ICP

Cr L Hodder

- 21 October Yalgoo Community Meeting
- noted that health concerns regarding the absence of a permanent nurse in Yalgoo were raised

Ms V Rowe returned in the meeting at 11.22am

COUNCIL DECISION

C2009-1001 Yalgoo Health Services

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the Minister for Health be advised of the continuing concerns regarding the absence of a permanent nurse appointment to Yalgoo, as Yalgoo has been without a nurse in full-time attendance for almost 12 months, and that a copy of the letter be sent to WA Country Health Service.

Motion put and carried 5/0

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1002 Confirmation of Minutes

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the Minutes of the Ordinary Council Meeting of 17 September 2009 be confirmed.

Motion put and carried 5/0

8.2 SPECIAL COUNCIL MEETINGS

None

9. MINUTES OF COMMITTEE MEETINGS

None

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Cr Iturbide declared a Proximity interest in the following presentation, as a port ion of the proposed rail corridor crosses Jingemarra Station, and vacated that Chair at 11.30am. Cr Rowe assumed the Chair at this time.

COUNCIL DECISION

C2009-1003 Approval to participate in discussion

Moved Cr EC Rowe, Seconded Cr L Hodder

That Cr Iturbide be permitted to participate in the discussion with Oakajee Port and Rail.

Motion put and carried 4/0

10.1 Oakajee Port and Rail

Attachments p.1 Newsletter and Rail Corridor information

Mr Peter Spaulding joined the meeting at 11.30, and spoke to the visual presentation prepared. In particular he noted that –

- the proposed alignment has much more suitable gradients (approx. 1 in 275) for the very heavy loads it is expected to bear, as opposed to the existing alignment which has much greater gradients (approx. 1 in 100 or so)
- to follow the old rail reserve would add approximately \$300-400 million to the project
- the planning must take into account the larger volume products (i.e. hematite) and the existing mines and those most likely in the near future
- planning for low volume and mines that are less certain, is not economic
- is outside the 70km buffer zone required by the SKA project

In discussion Council reiterated –

- their disappointment with the proposed alignment as it does not contribute to the towns,
- while it will allow for the removal of a substantial proportion of road train traffic, it does not do more, as there will remain many mines unserved by the rail
- remaining concerns with the close alignment to river systems and water courses
- concern with the closeness to the SKA, although acknowledging that it is outside the buffer zone.

ADJOURNMENT

The meeting adjourned for lunch break at 12.16pm and resumed at 1.05pm with all who were in attendance before the adjournment being present at the resumption, except Cr Rowe and Mr Spaulding.

At the resumption, Cr Iturbide resumed the Chair.

Mr Cliff Hodder, Works Foreman joined the meeting at 1.05pm

Cr Rowe joined the meeting at 1.07pm.

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

None

11.1 WORKS

11.1.1 WORKS ACTIVITY REPORT

File: N/A
Author: Cliff Hodder, Works Foreman
Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 15 October 2009
Attachments: None

MATTER FOR CONSIDERATION

Works Report for the past month

BACKGROUND

Overview of works for the past months

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction –
 - Completed until such time as CLGF Regional Funds are approved
 - Sealing and repair works due late January or February 2010
- b) Maintenance –
 - maintenance done or underway –
 - o Badja Homestead and Woolshed Rds – table and V drains
 - o Carlaminda Woolshed Rd
 - o most roads through the north part of the Shire
 - o Tardie-Gabyon Road
 - o patching and bitumen spray of stock grids and other areas
 - maintenance work due –
 - o Wuraga Road
 - o Yalgoo-Morawa Rd – particularly through Mellenbye
 - o contractor – Narndee West and Wydgee Roads
 - o contractor – Sandstone, Maranalgo, Ninghan Homestead (x2) Roads, and in Paynes Find
 - pipes needed in Maranalgo Rd (near homestead) and some distance south of homestead
 - o to be picked up in Perth end of October with flagpole

- GTS preparing documents for tenders or quotes for –
 - o Yalgoo Ninghan Road – repairs (8-55 SLK)
 - o Yalgoo Ninghan Road – reseal (8-21 SLK)
 - o Yalgoo Ninghan Road – seal
 - o Yalgoo Morawa Road – seal
 - o supply of aggregate for seal and reseal work
 - o Town streets reseal – focussing on those roads that are holing badly or are only single seal, such as Selwyn and Campbell Streets
- guidepost and sign replacement to start up again soon

c) Plant

- see below regarding quotes obtained and purchases
- new forklift now licenced
- Canter – door part purchased and fitted
- Caterpillar gear due for servicing on 23 October
- backhoe – forward and reverse selector problems again

d) Other

- town maintenance staff –
 - o Paynes Find trip for maintenance in Community Centre grounds
 - o Fields Find cemetery also tidied up on the way
- Yalgoo Community Park – only final levelling, reticulation and grass planting required to complete
- Yalgoo Town footpaths –back fill to be completed to some sections, approved by DPI and grant funds transferred from Trust Account
- fire control –
 - o inspection of town by FESA Regional Manager
 - o breaks around town graded, including those requested by FESA
 - o mowing underway

e) Plant purchases

As per Budget provision, Council policy and WALGA Preferred Supplier arrangements, quotes were obtained for a range of plant and vehicle items, and accepted as follows –

Budget			Accepted			Variance
Expend	Income	Net	Purchase	Disposal	Net	+/-
RFQ 2009-D Prime Mover			Truck Centre (WA) Pty Ltd			
210,000.00	45,000.00	165,000.00	- UD GW-470			
			209,168.00	59,000.00	150,168.00	-14,832.00
RFQ 2009-E Triaxle Semi tipper			To be finalised			minimum
100,000.00	0.00	100,000.00	90,000.00		90,000.00	-10,000.00
RFQ 2009-F Std Cab Truck (Town)			Walton's			
60,000.00	10,000.00	50,000.00	- Isuzu NPR275 tipper			
			46,170.00	2,727.00	43,443.00	-6,557.00
RFQ 2009-I 4WD Station Wagon			Mid West Autos			
55,000.00	40,000.00	15,000.00	- Patrol ST 3 litre turbo diesel			
			47,978.23	31,818.18	16,160.05	1,160.05
RFQ 2009-J Crew Cab Truck (Service)			Purcher International			
65,000.00	25,000.00	40,000.00	- Mitsubishi Canter 3.5 non-tipper			
Including diesel transfer tank			60,755.00	0.00	60,755.00	
			To be finalised			Minimum
				23,900.00	-23,900.00	-3,145.00
			Diesel transfer tank still to be purchased			
RFQ 2009-M 2 x Mowers			E & MJ Rosher			
60" front deck with 2nd deck and 42" mid-mount			- Kubota T1880 42" and F2880 60" + extra deck			
30,000.00	4,000.00	26,000.00	33,239.00	10,573.00	22,666.00	
4,000.00		4,000.00	5,334.00		5,334.00	-2,000.00
Replacement forklift			Allied Forklifts			
20,000.00	2,000.00	18,000.00	- 3.6 tonne replacement for Shire 2.5 tonne			
			20,000.00	4,000.00	16,000.00	-2,000.00
544,000.00	126,000.00	418,000.00	512,644.23	132,018.18	380,626.05	-37,373.95

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1004 Works Activity Report

Moved Cr MJ Forster, Seconded Cr DE Anderson

That the Works Report to 15 October 2009 be received.

Motion put and carried 5/0

11.2 DEVELOPMENT

11.2.1 EHO ACTIVITY REPORT – September 2009

File:
 Author: WV Atyeo, EHO
 Interest Declared: No interest to disclose
 Date: 2 October 2009
 Attachments: p.3 WALGA Info Note
 p.7 McLeods Solicitors – report re Development Assessment Panels

Extracts of report to CEO of 2 October 2009

I was in attendance at the Shire on the 30th September 2009.

Review of Town Planning Scheme

Spoke again with Vickie Wood from the Western Australian Planning Commission (WAPC) and Sue Tillman from the Water Corporation. It is in regard to the protection of our drinking/town water supply through the Town Planning Scheme, with the inclusion of protective areas stated in the Scheme.

The inclusion in the Scheme will set boundaries within which particular uses will not be permitted. Sue will be here in a couple of weeks, but unfortunately I will not. She intends to look over the area that has been identified, and I will suggest that she speak with the CEO on the matter.

I have made myself available at different times but they will not suit their schedule. However, I will have discussions with them over the next couple of weeks.

Building Statistics – October 2008 to September 2009

I was contacted by the Australian Bureau of Statistics for the Building Statistics for the Shire between October 2008 and September 2009. These Stats are generally forwarded to them (a requirement by Law) on a quarterly basis, even if there are no building licenses issued during the quarter.

It appears that they have not received these for the last 12 months and have asked me to forward our records to them. This I have compiled and will forward as soon as I am able within the next two days. Completed 02/10/09.

Annual Local Government Survey – Waste and Recycling Services Yalgoo

Each year the WA government conducts a survey of local government waste and recycling services.

The purpose of the survey is two-fold; to fulfill national reporting obligations and to obtain important data that allows the Waste Authority to develop policy and set its priorities.

Under the *Environment Protection (Used Packaging Materials) Regulations 2007*, local governments are required to report certain data to the WA government. **Completion of the annual local government survey fulfills that obligation.** Further, the Waste Authority has resolved that completion of the survey is a requirement for accessing funds from the Waste Avoidance and Resource Recovery Account.

I have completed this to the best of my ability and will forward what I have done to the CEO and/or Deputy in order for the financial details requested can be added to the survey, and sent to the responsible person in the Department of Environment and Conservation.

The Proposed Introduction of Development Assessment Panels

The Department of Planning recently released a discussion paper concerning Development Assessment Panels (DAPs) which are proposed to be introduced through regulations in 2010.

Under the proposal, DAPs will become the decision making bodies for development applications of a prescribed class or value, but principally those valued at over \$2,000,000 in the Perth metropolitan area and \$1,000,000 in regional areas. There are certain exceptions, including single houses. It is envisaged that such applications will require specialist determination and will have significant impacts on the local or regional area.

Consequently, the determination of these applications will no longer be undertaken by local governments. The Minister for Planning will retain a call in power for projects of State or regional significance. If a regional local government elects, it may refer all development applications to a DAP, regardless of the type or value of development.

It is proposed that 15 DAPs will be created, with one permanent DAP for the City of Perth. Five 'Joint Development DAPs' will be created for the metropolitan area and nine for regional areas. However, there will be flexibility to vary the numbers of DAPs, as required.

DAPs will consist of five members comprising three specialists and two local government elected members. Elected members will be nominated by their respective local governments and appointed by the Minister. The elected members will rotate depending on the local government area to which the development application relates. Specialist members will be appointed for a term of two years. One of the three specialists will be appointed as the chairperson of each DAP. Collectively, specialist members will have expertise in planning, architecture, urban design, engineering, landscape design, environment, law, property development or management.

Administratively there would not appear to be many changes for local government. Officers will still process applications, arrange advertising and prepare reports, recommendations and proposed conditions. Local governments will be required to defend the DAP's decisions if there is an application for review to the State Administrative Tribunal, and will also be responsible for paying for specialist members' sitting fees and for time spent on pre-reading and site visits. They will also be required to pay for any experts who are required to brief the DAP on matters outside the expertise of its members. Application fees are proposed to remain the same, as would the 60 day period for determination of development applications.

The Department's of Planning's discussion paper and 'Questions and Answers' brochure is available from: www.planning.wa.gov.au/plans+and+policies/public+comment/1983.aspx.

McLeods will be holding a free breakfast seminar on the topic of assessment panels at the University Club of WA on Thursday 8 October 2009 from 7:30am-9am. If you wish to attend please contact Suda McEwan at smcewan@mcleods.com.au or on 9424 6226. If you are unable to attend and require advice or assistance in making submissions please contact Denis McLeod on 94246226. Sorry but this date is too early for all of us.

This discussion paper outlines the development assessment panel model that the Government is committed to implementing in Western Australia.

Development assessment panels are a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value.

The objectives of the proposed development assessment panel model are to –

- streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;
- involve independent technical experts in the determination process;
- encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

There will be more on this as things unfold. Will keep Council informed.

The submission period closes on Monday 2 November 2009

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1005 EHO Activity Report

Moved Cr EC Rowe, Seconded Cr DE Anderson

That the EHO Activity Report for September 2009 be received.

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2 (CEO)/ COUNCIL DECISION

C2009-1006 Development Advisory Panels

Moved Cr DE Anderson, Seconded CR EC Rowe

That the Dept for Planning be advised that Council opposes the Development Advisory Panels, as they –

- **remove local decision making authority from local governments, placing it in the hands of people unfamiliar with local conditions, and unlikely to be aware of local trends, intentions and directions,**
 - **adds another level of bureaucracy to an already unwieldy planning approvals process**
- and that WA Local Government Association be requested to oppose the concept.**

Motion put and carried 5/0

11.2.2 OLD RAILWAY STATION

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 October 2009
Attachments: p.24 Quote – Kevin Croon, Roof and Wall Doctor
p.27 Comments – Errol Tilbrook, Keboda Stone

MATTER FOR CONSIDERATION
Repairs to Old Railway Station

BACKGROUND

The walls of the Old Railway Station have been deteriorating for a good number of years due to rising damp etc, and need attention to avoid more serious problems.

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.

Heritage Act –

- s.10 and s.11 – requirement to consult with Heritage Council regarding any works
- s.78 – requirement to advise Heritage Council of proposed works

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Tanya Henkel, Heritage Council of WA
Laura Gray, Heritage Consultant
Kevin Croon, Roof and Wall Doctor
Errol Tilbrook, Keboda Stone

COMMENT

The deterioration of the walls of the building is a matter that Council has been aware of for quite some time. In considering the options, following discussion with both Tanya Henkel and Laura Gray, I spoke with a number of stonemasons about the work, and based on their comments, provision was made in the 2009-2010 Budget for some remedial works.

Quotes were sought for –

- work as required to –
 - o repair and replace damaged limestone walls as necessary
 - o damp coursing
- schedule of proposed works to be included in quote
- on completion, report on additional work required for damp-proofing etc
- inspection recommended – plan and photos were attached

Quotes were sent out to three companies, with one advising that the work was outside their capabilities. Two companies inspected the building and made submissions.

From the submissions received from the Roof & Wall Doctor (RWD) and Keboda Stone, it is clear that the works proposed initially are repairs and not preventative. From the initial discussions some 8-10 months ago, it was thought that the first stage of works would be to stop the rising damp by insertion of a physical barrier, however, the proposal of Mr Croon is to repair, and Mr Tilbrook suggests engagement of a heritage architect to plan the works first.

Both Mr Croon and Mr Tilbrook have done extensive work on heritage buildings throughout the Midwest, and are on the Heritage Council's list of approved repairers.

The covered lower section of the external wall is identified by both RWD and Keboda as an issue, in that no idea of what lies behind is able to be obtained.

RWD clearly indicates that the current proposed work is only Stage 1, and Keboda indicates that the work is likely to be lengthy and require "serious funding".

The main issue that Council needs to determine, is whether or not to proceed with repairs now, or to engage a suitable person to prepare a plan and estimates for the whole of the works, enabling grants to be sought.

It should be noted that grants are competitive, and there is no guarantee of success of applications, although a plan by a heritage architect/consultant does improve the possibilities of success.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1007 Old Railway Station restoration works

Moved Cr MJ Forster, Seconded Cr DE Anderson

That –

- **the submissions of both the Roof & Wall Doctor and Keboda Stone be sent to the Heritage Council of WA for comment and advice, and**
- **subject to their agreement, the quote of the Roof and Wall Doctor be accepted, with the clear understanding that the work is repair, and additional work to prevent rising damp is required.**

C2009-1008 Amendment to motion

Moved Cr EC Rowe, Seconded Cr L Hodder

That the second dot point of the motion be deleted.

Amendment put and carried 5/0

Motion as amended was put and carried 5/0

REASON FOR VARIATION

It is considered that work on the top section of the wall, may need to be deferred until the condition of the obscured lower sections is known.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2

Following completion of the works and receipt of the report of the Roof and Wall Doctor –

- these further comments be submitted to the Heritage Council for comment and advice, and
- the report of the Roof and Wall Doctor, and the Heritage Council be referred to Council for consideration, and provision for additional works or engagement of a consultant to prepare a works plan in the 2010-2011 Budget.

REASON NOT CONSIDERED

Recommendation depended on the second dot point being approved.

Mr CF Hodder left the meeting at 1.37pm.

11.2.3 COVERED COURT FACILITY

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 13 October 2009
Attachments: p.28 Concept – structure design
p.29 Concept – site plan

MATTER FOR CONSIDERATION

To consider the size of the covered facility and general concept

BACKGROUND

Funding for the project is under the Country Local Government Fund (Royalties for Regions).

Design costs are part in 2009-2010 (CLGF Yr 2) with the balance of design/supervision and construction over Years 3 and 4.

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

Recreation facilities for the town

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Jim Alexander, Alexander Planning Consultants
Nigel Good, Greenfield Technical Services

COMMENT

The position and size of the facility will have a major impact on the planning for the water park, being placed on the same reserve.

There are two sizes proposed –

- the smaller one covers a netball, basketball, tennis, and 2 or 3 badminton court layout, together with the required run-off zones to the sides and ends
- the larger would cover the same courts except allows for two tennis courts under the roof, rather than just one.

If the smaller size is preferred, there remains plenty of space for a second uncovered court in the eastern part of the future Reserve (please note that Lots 49, 50 and 51 facing Campbell St, and the closed laneway are not yet incorporated into Reserve 35346).

It is very important that adequate space be provided for the run off zones, as if they are too short, the risk of injury is increased. While the areas may be able to be reduced a little, APC concept design is based on the minimum recommended sizes.

If the northern roofline of the proposed covered area is stipulated to be over the existing shed and its lean-to verandah on the site, it allows plenty of room between the proposed facility and the boundary with the Hotel / Motel for the placement of the water park (approx. 17m) which is planned to be roughly 12m x 12m at this time. The shed could remain in place, until such time as demolition was needed for construction of the covered court area.

However, if the layout of the top Site Plan A is preferred, the water park could move further away from the Hotel / Motel boundary, reducing any impact on that property.

Another benefit of this placement is that there would be reduced light at night into the MEEDAC house adjoining the property, which is currently an issue.

If the edge of the smaller covered court were moved even further northward, there would be a possibility of fitting in a second uncovered tennis court between the cover and the boundary with MEEDAC. However, there could be problems with noise and light late at night, for both MEEDAC and the Hotel, so it would probably be better to put them end to end. If end to end, there then exists the option of extending the roof for the full length of the two courts in time, and still having enough room on the northern side of the second court for a 25m pool.

By fixing the position over the tennis shed as the northern edge of the covered court area, there remains sufficient room for the larger covered area to be constructed, as well as the water park, and a small gap between to allow for a future covered walkway, and wind spray.

Realistically though, the likelihood of a public swimming pool is very low due to construction, operation and asset management costs, and a two basketball court size covered area would be difficult to justify.

APC have suggested two basic design concepts –

- a slightly curved roof
- a more typical flat roof

both with a raised centre section, and designed so that enclosure could be very easily undertaken with prefabricated colourbond insulated panels (similar to what is used in large cool rooms).

The smaller size would be able to be constructed with a single beam, but the larger area would require trusses. While trusses are lighter are require less material, they are much more labour intensive to fabricate, so there is no saving on the per square metre costs.

When I queried costs once again, APC advised that the most recent projections are for \$600 per sq metre in Perth, discounted for being open, but plus 20%-25% for Yalgoo, or about \$560,000 for the smaller area structure and court surface.

The second concept plan was only done so as to verify that there was sufficient space on the whole reserve for the water park, the covered courts, and potentially a 25m swimming pool, and the necessary change rooms etc, so as to have an idea of relative sizes and potential placement.

Decisions needed

1. positioning of covered court facility and water park
2. preferred size of covered courts –
 - if the smaller size, either –
 - o the roof line over the tennis shed, or
 - o centrally located in the lower 2/3rd of the Reserve, as per the top Site Plan A
 - if the large size, the roof line will need to be over the tennis shed, as per the lower Site Plan A
3. style of construction

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1009 Roof design and area of Proposed Courts

Moved Cr EC Rowe, Seconded Cr DE Anderson

That Council advise Alexander Planning Consultants that –

- **the curved roof style is preferred**
- **the smaller design with a roof area of approx. 870-880 m² is preferred.**

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-1010 Positioning of Covered Court Facility

Moved Cr L Hodder, Seconded Cr EC Rowe

That the covered court facility be planned to be centrally positioned in the southern two-thirds of the western half of the current Reserve 35346.

Motion put and carried 5/0

11.2.4 CEMETERY – Gazebo and Niche Wall

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 15 October 2009
Attachments: none

MATTER FOR CONSIDERATION

To consider options for improvements at the Yalgoo Cemetery

BACKGROUND

To consider options for construction and placement of a niche wall, and possibly a gazebo at the Yalgoo Cemetery

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.

Cemeteries Act

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Some unbudgeted expenditure

CONSULTATION

Graham Stanley, Deputy CEO, Shire of York

COMMENT

The possibility of a niche wall at the cemetery has been discussed for quite some time, and provision of \$8,000 has been made in the 2009-2010 Budget. Dependent on type of construction, design and availability of people, it is expected that this cost could be reduced to approx. \$5,000, an expected saving of \$3,000

Based on costs for the small gazebo at the Community Park, the estimated cost to build a 6m diameter (6 Post) gazebo with concrete floor, and bench seating on two sides, would be approximately \$14,000.

As the gazebo was not disclosed in Budget, expenditure is accordingly unbudgeted. The net increase in total project cost is estimated at \$11,000.

The Shire of York have constructed a number of gazebos in at their Cemetery as adjacent. The diameter is 8m (8 post), and as can be seen, the niche wall for placement of ashes, forms 4 sides, bench seating on 2 sides and the remaining two sides open.

A suggestion for Yalgoo is to have a similar arrangement, but 6m diameter (6 post) gazebo, bench seating on 2 sides, niche walls on two sides, but ¾ height (too high to sit easily on it). Possibly only 10-15



single size niches and 10 double size niches are needed, but the rest of the space could be used for engraved panels of the layout of the cemetery, or similar memorials etc.

It is suggested that the same colours be used as for the Community Park gazebos, with the niche walls to be built out of the same materials as the gates.

The niches should all have blank cover plates to avoid rubbish etc being left in them. The cover plates can be removed and sent for engraving or casting in brass when needed. From memory there are two firms in Perth that can provide the cover plates and plaques for niches. The range of design and wording is limited due to the restricted amount of space. The cover plates and plaques are screwed in place with tamper proof expanding bolts requiring a special tool in order to remove them prior to use.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1011 Construction authorised

Moved Cr EC Rowe, Seconded Cr L Hodder

That –

- **a 6m diameter gazebo with bench seats, and a niche wall to two sides to match the gates, be constructed at the Yalgoo Cemetery for an estimated total project cost of \$19,000,**
- **with funding being from the savings in the tender for the construction of the residence at the Caravan Park, from the Country Local Government Funds.**

Motion put and carried by Absolute Majority 5/0

11.2.5 INCORPORATION OF LAND INTO RESERVE 35346 and LOT 68

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 16 October 2009

Attachments: p.30 Map of proposed closures

MATTER FOR CONSIDERATION

Confirmation of closure of laneways and incorporation of the closed portions, and Lots 49-51, into Council controlled land.

BACKGROUND

The closures are to –

- slightly enlarge Lot 68 Gibbons Street to permit the establishment of a duplex for staff accommodation on the lot, and prevent side and rear access to the block
- permit the amalgamation of the closed portion of laneway into Reserve 35346 together with Lots 49, 50 and 51 to form a single reserve for the purpose of recreation facilities.

Lot 49 incorporated into Reserve 35346 together with the closed laneway and Lots 50 and 51, so as to improve the options for development of the Reserve for recreation purposes.

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

1. Improving security and control of access to residential lots
2. Enabling the formation of a single reserve in the centre of town for recreation

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of advertising

CONSULTATION

None

COMMENT

Letters have been sent to –

- Mardu Corporation and the WA Police in relation to the laneways around Lot 68, and
- Murchison Region Aboriginal Corporation, in relation to the laneway adjacent to Reserve 35346
- And to the various agencies that may have an interest in either closure –
 - o Dept for Planning
 - o Dept of Mines and Petroleum
 - o Horizon Power
 - o Water Corporation
 - o Telstra

The Land Administration Act requires 35 days notice be given, but as this included end of year and New Year, responses were requested by 27 January 2009. As required by the LA Act, the proposal was also advertised in the West Australian and the Geraldton Guardian.

The only comments received direct were from –

- Dept for Planning
- Dept of Mines and Petroleum
- Water Corporation

all of whom advised that they have no objection.

State Land Services advised that one submission was received to the incorporation of Lots 50 and 51 Campbell Street into Reserve 35346, from Mullewa Wadjari Community objecting under the Native Title Act,

and that their objection was now being considered in accordance with the processes of that Act. On 24 September 2009, State Land Services advised.

Dept of Planning have advised that for the laneways closures to continue to be considered that –

- confirmation of the closures be resolved, and a copy of the resolution forwarded to them
- copies of the letters from service authorities be forwarded
- that the State be indemnified against any costs or claims arising from the closures

They have also advised that the laneways are not zoned under the Local Planning Scheme, and that this would be preferable, prior to incorporation of the closed sections into Reserve 35346 or Lot 68. As the LPS is nearing approval by the WA Planning Commission and the Minister, and Gazettal, it would be better if zoning was done by a Scheme amendment, rather than delaying the current process.

However, Council needs to be aware that this is necessary to be done, and will incur some costs. There are other matters that need to be included in the LPS, so an omnibus amendment will be needed at an early date after Gazettal.

In May 2008, Council resolved to include Lot 49 into Reserve 35346, following purchase of the lot from Land Corp at a reduced price, on the basis of its intended use for recreation.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1012 Incorporation of land into Reserve 35346 and Lot 68

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council confirm that, subject to any objections under the Native Title Act being finalised –

- the closures of the laneways for incorporation into Reserve 35346 and Lot 68 are requested,
- the State is indemnified against any costs or claims arising from the closures

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-1013 Future zoning of incorporated land

Moved Cr EC Rowe, Seconded Cr DE Anderson

That it is the intention of Council to zone for the appropriate use, the land of the laneways incorporated into Reserve 35346 and Lot 68 once Local Planning Scheme No.2 has been approved and Gazetted.

Motion put and carried 5/0

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

C2009-1014 Transfer of title in lot 49 to the State

Moved Cr DE Anderson, Seconded Cr L Hodder

That Council agree to transfer title in Lot 49 to the State for incorporation of the lot into Reserve 35346, subject to an appropriate memorial being noted of Council's interest in the land, and that the President and CEO be authorised to affix the Common Seal to the transfer of title.

Motion put and carried by Absolute Majority 5/0

11.2.6 TENDER 2009-03 – Housing

File: T5 2009-03
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 15 October 2009
 Attachments: p.31 Summary of tenders received
 p.34 Tender Specifications
 p.41 Copies of Offer Forms, letter and extracts

MATTER FOR CONSIDERATION

Consideration of tenders received for the provision of a new residence at the Caravan Park

BACKGROUND

The calling of tenders as authorised by Council Policy, advertised in the West Australian on 19 and 26 September 2009, and in the Geraldton Guardian on 18 and 25 September 2009. Tenders closed at 4.00 pm 12 October 2009.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders
- s.6.8 – unbudgeted expenditure requirements – to be authorised in advance by absolute majority

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

Bill Atyeo, EHO

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations, closed at 4.00pm Monday 12 January 2009, and were opened at 5.15pm on Monday 12 January 2009 in the presence of Diane Hodder, Accounts Clerk.

Tenders were received from –

Tenderer	Received by specified time	Complies with specifications	Eligible for consideration
TR Homes	Yes	Yes	Yes
McGrath Homes	Yes	Yes	Yes
Steelbase	Yes	Marginal	Yes
Fleetwood	Yes	Yes	Yes
Stylebuilt	Yes	Yes	Yes
Alternative Living	No	Yes	No
Steelbuilt	Yes	No	No

Note – Alternative Living tender is invalid due to being received after the closing time
 Steelbuilt is ineligible due to inconsistencies in pricing. Not all information they said they would provide was included (details of alternative designs)

A summary of the tenders received is attached.

Funding is by way of the Country Local Government Fund (Royalties for Regions), as per amendments to the adopted Budget resolved by Absolute Majority in August 2009. Provision is for total project cost of \$330,000 in 2009-2010, and \$50,000 in 2010-2011, as some costs are expected to be in next financial year.

It appears that the Steelbase home is the best value for money at approximately \$336,700 as a total project cost, compared to \$372,000 in February 2009. They do not appear to be well known and investigation into background, capability and quality will be made prior to Council meeting. Several queries are also being pursued.

The second lowest tender, and the most advantageous design is that of McGrath Homes for an estimated total project cost of \$387,684.

These total project costs include –

- provision for verandahs, concreting, etc which may vary significantly depending on the extent required. The basis of estimating for verandahs and concreting was on the assumption that most of the western, northern and eastern aspects of each floor plan would need shade., and
- an allowance for contingency, which may not be called upon.

The recommendation is made based on –

- value for money
- suitability of design for each block
- and compliance with requirements

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1015 Acceptance of Tender

Moved Cr DE Anderson, Seconded Cr EC Rowe

- (1) That the tender of Steelbase Enterprises Pty for Tender 2009-03 for the construction and supply of a residence to the caravan park at Gibbons Street, for \$167,300.00 be accepted.**
- (2) That the following work in addition to the construct and supply price of Steelbase Enterprises Pty Ltd be approved –**
 - works to be carried out by others estimated at \$73,600**
 - additional works estimated at \$52,000.00**
- (3) That a contingency sum of \$35,000.00 be authorised for the residence.**

Motion put and carried by Absolute Majority 5/0

11.2.7 TENDER 2009-04 Hall Refurbishment

File: T5 2009-04
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 15 October 2009
 Attachments: p.68 Summary of tenders received
 p.69 Tender Specifications
 p.77 Copies of Offer Forms, letter and extracts

MATTER FOR CONSIDERATION

Consideration of tenders received for refurbishment of the Shire Hall

BACKGROUND

The calling of tenders as authorised by Council Policy, advertised in the West Australian on 19 and 26 September 2009, and in the Geraldton Guardian on 18 and 25 September 2009. Tenders closed at 4.00 pm 12 October 2009.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders
- s.6.8 – unbudgeted expenditure requirements – to be authorised in advance by absolute majority

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

Bill Atyeo, EHO

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations, closed at 4.00pm Monday 12 January 2009, and were opened at 5.15pm on Monday 12 January 2009 in the presence of Diane Hodder, Accounts Clerk.

Tenders were received from –

Tenderer	Received by specified time	Complies with specifications	Eligible for consideration
Redwood Painters	Yes	No	No
MEEDAC Holdings	Yes	Marginal	Yes
Triton Building Company	Yes	No	No
Carlton Building Services	Yes	Marginal	Yes
Steelbase Enterprises Pty Ltd	Yes	Marginal	Yes

Note – Redwood Painters is invalid as only a portion of the works required have been tendered on Triton is ineligible due to no pricing being provided other than hourly rate.

A summary of the tenders received is attached.

Funding is by way of the Country Local Government Fund (Royalties for Regions), as per amendments to the adopted Budget resolved by Absolute Majority in August 2009. Provision is for total project cost of \$200,000 in 2009-2010, and \$30,000 in 2010-2011 and \$60,000 in 2011-2012.

It appears that Steelbase Enterprises is the best value for money at approximately \$116,500 as a total project cost, compared to \$153,500 from MEEDAC Holdings. However, there are several queries for which clarification has been sought –

1. Extent of works for upgrade to the toilets –
 - allowed for a disabled toilets and disabled access?
 - allowed for removal of all plumbing, hand basins etc and complete new fit out?
2. What would be the additional cost to install and second cubicle for the women’s toilets?
3. Are there any costs not included in your tender offer (e.g. travel and accommodation etc)

These items have all been included in MEEDAC’s tender.

Steelbase do not appear to be well known and investigation into background, capability and quality will be made prior to Council meeting. Several queries are also being pursued.

The second lowest tender, is that of MEEDAC Holdings Pty Ltd for an estimated total project cost of \$153,500, and several clarifications have been requested of them as well.

The recommendation is made based on –

- value for money
- suitability of design for each block
- and compliance with requirements

Please note –

- that while the tender specification was prepared as accurately as possible, given the age of the building, and that some aspects are inaccessible at this time (such as electrical wiring, plumbing etc), it is not possible to stipulate every single matter to be attended to, or for the tenderers to be able to detail every aspect of their submission.
- all tenderers are aware that variations will be required, and have noted this in their documentation.
- works listed in the tender document to be undertaken by others and therefore addressed outside of this tender –
 - o telephone system upgrade
 - o boundary fencing and gates
 - o landscaping and reticulation
 - o air-conditioning –
 - replace main hall evaporative system,
 - replace split systems as needed
 - o fire extinguishers –
 - service, replace, install to the recommendation of the EHO
- subject to expenditure, the outside of the Shire Hall to be painted as well.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 1

That the tender of _____ for Tender 2009-04 for refurbishment of the Shire Hall in Shamrock Street, for an estimated \$_____ be accepted.

COUNCIL DECISION

C2009-1016 Consideration of Tender 2009–04 deferred

Moved Cr DE Anderson, seconded Cr MJ Forster

**That consideration of Tender 2009–04 Hall Refurbishment be deferred to November Council Meeting
Motion put and carried 5/0**

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2

That the following works at the Hall be undertaken in addition to those of Tender 2009-04, subject to availability of funds, and in order of priority –

- electrical work as needed
- external painting
- replace split system air-conditioning units as needed
- boundary fencing and gates
- landscaping and reticulation
- telephone system renovation
- replace main hall with evaporative system air-conditioning

REASON NOT CONSIDERED

Recommendation depended on the principal recommendation being approved.

11.2.8 DEPT OF ENVIRONMENT AND CONSERVATION – Applications to Clear

File:
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 16 October 2009
 Attachments: p.87 DEC letters and aerial photos

MATTER FOR CONSIDERATION

To consider an application to clear land by Golden Stallion Resources Pty Ltd

BACKGROUND

Golden Stallion Resources Pty Ltd has identified several areas for clearing for mining purposes.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

STRATEGIC IMPLICATIONS

Location of OPR rail line

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Golden Stallion have applied for the clearing permit to enable further mining activity. The proposed area of clearings for clearing are –

- Eastern Creek Mining Project 34.1 ha
- Monaco Mining Project 30.69 ha

Council has the right to comment on the application to clear native vegetation. The licences to clear will only be issued once the mining lease is granted.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council advises Dept for Environment and Conservation that there is no objection to the application for clearing by Golden Stallion Resources Pty Ltd for –

- Eastern Creek Mining Project 34.1 ha
- Monaco Mining Project 30.69 ha

COUNCIL DECISION

C2009-1017 Golden Stallion Resources – Applications to Clear

Moved Cr EC Rowe, Seconded Cr MJ Forster

That Council advises Dept for Environment and Conservation that there is no objection to the application for clearing by Golden Stallion Resources Pty Ltd for –

- **Eastern Creek Mining Project 34.1 ha**
- **Monaco Mining Project 30.69 ha**
- **Bugeye Mining Project 17.02 ha**

Motion put and carried 5/0

REASON FOR VARIATION

To include approval of Bugeye Mining Project clearing proposal.

11.3 FINANCE

11.3.1 Deputy CEO – ACTIVITY REPORT – Month of September 2009

File: N/A
 Author: Violet Rowel, Deputy CEO
 Interest Declared: No interest to disclose
 Date: 14 October 2009
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,017,453.40	24 November 2009	4.52	1,025,139.22	Yes except \$25,139.22
Reserve	Suncorp	1,041,744.83	26 October 2009	3.65	1,051,244.71	Yes
Comparative investment rates		NAB Cash Maximiser		3.00		
		WA Treasury		3.12		
		Macquarie Bank		4		

Superannuation

Superannuation payable between 1 July 2006 and 30 June 2008 has been estimated at \$30,000. This is expected to be paid in the month of October 2009.

The Shire is currently waiting on a quote from Local Government Superannuation fund for the retrieval of information on staff superannuation paid for the periods of 1 July 2003 – 30th June 2006.

Early Rate payer incentive

The entry for the early rate payer prize draw closed on the 5th October 2009. The winner is ready to be drawn.

Ranger duties

- Patrols conducted 24 September 2009
- 2 unregistered dogs handed in for destruction

Meetings

- 7 September, Auditors on site
- 14 September, Interagency meeting
- 22 September, Scott Bermingham, Office of Crime Prevention
- 1 October, David Shelton, Horizon Power
- 14 October, Mark Kanny and Telstra representatives

Future meetings

- 26 October, MEG meeting
- 18-20 November LGMA conference

Mr N Mitchell left the meeting at 2.13pm and returned in at 2.14pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1018 Deputy CEO Activity Report

Moved Cr DE Anderson, Seconded Cr L Hodder

That the Deputy CEO's Activity Report be received.

Motion put and carried 5/0

Rates Prize Draw

Cr Iturbide drew the winning details being receipt number 2561, assessment number 288 owned by Gibson Metals Pty Ltd.

11.3.2 FINANCIAL ACTIVITY STATEMENTS –SEPTEMBER 2009

File:
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 14 October 2009
Finance (green) p.1 Financial Activity Statements for September 2009
p.21 Balance Sheet
p.27 Income Statement Summary by Program
p.28 Income Statement by Nature & Type
p.29 Income Statement Detail
p.40 Material Variance

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for September 2009.

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

None

FINANCIAL IMPLICATIONS

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

CONSULTATION

None

COMMENT

A copy of the Statement of Financial Performance is attached to this item including additional information that council deemed appropriate to receive.

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance attachment which will be given to council as a late item

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1019 Financial Activity Statement for the Month of September 2009

Moved Cr DE Anderson, Seconded Cr TK Iturbide

That Council adopt the financial statements and material variances for the period ending 30 September 2009, as attached.

Motion put and carried 5/0

NOTE Cr EC Rowe declared a financial interest in this item, being a partner of a contracting business with an account for payment, and left the meeting at 2.19pm.

11.3.3 ACCOUNTS PAID DURING THE MONTH OF SEPTEMBER 2009

File: N/A
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 14 October 2009
Finance: p.42 Listing of accounts paid
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of September 2009

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 September 2009 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1020 Accounts Paid during the month of September 2009

Moved Cr MJ Forster , Seconded Cr DE Anderson

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 43 totalling \$169,556.48 paid during the month of September 2009, be received;**
 - 2. Cheque payments covering cheque numbers 11208-11242 totalling \$ 38,296.77 paid during the month of September 2009, be received; and**
 - 3. Salaries and Wages totalling \$47,903.90 paid during the month of September 2009, be received.**
- Motion put and carried 4/0**

Ms V Rowe left the meeting at 2.20pm.

Cr EC Rowe returned in the meeting at 2.21pm

Ms V Rowe returned in the meeting at 2.22pm.

11.3.4 MURCHISON REGIONAL VERMIN COUNCIL – Fence upgrade

File:
Author: Violet Rowe, Deputy CEO
Interest Declared: No interest to disclose
Date: 14 October 2009
Attachments: p.93 Letter from MRVC and invoice

MATTER FOR CONSIDERATION

To determine whether to pay a portion of MRVC maintenance and upgrade contribution before receiving the funds from Royalties for Regions

BACKGROUND

It is expected that in December 2009, the Shire of Yalgoo will receive the Royalties for Regions Regional Funding grant. Part of this grant was going to be used to pay the MRCV \$20,000 towards the maintenance and upgrade of the Rabbit Proof Fence.

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, as this is budgeted expenditure. It is a timing issue.

CONSULTATION

Niel Mitchell, CEO Shire of Yalgoo

COMMENT

The Shire of Yalgoo budgeted \$20,000 for maintenance and upgrade of the MRVC Fence. This \$20,000 expenditure was budgeted to be covered by \$20,000 income from the Royalties for Regions-Regional Funding. The Royalties for Regions-Regional Funding is expected to be confirmed by December 2009.

The MRVC has applied to the Shire of Yalgoo and other councils to release \$8,000 of the \$20,000 prior to the confirmation of the Royalties for Regions- Regional Funding. The reason for the early request of part of contribution is because due to weather conditions, it was vital to perform clearing along the fence line for easy maintenance and repairs to be done before summer rains. This has meant that MRVC has already done some of the works and hence wants money to pay the contractor.

Although we are not certain to receive the Royalties for Regions- Regional Funding, it is considered that the expenditure on the MRVC fence is essential and should be paid anyway. The balance of funds will be sought only after we have receipted this from the State government.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1021 Release of funds – Fence upgrade

Moved Cr DE Anderson, Seconded Cr L Hodder

That Council release \$8,000 of the original allocation of \$20,000 to the Murchison Regional Vermin Council prior to receiving confirmation of the Royalties for Regions – Regional funding.

Motion put and carried 5/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT – September/October 2009

File: N/A
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 15 October 2009
 Attachments: None

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

None

Telstra

Following queries regarding the length of time being taken to repair the broken Telstra pit on the corner of Milligan and Gibbons Street, this looks as though it will be done in the near future. The pit has been broken for well over 12 months, perhaps 2 years, and the current frame around it is at least the second, possibly third put there.

Telstra were also queried regarding the use of the Yalgoo public phone box, and they advised that while the operation of the phone itself has had less problems (9 callouts in the past 12 months) maintenance of the cabinet has increased to over \$4,000 in the past year, while phone calls made have plummeted from 21 per day to 7 per day.

They will be replacing the cabinet with a much more robust version used in remote areas, and also reverting the phone itself to both card and coin operation.

Reserve 35346 for Recreation

Dept of Regional Development and Lands has advised that lots 50 and 51 Campbell Street are now included into the main part of the reserve fronting Gibbons Street and vested in the Shire for recreation.

Local Government Elections 2009 – Extraordinary Election

Processes through WALGA have now commenced for an extraordinary election to be held on 12 December 2009.

Golden Grove visit

Arrangements are being made for Council to visit Golden Grove and have a tour of the mine sometime in the next month or so. Once details are finalised, the information will be circulated.

Meetings

9 September	Public Meeting re Amalgamation etc
14 September	Yalgoo Inter Agency Meeting
15 September	Auditors for annual audit
22 September	Scott Bermingham, Office of Crime Prevention
23 September	Barry Haase MP
23 September	School – consultation re Water Park
23 September	Craig Turley, MMG Golden Grove
24 September	Kevin Green, Veolia Environmental Services in Geraldton
25 Sept – 5 Oct	Annual leave
2 October	Jim Alexander Planning Consultants, re covered courts facility
8 October	Stan Scott, CEO Perenjori, re environment partnership proposal
12 October	Inter Agency Meeting
13 October	Midwest Murchison Gascoyne Human Services Regional Manager's Group meeting in Yalgoo
14 October	Mark Canny, MWDC, and Telstra representatives re: ADSL – still on track for prior to Christmas
15 October	Terry Hall, Education Dept, re school age children not in school
15 October	Shane Richards, Business Development Manager, Central Earth Moving

20 October Tex Mcpherson, Darren Gill, DCEO re EM exercise

Future commitments

21 October Centacare public meeting

10 November John Johnson, FESA

18-20 Nov Local Govt Managers Conference

24 November Murchison Executive Group in Yalgoo

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1022 CEO Activity Report

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the CEO's Activity Report for the month to 15 October 2009 be received.

Motion put and carried 5/0

ADJOURNMENT

The meeting adjourned at 2.32pm and resumed at 2.43pm with all who were in attendance before the adjournment being present at the resumption.

Former Councillor WL Mellor

Cr Iturbide requested that Council observe a minute silence in memory of former Councillor W. Lloyd Mellor, an elected member from 1976 to 1989, who passed away on 18 October 2009.

11.4.2 CEO RECRUITMENT

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 13 October 2009
Attachments: end DLG Guidelines No.10 – Appointing a CEO
Separate cover Confidential Information – Consultant’s quotes and comments (4)

MATTER FOR CONSIDERATION

To determine the process for recruitment of a CEO

BACKGROUND

At the September 2009 meeting, Council requested a report on the process of recruitment of a CEO, timelines, costs etc.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.36 to s.5.39 – requirement to employ a CEO, for a written contract etc
- s.5.40 – principles for appointment of staff – on merit, equity, avoidance of nepotism, patronage etc, requirement for EEO principles to be observed
- s.5.41 – functions a CEO is required to fill

Administration Regulations –

- r.18A to r.18G – advertising, matters to be included in the package/contract, performance review etc

Dept of Local Government –

- Guidelines No.10 – Appointing a CEO

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

John Phillips and Lydia Highfield, Workplace Solutions, WALGA

Anne Lake, Anne Lake Consultancy

Mike Fitz Gerald, Fitz Gerald Strategies

Gary Martin, Local Government Consultant

COMMENT

A copy of DLG’s Guidelines for appointing a CEO is attached for Council’s information. While there is no statutory requirement to observe the Guidelines since they are not legislation, it is strongly recommended that they be followed as closely as possible.

Options for recruitment

There are a variety of options for a CEO, some of which will not be acceptable to Council, but do nevertheless exist –

- appoint an Acting CEO for a period of not more than 12 months
- recruit a full time permanent replacement, on contract for minimum of 1 year but not exceeding 5 years
- negotiate with another local government for a joint CEO

The Regulations do require Council to agree on a process for recruitment (including details of package to be offered) prior to advertising.

Use of a recruitment specialist

There is no requirement to use a recruitment specialist, and Council is quite at liberty to conduct the process in house, using existing resources.

While not difficult, the process can be convoluted, and if done in the wrong order, or mandatory components overlooked, the process will need to “unwind” to an appropriate point. Generally if a problem occurs, it is easier, and clearer to start from the beginning again.

To ensure impartiality and compliance with the Local Government Act and other legislative requirements, most Councils are opting to use a consultant, since they have expertise and familiarity with requirements since they are constantly conducting the process for Councils. I would expect that the consultant would make two visits to Yalgoo to meet with Council –

1. to obtain Council’s views and directions on the skills and attributes of the person sought, and finalise details of the process,
2. to conduct the interviews with Council, and assist in consideration of the necessary matters relating to selection of preferred candidate, negotiation and appointment

An early appointment will allow the consultant to prepare information for Council, and circulated prior to the November 2009 Council meeting, when details can be finalised. Advertising can then follow at the appropriate time.

Quotes and information were sought from 5 organisations and people for a CEO recruitment process –

- Workplace Solutions, WALGA
 - o Involved in CEO, senior staff and other staff recruitment for quite a few years now
- Anne Lake Consultancy
 - o HR specialist, but unavailable over the next few months, being in Europe
- Fitz Gerald Strategies
 - o An industrial relations specialist, previously worked with WAMA (WALGA predecessor) before commencing his own business
- Gary Martin
 - o Former CEO, also previously employed by DLG, general local government consultancy as well as recruitment
- Logo Appointments
 - o Specialist local government recruiting firm established by a former Mayor

Copies of the responses received are attached for information, but in summary –

	No. of visits	Estimated cost (ex GST)	
Workplace Solutions	3 (Assumed, not stated)	7,000	
Anne Lake		6,000	Indicative only – not available for the work
Fitz Gerald Strategies	3	4,364	Capped.
Gary Martin	Based on 2	Est. 4,500	
Logo Appointments	2-3	\$10,000+ 10% cash salary or \$120/hr	

All quotes exclude incidentals – advertising, accommodation, travel expenses etc, except –

- Fitz Gerald Strategies includes all accommodation and travel
- Gary Martin include travel, but not accommodation (anticipated 2 nights in Perth)

Timeline

Working towards the end of June 2010 when my contract as CEO expires, the latest that particular actions should be taken are –

Last date for Council to approve package, process etc for June/July 2010 commencement	December 2009 meeting	Consultant should be present to finalise details with Council
Advertisement of position	Late December 2009?	
Applications close	Late January 2010	
Selection of shortlisted applicants, and arrangement of interviews	Early February 2010	Special Council Meeting to decide, unless delegated

Interviews Decision / appointment by Council	Mid February 2010	Consultant to conduct interviews with Council Special Meeting to follow, or on a separate day Appointment must be a Council decision
Period for negotiation and finalisation of contract with preferred applicant	10 March 2010	Allow 1-2 weeks
If required, confirmation of appointment by Council	March 2010 meeting	
Presumed notice period for new CEO	25 March 2010	3 months
Current CEO contract expiry	25 June 2010	
New CEO commencement	Late June / early July	Often one to two weeks leave taken between positions, and for relocation

Council may commence the process as early as they wish, which would allow for some flexibility as to commencement, overlap for handover etc. An appointment in December of January does not prevent Council from stipulating a commencement date more than 3 months away.

It is suggested that Council appoint a recruitment consultant at this meeting, and meet with the consultant at the November 2009 Council meeting to finalise process, package, timeframes etc.

Mr Martin has suggested trying to make an appointment at the December 2009 Council meeting, however, this timeframe may be too tight, as it would require Council to agree package, process etc at this October meeting. It may be more suitable to call a Special Meeting of Council when necessary.

Acting CEO

Should there be a gap between my departure and the new CEO being able to commence, Council may wish to give some consideration to an Acting CEO. If the period is only a week or so, the Deputy CEO would be able to take on the role.

Under the current Council policy, if the CEO is absent on annual or sick leave etc, the Deputy CEO is automatically Acting CEO for the period of absence. However, the policy does not cover the situation where there the CEO is no longer employed, so if there is no overlap or continuity, Council will need to make an appointment as Acting CEO, since there is currently no automatic provision.

An Acting CEO can be appointed for up to 12 months, after which the position must be advertised.

Structural Reform

One potentially complicating factor is the current structural reform process, with the target date for amalgamations being 1 July 2011. At this time, there is no indication that Yalgoo will be required to amalgamate, as all three major political parties are currently espousing the process to be voluntary.

Decisions to be made

- i) whether or not to use a recruitment consultant
- ii) if so, which firm or person
- iii) if so, when to meet with them
- iv) if not, will need to prepare all necessary documentation, processes etc in-house

Mr N Mitchell left the meeting at 2.48pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1023 CEO Recruitment Consultant

Moved Cr DE Anderson, Seconded Cr EC Rowe

That Mr Gary Martin be engaged to conduct the recruitment of a new CEO, and requested to attend the November 2009 Council Meeting to finalise timeframes, process, package etc as required by the Local Government Act and Regulations.

C2009-1024 Formal Motion to defer consideration

Moved Cr MJ Forster, Seconded Cr L Hodder

That consideration of this matter be deferred.

Motion put and carried 5/0

REASON FOR VARIATION

To allow for further discussion with the CEO concerning possible renewal of contract, and consideration of discussion with Council.

C2009-1025 Special Council meeting to be held

Moved Cr DE Anderson, Seconded Cr L Hodder

That a Special Council meeting be held to further consider this matter, as soon as possible.

Motion put and carried 5/0

Mr N Mitchell returned to the meeting at 3.01pm.

11.4.3 END OF YEAR ARRANGEMENTS – Meeting, Function, Shut Down

File:

Author: Niel Mitchell, CEO

Date: 12 October 2009

Interest Declared: Staff member benefitting from any function held

Attachment: Nil

MATTER FOR CONSIDERATION

To confirm date for the last Council Meeting of 2009, consider arrangements for Christmas Function and Shire shutdown over Christmas.

BACKGROUND

In previous years, Council has chosen to hold the December ordinary meeting earlier than usual, to accommodate the Christmas break and allow staff to travel in an off peak period.

Council has usually also coincided its last meeting in December with a function for members, staff and their associated families at the conclusion of the last Council Meeting.

The Shire has a shut down period over the Christmas New Year break, and staff use a combination of public holidays, RDOs and annual leave during this period.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

There is an allowance in the 2009-10 Budget for receptions. This allowance is at the discretion of members of Council.

CONSULTATION

None

COMMENT

Last year –

- the last Council meeting for the year was on Tuesday, 16 December 2008
- the function held that night following Council Meeting, at the Old Railway Station –
 - o commencing at 6.30pm.
 - o Councillors, staff, members of committees, their spouse/partner and immediate family under the age of 12 were invited
 - o cost – catering limited to \$1,200, refreshments to \$800
 - o invitations to immediate past councillors – retiring or resigned since the previous function
- the shutdown was from finish of work on Thursday 18 December 2008, being the last day of school, recommencing Monday 5 January

The most appropriate date for finishing work for the break is the final day of School, which is Thursday 17 December 2009.

At this time the December Meeting of Council is also due to be held on Tuesday, 16 December 2009, as in previous years. If the function is to be held on the same night that work is due to finish for the break, some staff may prefer to get away early on the break. Regardless, of date chosen, it makes sense for both the Meeting and function to be held the same day.

Council may also wish to consider inviting others to the function, particularly those where there has been close co-operation during the year (Police and Centacare). Although not in recent years, I understand this has been done in the past, although the problem becomes one of where to draw the line so that it is not a general invitation to the whole town.

Some staff will be rostered on during the shutdown period to attend to general repairs and maintenance in town.

I have some concerns with leaving the office unattended for 2½ weeks, although it is actually only 7 working days. While it is rare for urgent matters to arise during the shutdown, there is always the possibility.

As in 2008-2009, I will be requesting one or two office staff remain at work until midday of 24 December 2009, so that at minimum, the phones are attended and anything urgent can be dealt with, or a senior officer contacted if necessary.

As in the past few years, catering will be by the Yalgoo Social Club as a fundraiser.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1026 End of Year Arrangement

Moved Cr DE Anderson, Seconded Cr L Hodder

That –

- a) the Ordinary meeting of Council be held on Tuesday, 15 December 2008 as previously resolved,
- b) the Shire end of year function be held that evening following Council Meeting, at the Old Railway Station –
 - commencing at 6.30pm,
 - current Councillors and those retired or resigned in the past 12 months, staff, members of committees, their spouse/partner and immediate family under the age of 12, be invited,
 - invitations to councillors,
 - catering and refreshments to an estimated value of \$2,200,
- c) the Shire shutdown for staff, be from the finish of work on Thursday 17 December 2009, recommencing Monday, 4 January 2010,
- d) subject to the availability of staff, the CEO to arrange for the office to be open to 24 December 2009.

Motion put and carried 5/0

NOTE CEO to prepare a list of Bush Fire volunteers that may be available in an emergency, over the close down period.

11.4.4 COUNCIL COMMITTEES AND DELEGATES TO ORGANISATIONS

File: C10-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 12 October 2009
 Attachments: None

MATTER FOR CONSIDERATION

To determine Council nominations to Committees and organisations.

BACKGROUND

Council currently has one Committee, and is involved in a number of regional organisations, and nominates delegates to other organisations from time to time.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.9 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc
- s.7.1A – appointment of Audit committees

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Delegation 1.1 – Audit Committee

Policy 1.7 – Representatives to Organisations

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Establishment of Committees

Under the Act, membership of Committees is for the shorter duration of a specified time determined by Council, or until the next ordinary elections day, when membership automatically lapses, and the Committee is therefore discontinued.

Currently, the Audit Committee is the only operational formal Committee of Council. In the past, all members of Council have been members of the Audit Committee.

It is suggested that all matters continue to be dealt with by full Council, and Committees not be established unless required by legislation, or for specific purposes of limited duration. Not only is this administratively much simpler, it also ensures that all Councillors are aware of all matters under consideration.

Committees, among other things –

- elect their own presiding member, not Council
- must have only those members appointed by name by Council – voting is not permitted to be open to all attending the meeting,
- appointment cannot be by position (eg President, CEO, School Principal, OIC Police), but the name of the appointee must be specified
- there is no legal capacity for Council to appoint deputies for members of a Committee
- must have a public question time – but otherwise people may only speak if recognised by the presiding member
- must comply with the Code of Conduct adopted by Council (different to the Rules of Conduct Regulations)

Audit Committee

Council has one Committee as required by the Act, being the Audit Committee, as per Delegation 1.1. The Act requires that Committee members be named, and Council may also consider appointment as a

Committee member, some other person. The CEO is not permitted to be a member of the Audit Committee, nor any employee, or nominate a person to represent them.

To date, the Committee has not had any delegated authority being Advisory only, with all recommendations being referred to Council for action. Council may choose to delegate some functions to the Committee.

External Organisations

Council Policy 1.7 lists the following organisations to whom Council has nominated representatives, and order of precedence should a nominee not be available –

- Murchison Vermin Regional Council
 - o Delegates – Crs Morrissey and Grey
 - Cr Iturbide elected to replace Cr Grey
 - o Deputy Delegates – none
- Murchison Country Zone of WALGA
 - o Delegates – Crs Anderson, Rowe
 - o Deputy Delegates – Cr O'Connor
 - Cr Iturbide elected to replace Cr O'Connor
- Murchison Zone Strategy Group
 - o Delegates – President and CEO
 - o now disbanded
- Northern Wheatbelt Health Scheme
 - o Delegates – Crs Anderson and Iturbide
 - o Deputy Delegates – Cr O'Connor
 - o now disbanded
- Regional Road Group and sub-Group
 - o Delegates – Cr Anderson
 - o Deputy Delegates – Cr Rowe
- Yalgoo LCDC
 - o Delegates – Cr Anderson and Rowe
 - o Deputy Delegates – Cr Iturbide

In accordance with Policy, since ordinary Local Government elections are now complete, it is appropriate to review the nomination of representatives.

Please note that some of these are formal appointments requiring consent of the organisation (e.g. Land Conservation District Committee) or separate appointment by a Minister etc, prior to the nomination being effective.

As these organisations are not Committees of Council, meeting fees cannot be paid by the Shire, although the organisation may pay meeting fees. Travel is paid only if authorised by Council prior to a meeting, either by specific decision or by policy.

As they are not Council Committees, Council may appoint their delegates by position, and can also nominate deputy delegates to the organisation.

Council's Policy also specifies the order of priority of representation to each organisation.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1027 Audit Committee

Moved Cr EC Rowe, Seconded Cr DE Anderson

That –

- i) the Audit Committee of Council consist of –
 - Cr DE Anderson
 - Cr EC Rowe
 - Cr L Hodder
 - Cr TK Iturbide
 - Cr MJ Forster
- ii) the Audit Committee have no delegation authority, and all recommendations be referred to Council prior to implementation
- iii) the term of office of the Audit Committee be until the next ordinary Local Government elections.

Motion put and carried by absolute majority 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2

That Council nominates the following people to the external organisations listed –

- Murchison Vermin Regional Council –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Murchison Country Zone of WALGA –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Regional Road Group and sub-Group–
 - o Delegate/s – _____
 - o Deputy delegate/s – _____
- Yalgoo Land Conservation District Committee –
 - o Delegate/s – _____
 - o Deputy delegate/s – _____

COUNCIL DECISION

C2009-1028 Delegates to the External Organisations

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council nominates the following people to the external organisations listed –

- Murchison Vermin Regional Council –
 - o Delegate/s – 2 Cr TK Iturbide & Cr L Hodder
 - o Deputy delegate/s – 1 Cr MJ Forster
- Murchison Country Zone of WALGA –
 - o Delegate/s – 2 Cr TK Iturbide & Cr DE Anderson
 - o Deputy delegate/s – 1 Cr EC Rowe
- Regional Road Group and sub-Group–
 - o Delegate/s – 1 Cr DE Anderson
 - o Deputy delegate/s – 1 Cr TK Iturbide
- Yalgoo Land Conservation District Committee –
 - o Delegate/s – 2 Cr EC Rowe & Cr DE Anderson
 - o Deputy delegate/s – 1 Cr TK Iturbide

Motion put and carried 5/0

11.4.5 GENETICALLY MODIFIED ORGANISMS

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 October 2009
Attachments: None

MATTER FOR CONSIDERATION

To consider a stance on genetically modified organisms

BACKGROUND

Over the past 12 months, there has been a number of occasions where there has been queries regarding the position of Council concerning GMOs.

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.

Biosecurity Act

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Genetically modified organisms (GMO's) appear to be raising the profile as an issue once again with recent approval for GM Canola etc in the Ord River area etc.

GMOs are a vexed issue, and while not a significant issue in pastoral areas perhaps, it is one that many appear to have strong opinions about.

Most people would be very familiar with the arguments for and against –

- in favour –
 - o improved yields
 - o increased resistance to disease and pests
 - o better drought tolerance
 - o no real difference to natural selection, just faster
- against –
 - o once out, can't be withdraw
 - o cross-contamination
 - o potential for resistance to control measures
 - o not able to understand all the implications of gene modification

Genetic modification is applicable not only to food plants such as canola, but also other plants such as cotton, roses, and animals.

Both sides can make their cases at great length, in great detail, with much technical support.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1029 Opposition to GMOs

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Council adopt a stance of opposition to genetic modification in all forms.

Motion put and carried 5/0

11.4.6 LGMA ANNUAL CONFERENCE

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 16 October 2009
Attachments: none

MATTER FOR CONSIDERATION

The WA Division of the Local Government Managers Association Annual Conference is to be held on 18-20 November 2009 in Fremantle.

BACKGROUND

The LGMA welcomes attendance by representatives of Councils.

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

Cost of travel, accommodation and registration for Councillors attending.

CONSULTATION

None

COMMENT

In previous years, the President has often attended the Local Government Managers Conference. Although the Conference is designed for senior staff, the LGMA welcomes the attendance of elected members. The focus of the Conference this year is “Leadership in Times of Crisis” with speakers on emergencies, financial and economic crises, and structural reform. Both CEO and Deputy CEO will be attending the Conference.

Registration fee is discounted to \$875 as Council is a corporate member of LGMA.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1030 LGMA Annual Conference

Moved Cr EC Rowe, Seconded Cr MJ Forster

That the President be authorised to attend the LGMA Annual Conference to be held on 18-20 November 2009, at the Esplanade Hotel, Fremantle.

C2009-1031 Amendment to motion

Moved Cr DE Anderson, Seconded Cr L Hodder

That the President and other Councillors as wish to, be authorised to attend the LGMA Conference to be held on 18–20 November 2009, at the Esplanade Hotel, Fremantle.

Amendment put and carried 5/0

Motion as amended was put and carried 5/0

REASON FOR VARIATION

To authorise other members of Council to attend the Conference should they wish to.

11.4.7 STAFF TRAINING SUPPORT

File:
 Author: Niel Mitchell, CEO
 Date: 16 October 2009
 Interest Declared: No interest to declare
 Attachment: p.95 Australian Training Management

MATTER FOR CONSIDERATION

To consider support for staff interested in undertaking formal qualifications.

BACKGROUND

Several staff members have indicated an interest in undertaking a formal qualification.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Net cost of training.

CONSULTATION

Coral South, Roads Foundation WA
 Peter Lewis, Australian Training Management
 Cliff Hodder, Works Foreman
 Des Hodder
 TK Hodder
 Bob Richardson

COMMENT

A number of staff have expressed an interest in undertaking a Certificate IV in Civil Construction or similar training, and while investigations are not complete as to which would be the most appropriate course, direction from Council is requested as to the level of support or subsidy that may be given.

Current Policy 3.2 Conference and Training records in part –

5. The Chief Executive Officer–

- *shall have regard to any Council Policy in place, and to Budget provisions,*
- *may approve reimbursement of necessary out-of-pocket expenses upon production of receipts,*
- *may approve the attendance by employees at conferences etc. where –*
 - o *attendance will enhance the professional development of the officer, and*
 - o *is relevant to the duties and responsibilities of the officer.*
- *may approve paid time off to attend study courses for employees undertaking study for an initial qualification relevant to local government, or additional study as approved by Council.*

Currently, training for staff is generally 1 or 2 day courses that relate directly to their position – heavy vehicles, rates, library, pesticides, traffic management etc.

Various subsidies are available depending on a range of matters.

Certificate 3 is a three year course, which may not be what the employees are intending. The total cost from one provider is estimated to be in the order of \$55,200 with subsidies of \$45,700 available. The net cost of \$9,500 works out to be approximately \$1,055 per employee per year. This cost does not include employee's wages during training, and travel and accommodation etc that will be required.

The total cost of the provider could be substantially reduced by staff attending the training in Perth, and ATM accessing training providers from Geraldton.

Investigations are not yet complete, and there are still several options to pursue.

Council is requested to consider extension of support beyond the paid time off to attend courses, conference fees and costs associated with attending courses required for their position.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1032 Staff Training Support

Moved Cr L Hodder, Seconded Cr EC Rowe

That –

- **Council agrees to support employees pursuing an initial qualification by covering the costs of provision of the training/qualification, associated course costs, any travel and accommodation required, and payment of wages, and**
- **the CEO prepare a formal policy for adoption by Council consistent with this direction.**

C2009-1033 Amendment to motion

Moved Cr EC Rowe, Seconded Cr DE Anderson

That Motion be amended to read –

That the CEO prepare a formal policy for adoption by Council to support employees pursuing an initial qualification by covering the costs of provision of the training/qualification, associated course costs, any travel and accommodation required, and payment of wages.

Amendment put and carried 5/0

Motion and amended put and carried 5/0

REASON FOR VARIATION

It is considered that before the commitment is resolved, that the policy should be adopted, and matters such as service to date and future tenure be considered.

Cr MJ Forster left the meeting at 3.44pm and returned at 3.47pm.

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

None

12.2 FOR CONSIDERATION AT THE FOLOWING MEETING

None

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1034 Admission of Urgent Business

Moved Cr DE Anderson, Seconded CR EC Rowe

That Council admits the following additional matters for discussion and decision –

13.1 – CSRFF Application

13.2 – Murchison Region – Government Employees Conditions

Motion put and carried 5/0

13.1 CSRFF APPLICATION

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 21 October 2009
Attachments: p.9 Shire CSRFF Application – Water Playground

MATTER FOR CONSIDERATION

The ranking and approval of applications for CSRFF grants.

BACKGROUND

The Community Sporting and Recreation Facilities Funds Grants is a once a year program of grants and closes on 31 October 2009.

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

Possibility of grant funding

CONSULTATION

Lucinda Jose
Adam Murzewski, Dept of Sport and Recreation
Nigel Good, Greenfields Technical Service

COMMENT

Ms Jose has been preparing the grant application for some months, and the draft received on 20 October 2009, is attached for Council's consideration. Please note that none of the attachments required have been supplied, but are held by her for submission with the application for consideration.

The initial approved Budget for the project was \$270,000 ex GST, and there had been discussion regarding various additional components that may be required in time, such as lighting, shade, landscaping etc. Accordingly, the application has been expanded to include these components and has a provision budget of \$376,532 ex GST.

These have now been included in the application, and with our eligibility for 50% funding as opposed to 43% under the previous version of the CSRFF, it is possible that a grant of \$188,192 ex GST may be approved, leaving \$188,192 ex GST to be funded by the Shire (Country Local Government Funds), thus freeing up some \$50,000 plus for alternative projects.

Should the grant not be approved, various portions can be scaled back or removed from the project to return it to its original Budget.

Applications must be lodged with Dept of Sport and Recreation by 31 October 2009, and must be ranked and approved by the Shire prior to lodgement.

No other applications have been received for Council's consideration.

It is intended that grant applications be made to the Mid West Development Commission under the Regional Development Scheme grant program as well.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

C2009-1035 Water Playground be priority ranked as #1

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the application submitted by the Shire for the construction of a water playground be priority ranked as 1.

Motion put and carried 5/0

NOTE Cr Forster declared a proximity interest in the following two Recommendations being the lessee of the property adjoining the proposed location of the development, and left the meeting at 3.54pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

C2009-1036 Council to Confirm the Location of the Water Park

Moved Cr DE Anderson, Seconded Cr EC Rowe

That Council confirm the location of the water park on the northern portion of Reserve 35346, having a Management Order in the Shire of Yalgoo, facing Gibbons Street.

Motion put and carried 4/0

Ms V Rowe left the meeting at 3.55pm and returned at 3.57pm

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3 / COUNCIL DECISION

C2009-1037 Construction timeframe

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council confirm the intention to construct the water playground, to be operational prior to the end of the 2010 calendar year, having a provisional Budget of \$376,932 ex GST, subject to approval of the CSRFF grant, but should this not be forthcoming, that the project be scaled back so as to comply with the original Budget of \$270,000 ex GST.

Motion put and carried 4/0

Cr MJ Forster returned to the meeting at 4.05pm.

Cr Anderson left the meeting at 4.06pm, and returned at 4.09pm.

13.2 MURCHISON REGION – GOVERNMENT EMPLOYEES CONDITIONS

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 21 October 2009
Attachments: None

MATTER FOR CONSIDERATION

The improvement of conditions for State Government employees in the Murchison region

BACKGROUND

State Government departments often have some difficulty in recruiting staff to positions in the Murchison region, due to remoteness, isolation etc.

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

Shane Matthews, WA Country Health Service, Mid West
Murchison Midwest Gascoyne Human Services Regional Managers Group

COMMENT

Many Government agencies have difficulty in recruiting staff to fill positions in the Murchison region, of which Yalgoo is the westernmost Shire and Wiluna the easternmost.

The reasons are many and varied, and include –

- isolation
- remoteness
- lack of other services in the towns,
- lack of professional support
- wages and benefits
- conditions such as housing, travel, travel time allowed

At a recent meeting of the MMGHSRMG, Mr Matthews noted that the WA Country Health Services has developed a proposal for the employment conditions for WACHS employees to be equivalent to those of employees who are above the 26th parallel. Their estimates are that the cost of improving the employment conditions and benefits are the same as the full time employment of two agency nurses in the region. In effect, the proposal has the potential to be cost neutral, or be a saving.

Several other agencies at the meeting indicated that some of the employment conditions have been improved, however, it was also very clear that the implementation of improved conditions and benefits does not apply to all agencies, and is not necessary consistent across the agencies that have negotiated improvements for their staff.

Some of the inadequacies and inconsistencies of the current Government policy of improved employment conditions above the 26th parallel as compared with remote areas not qualifying for additional benefits, include –

- district allowances
- housing subsidies and rents
- better standard of housing (air-conditioning, security screens etc)
- improved annual leave conditions and allowances
- child allowances
- increased rates for travel, transfer and relieving

in addition, there is the perennial problem of an inability to compete with mining sector salaries and conditions, etc.

As an example of the inadequacy and inconsistency of the current situation, it was noted at the meeting, that Government employees in Carnarvon, being just above the 26th parallel, have all the additional conditions and benefits, but those in Meekatharra, being just below the 26th parallel, do not.

To ensure consistency, it is suggested that the decision needs to be made at the political level, rather than relying on each individual agency to negotiate improvements, so as to ensure consistency across departments. The State Government needs to discard the application of the 26th parallel as an arbitrary boundary, and apply the principle of improved employment conditions on the basis of actual remoteness, isolation, impact on employees and families, and access to services. The concept of using the 26th parallel is now profoundly inadequate.

The impediments the various agencies face often seem to come down to the apparent extra costs, objected to by the economists, without recognition of potential for savings, reduced recruitment obligations and improved retention.

While there are many factors that affect an employee's willingness to work in a particular location, a reduction in obstacles is worth pursuing.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1038 Murchison Region– Government Employees Conditions

Moved Cr MJ Forster, Seconded Cr EC Rowe

That the following motions be submitted to the Murchison Country Zone meeting to be held on 6 November 2009 –

- (1) That the State Government –**
 - ***discard the concept of the 26th parallel as an arbitrary boundary for improved employment conditions for State Government employees, as it is now completely inadequate as a measure for eligibility for improved employment conditions, and***
 - ***develop a consistent approach to the application of minimum improved employment conditions based on the actual remoteness, isolation, impact on employees and families, and access to services, and***
 - ***this minimum be consistent across all State Government agencies.***
- (2) That WA Local Government Association be requested to take up this issue as a matter of priority with the Premier and relevant Ministers, as being important to the retention of staff and services in remote areas, and their development of those areas.**

Motion put and carried 5/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

STATUTORY ENVIRONMENT

Refer separate attachments

Motion to Close the Meeting to the Public

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1039 Motion to close the Meeting to the Public

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the meeting be closed to the public to discuss the following matters –

14.1 CEO Performance Review

Motion put and carried 5/0

The meeting was closed to the public at 4.12pm.

Remaining in the meeting were –

- Cr TK Iturbide
- Cr EC Rowe
- Cr DE Anderson
- Cr L Hodder
- Cr MJ Forster
- Ms V Rowe
- Mr N Mitchell

ADJOURNMENT

The meeting adjourned at 4.14pm and resumed at 4.17pm with all who were in attendance before the adjournment being present at the resumption.

Mr N Mitchell left the meeting at 4.18pm.

Motion to Open the Meeting to the Public

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1040 Motion to Open the Meeting to the Public

Moved Cr MJ Forster, Seconded Cr EC Rowe

That the meeting be re-opened to the public.

Motion put and carried 5/0

The meeting was reopened to the public at 4.31pm.

Mr Mitchell returned to the meeting at 4.32pm.

14.1 CEO PERFORMANCE REVIEW

Reason for confidentiality –

- Local Government Act 1995 –
 - o s 5.23 (2)(a) – A matter affecting an employee or employees.

File:

Author: Niel Mitchell, CEO
Interest Declared: Employee being reviewed
Date: 16 October 2009
Attachments: None

MATTER FOR CONSIDERATION

Performance review of CEO

BACKGROUND

As resolved at the September 2009 Meeting of Council, WALGA Workplace Relations were engaged to carry out the review of the CEO position.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.23 – Meeting may be closed to the public for specific purposes
- s.5.36 – Council to employ a CEO
- s.5.38 – At minimum, an annual review
- s.5.39 – Contract requirements for CEO and senior staff

CEO Contract of Employment –

- review of performance annually as per Act

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Mr John Phillips, Executive Manager Services, WA Local Government Association

COMMENT

As required by the Contract, and at the direction of Council, WALGA Workplace Relations were engaged to carry out the review of the CEO position.

Mr Phillips has prepared a worksheet for Councillors based on the two elected member responses he has received, and which is circulated separately.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

To be determined by Council

COUNCIL DECISION

C2009-1041 Receipt of Review

Moved Cr MJ Forster, Seconded Cr EC Rowe

That the review comments as prepared by Workplace Solutions be received.

Motion put and carried 5/0

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Thursday, 26 November 2009, commencing at 11.00 am.

16. MEETING CLOSURE

On behalf of the Council and staff, Cr Iturbide thanked Cr Anderson for his commitment and dedication as President of the Shire for over 8 years.

There being no further business, the President declared the meeting closed at 4.54pm.

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