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MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 20th OCTOBER 2010.**1010.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1.00 pm The President declared the meeting open.

1010.02 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**PRESENT:**

Councillor A J (Nino) Messina – President	(West Ward)
Councillor B I N (Barbara) Thomas – Deputy President	(East Ward)
Councillor A J (Tony) Crudeli	(Central Ward)
Councillor J L (Julie) Freeman	(Central Ward)
Councillor M D (Mick) Tierney	(Central Ward)
Councillor A J (Andrew) Messina	(South Ward)
Councillor K P (Kim) Keeffe	(South Ward)

OFFICERS:

Mr TA (Tom) Hartman - Chief Executive Officer
Ms N (Noelene) Holmes - Deputy Chief Executive Officer
Miss JM (Jenna) May - Executive Secretary
Mr D (David) Gibson - City of Geraldton Greenough Building Officer

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

VISITORS:

Ms Anita Krippner- Our Lady of Mt Carmel Primary School Teacher
Students: Lilly Bone
Claire Barnetson
Camryn Rowe

1010.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

1010.04 PUBLIC QUESTION TIME

Lilly - Will the pool be ready by the normal opening times?
The CEO advised that the pool should be ready by mid November.

Claire - Is there anything else being built at the park?

The CEO advised that there might be more paving and shades put up.

Camryn - Will there be a water fountain at the pool?

The CEO advised that due to the request, they will now consider installing a water fountain at the pool.

Lilly - When will the fire ban come into place?

The President advised that the fire ban is currently in place.

Claire- Are you going to fix or grade any of the roads in preparation for harvest?

The President advised that the roads around the Shire have been graded and will continue to be graded as they break down.

Camryn - Are we having any new banners this summer?

The CEO advised that new banners will be ordered at some stage, however they will also be recycling last years banners for the Christmas and New Year period.

1010.05	APPLICATIONS FOR LEAVE OF ABSENCE
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Moved: *B I N Thomas* **Seconded:** *Andrew J Messina*

COUNCIL DECISION: **THAT CR JULIE FREEMAN BE GRANTED LEAVE OF ABSENCE FOR THE DECEMBER COUNCIL MEETING.**

CARRIED 7/0

1010.06	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
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Moved: *J L Freeman* **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15th SEPTEMBER 2010, AS PRINTED BE CONFIRMED.**

CARRIED 70

1010.07	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION
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Nil

1010.08	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
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Nil

1010.09	REPORTS OF COMMITTEES/MEMBERS
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Nil

1010.10 REPORTS OF OFFICERS**10.2 HEALTH, BUILDING AND TOWN PLANNING****10.2.1 SUBDIVISION APPLICATION – LOT 12 CASUARINAS ROAD**

DATE OF MEETING:	20 October 2010
LOCATION/ADDRESS:	Lot 12 Casuarinas Road, West Casuarinas, Mullewa
NAME OF APPLICANT:	David Stephen Ives
FILE REFERENCE:	513.02
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	14 October 2010 – Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	The Author has no Disclosure of Interest.
SUMMARY	Report submits an application for subdivision
BACKGROUND:	<p>Correspondence has been received from the Western Australian Planning Commission in which it advises that it has received an application from D S Ives to undertake the subdivision of Lot 12 Casuarinas Road, Mullewa.</p> <p>The application received is attached at APPENDIX A. As can be noted the proposal is to subdivide Lot 12 into two Lots from an area of 378.0479 hectares into two lots of 369.0288 hectares and 9.3114 hectares by the creation of a homestead lot. Access to the homestead lot will be from Casuarinas Road along an existing access way.</p>
COMMENT:	<p>Previously Council has consistently taken the view, which was supported by the Western Australian Planning Commission, that it would not approve applications which result in lot sizes below those prevailing in the surrounding area. However, the Western Australian Planning Commission also acknowledged that it may approve smaller lot sizes than those in the surrounding areas for those local authorities deemed to be experiencing little or no pressure for development where a homestead lot is to be excised from the farming property for residential purposes.</p> <p>At the August 2005 meeting council adopted a policy that was consistent, (other than clause 2), with the West Australian Planning Commission “Subdivision of Rural Land Policy No DC3.4” This policy follows under policy implications.</p> <p>When Council was confronted with an application for a “homestead lot” in 2004/5 it did not have any rural strategy, and the Council were advised that they should be mindful of allowing landowners to subdivide large rural lots or locations into smaller areas without having appropriate development controls in place. The advice also stated that approval of the application may create precedence.</p> <p>Since that time Council adopted the policy in 2005, and has also taken steps to provide strategic planning direction by the preparation of a local planning strategy to address land use priorities such as proposals to</p>

subdivide land to create homestead lots.

Extracts from the draft Mullewa Local Planning Strategy are attached at **APPENDIX B**

CONSULTATION:

Department of Planning, Central Regions, Geraldton, who have advised – ***“they have undertaken a preliminary review of this subdivision application and do not believe there are any conditions the Shire should request the WAPC impose as part of its decision. The Shire may therefore wish to respond by advising that “the Shire supports the proposed plan of subdivision and does not request any conditions of approval”.***

STATUTORY ENVIRONMENT:

Town Planning Development Act 1929 and Western Australian Planning Commission Development Control 3.4.

POLICY IMPLICATIONS:

1006

SUBDIVISION OF RURAL LANDS – HOMESTEAD LOTS

That consistent with the West Australian Planning Commission “Subdivision of Rural Land Policy No DC3.4” the Council of the Shire of Mullewa has prepared the following planning policy pursuant to its Interim Development Order No.10.

1. The Council will only support the creation of a Homestead Lot where it can be demonstrated as part of the application:
 - a) a genuine need exists for the excision of the Homestead from the balance of the farming unit;
 - b) the proposed lot does not exceed 10 hectares in area, unless additional justification is provided to demonstrate a larger area of the land is required;
 - c) the proposed lot will not be detrimental to the continued operation and viability of the farming unit (ie, existing farm machinery sheds are to be located within the farming unit and not the Homestead Lot);
 - d) the homestead already exists, is sufficiently setback from proposed lot boundaries, and is adequately serviced from within the proposed lot area (ie water supply);
 - e) the proposed lot has a constructed road frontage.
2. The Council in support of a subdivision application for a Homestead Lot will request a condition be placed on the subdivision approval by the Western Australian Planning Commission requiring a caveat be placed on the certificate of title at the subdivider’s expense restricting the sale of the Homestead Lot for a minimum of five (5) years.

(Adopted 17th August 2005)

FINANCIAL IMPLICATIONS:

There are no known financial implications at this time.

STRATEGIC
 IMPLICATIONS:
 VOTING REQUIREMENT: Simple
OFFICER
RECOMMENDATION THAT COUNCIL ADVISE THE WEST AUSTRALIAN PLANNING COMMISSION THAT IT RAISES NO OBJECTIONS TO THE PROPOSED PLAN OF SUBDIVISION

Moved: J L Freeman **Seconded:** Andrew Messina

COUNCIL DECISION: THAT COUNCIL ADVISE THE WEST AUSTRALIAN PLANNING COMMISSION THAT IT RAISES NO OBJECTIONS TO THE PROPOSED PLAN OF SUBDIVISION **CARRIED 7/0**

10.4 FINANCE AND GENERAL PURPOSE

10.4.1 STATEMENT OF FINANCIAL ACTIVITY – SEPTEMBER 2010

DATE OF MEETING: 20th October 2010
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: -
 DATE AND AUTHOR: 14th October 2010. Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY

BACKGROUND: Financial Management Regulation 34 requires a Local Government to prepare a 'Statement of Financial Activity' reporting on the sources and applications of funds on a monthly basis.

COMMENT: Attached at **APPENDIX A** is the Statement of Financial Activity for September 2010.

CONSULTATION:

STATUTORY ENVIRONMENT: Local Government Act
 Financial Management Regulations

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER
RECOMMENDATION THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF SEPTEMBER 2010 BE RECEIVED.

Moved: B I N Thomas **Seconded:** J L Freeman

COUNCIL DECISION: THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF SEPTEMBER 2010 BE RECEIVED. **CARRIED 7/0**

**SHIRE OF MULLEWA
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2010 TO 30 SEPTEMBER 2010**

	30.09.10 Actual	30.09.10 Y-T-D Budget \$	2010/2011 Budget \$	Variances Budget to Y-T-D %
Operating				
Revenues/Sources				
General Purpose Funding	48,470	194,345	761,849	(75.06%)
Governance	9,801	6,304	26,526	55.47%
Law, Order, Public Safety	9,535	9,057	46,272	5.27%
Health	0	0	272	#DIV/0!
Education and Welfare	72,098	54,984	119,483	31.13%
Housing	7,581	9,197	36,810	(17.58%)
Community Amenities	75,172	76,304	79,098	(1.48%)
Recreation and Culture	88,358	343,622	960,196	(74.29%)
Transport	187,360	171,453	980,539	9.28%
Economic Services	23,212	13,292	151,444	74.63%
Other Property and Services	75,735	45,014	180,000	68.25%
	<u>597,321</u>	<u>923,572</u>	<u>3,342,489</u>	<u>(35.32%)</u>
(Expenses)/(Applications)				
General Purpose Funding	-43,653	-45,239	-186,538	3.51%
Governance	-100,553	-106,926	-304,403	5.96%
Law, Order, Public Safety	-54,424	-70,466	-243,773	22.77%
Health	-17,247	-19,432	-74,788	11.25%
Education and Welfare	-49,470	-61,848	-242,108	20.01%
Housing	-30,861	-40,030	-159,270	22.91%
Community Amenities	-80,659	-91,695	-371,447	12.04%
Recreation & Culture	-199,120	-269,993	-1,089,715	26.25%
Transport	-161,504	-187,011	-1,387,254	13.64%
Economic Services	-60,311	-85,882	-344,454	29.77%
Other Property and Services	-99,175	-53,681	-139,005	(84.75%)
	<u>-896,976</u>	<u>-1,032,203</u>	<u>-4,542,755</u>	<u>13.10%</u>
Adjustments for Non-Cash (Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	-7,290	-7,290	-139,979	
Depreciation on Assets	170,729	170,729	1,254,964	
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	0	0	-5,000	
Purchase Infrastructure Assets - Roads	-246,530	-246,530	-1,049,619	
Purchase Plant and Equipment	-382,230	-382,230	-1,499,295	
Purchase Furniture and Equipment	-30,169	-30,169	-26,000	
Proceeds from Disposal of Assets	34,136	34,136	215,150	
Repayment of Debentures	0	0	-38,905	
Transfers to Reserves (Restricted Assets)	-512	-512	-7,048	
Road Reseal & Community Trust Received	0	0	-300,000	
Road Reseal & Community Trust Expended	0	0	183,518	
Transfers from Reserves (Restricted Assets)	0	0	0	
ADD Net Current Assets July 1 B/Fwd	1,033,531	1,033,531	1,033,531	
LESS Net Current Assets Year to Date	1,868,698	2,041,984	0	
Amount Raised from Rates	<u>-1,596,687</u>	<u>-1,578,949</u>	<u>-1,578,949</u>	
Reason for Variance				
	Sources	Variance \$		
General Purpose Funding	(75.06%)	-145,875	Grants Commission payments late	
Governance	55.47%	3,497	Reimbursements	
Education and Welfare	31.13%	17,114	Youth Grant rec'd in advance	
Housing	(17.58%)	-1,616	Rental invoices out of sequence	
Recreation and Culture	(74.29%)	-255,264	Pool Grant not received	
Economic Services	74.63%	9,920	C/Van park income & Bldg licences	
Other Property and Services	68.25%	30,721	Private Works Income & Workers Comp rec'd	
	Applications	\$		
Law, Order, Public Safety	22.77%	16,042	Bush Fire & CPO programs under YTD budget figures	
Health	11.25%	2,185	Health program under YTD budget figures	
Education and Welfare	20.01%	12,378	Youth Centre expenses under YTD budget figures	
Housing	22.91%	9,169	Housing maintenance under YTD budget figures	
Community Amenities	12.04%	11,036	YTD figures exceed actual - multiple accts	
Recreation & Culture	26.25%	70,873	YTD figures exceed actual - multiple accts	
Transport	13.64%	25,507	YTD figures exceed actual - multiple accts	
Economic Services	29.77%	25,571	YTD figures exceed actual - multiple accts	
Other Property and Services	(84.75%)	-45,494	Private Works	

SHIRE OF MULLEWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2010 TO 30 SEPTEMBER 2010

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

CURRENT ASSETS

Cash - Unrestricted	1,549,984
Cash - Restricted	2,194,058
Receivables	588,347
Inventories	36,163
	<u>4,368,552</u>

LESS: CURRENT LIABILITIES

Payables and Provisions	-305,795
	<u>4,062,756</u>

Less: Cash - Reserves - Restricted -675,365

Less: Cash - Restricted/Committed -1,518,693

NET CURRENT ASSET POSITION 1,868,698

RATING INFORMATION

RATE TYPE	Rate in \$	Number of Prop.	Rateable Value \$	2010/11 Rate Revenue \$	2010/11 Interim Rates \$	2010/11 Back Rates \$	2010/11 Total Revenue \$	2010/11 Budget \$
Differential General Rate								
GRV Mullewa	10.330000	195	1,411,346	145,792	-321		145,471	146,404
GRV Pindar	13.304000	6	20,020	2,663			2,663	2,663
UV Agriculture	0.862900	299	151,752,080	1,309,469	23		1,309,492	1,307,453
UV Mining	21.840000	21	399,924	87,343	7,213	212	94,768	84,472
Sub-Totals		521	153,583,370	1,545,268	6,915	212	1,552,395	1,540,992
Minimum Rates								
	Minimum \$							
GRV Mullewa	321.05	72		23,437			23,437	23,116
GRV Pindar	83.48	12		1,002			1,002	1,002
UV Agriculture	238.50	40		9,302			9,302	9,540
UV Mining	286.65	15		4,300			4,300	4,300
Sub-Totals		139	0	38,040	0	0	38,040	37,958
							1,590,434	1,578,950
Ex Gratia/Adjust. Totals							6,253	
							1,596,687	1,578,950
							1,596,687	1,578,950

All land except exempt land in the Shire of Mullewa is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2010/11 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

10.4.2 FINANCE REPORT – SEPTEMBER 2010

DATE OF MEETING:	20 th October 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	14th October 2010. Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report presents a bank reconciliation of Councils bank accounts.
BACKGROUND:	A reconciliation of funds is carried out at end of each month for all of Councils bank accounts. The accounts are reconciled with the general ledger to ascertain accuracy of income and expenditure of the previous month.
COMMENT:	BANK RECONCILIATION The Bank Reconciliation for the month of September 2010 is attached at APPENDIX B . The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There are no known financial implications at this time.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30th SEPTEMBER BE RECEIVED.
Moved:	<i>Andrew Messina</i>
Seconded:	<i>A J Crudeli</i>
COUNCIL DECISION:	THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30th SEPTEMBER BE RECEIVED.

CARRIED 7/0

SHIRE OF MULLEWA
BANK RECONCILIATION
September 30, 2010

ACCOUNT	MUNICIPAL	CDA	TRUST	MCT	RESERVES	ROAD RESEAL
G.L. ACCOUNT NO.	160010	160010	161710	174310	185210	174510
Bank Statement Balance	103,121.87	1,455,634.00	16,878.81	411,093.14	675,365.00	1,085,527.12
Adjustments	(5,450.38)	-	5,450.38	-	-	-
Sub Total	97,671.49	1,455,634.00	22,329.19	411,093.14	675,365.00	1,085,527.12
Add O/S Deposits	2,133.65	-	-	-	-	-
Sub Total	99,805.14	1,455,634.00	22,329.19	411,093.14	675,365.00	1,085,527.12
Less O/S Cheques	5,855.42	-	256.10	-	-	-
CASH BALANCE	93,949.72	1,455,634.00	22,073.09	411,093.14	675,365.00	1,085,527.12
Cash Balance as at 01/07/10	819,486.22	764,634.00	57,598.09	411,093.14	674,852.65	1,085,527.12
Receipts Year to Date	1,116,812.43	591,000.00	1,390.50	-	-	-
Receipts this Month	1,253,031.12	895,000.00	138.10	-	512.35	-
Less						
Payments Year to Date	1,121,333.73	640,000.00	3,486.23	-	-	-
Payments this month	518,412.26	155,000.00	33,567.38	-	-	-
CASH BALANCE	1,549,583.78	1,455,634.00	22,073.08	411,093.14	675,365.00	1,085,527.12

CDA Cash Balance included in Municipal Cash Balance

STATEMENT OF CASH POSITION
September 30, 2010

Cash on Hand				400.00
Municipal Funds				93,949.72
Invested Municipal Funds	Interest Rate:	4.00%		1,455,634.00
Mullewa Community Trust	Interest Rate:	4.96%		411,093.14
Reserve Funds	Interest Rate:	4.96%		675,365.00
Road Reseal Funds	Interest Rate:	4.96%		1,085,527.12
				<u>3,721,968.98</u>
Represented by:				
Reserves:	Leave Fund	...	...	115,000.00
	Building Reserve	...	...	222,947.00
	Aerodrome Reserve	...	...	26,000.00
	Medical Centre Reserve	...	...	105,900.00
	Effluent Scheme Reserve	...	...	58,019.15
	Plant Reserve	...	...	147,498.85
	Mullewa Community Trust	...	...	411,093.14
	Road Reseal Fund	...	...	1,085,527.12
	Available funds	...	...	<u>1,549,983.72</u>
				<u>3,721,968.98</u>

All accounts held with Commonwealth Bank Australia

10.4.3 ACCOUNTS FOR PAYMENT- OCTOBER 2010

DATE OF MEETING:	20 th October 2010		
LOCATION/ADDRESS:	-		
NAME OF APPLICANT:	-		
FILE REFERENCE:	-		
PREVIOUS MINUTE/S & REFERENCE:	-		
DATE AND AUTHOR:	13 th October 2010. Noelene Holmes, Deputy Chief Executive Officer		
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.		
SUMMARY:	The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank account during the month, to be passed for payment by Council.		
BACKGROUND:	Clause 11 of the Local Government (Financial Management) Regulations provides that a Local Government shall develop procedures for the authorisation of payments. Clause 12 of the Regulations requires a schedule of cheques drawn to be presented at the next Ordinary Meeting following preparations of the list.		
COMMENT:	Attached to this report is a list detailing all cheques drawn and direct debits since the last Council meeting. The summary of the schedule of accounts to be passed for payment totalling \$ 855,137.18 the following:		
	<u>Municipal Account</u>		
	Cheque No.	10587-10615	\$71,834.98
	Electronic Fund Trans	EFT 6252- EFT 6329	\$647,794.66
	Payroll & Fees		\$134,672.70
	<u>Trust Account</u>		\$135,467.54
	Cheque No.	450-451	\$40.00
	Total:		855,137.18
CONSULTATION:	Nil		
STATUTORY ENVIRONMENT:	Local Government Act and Regulations		
POLICY IMPLICATIONS:	There are no known policy implications at this time.		
FINANCIAL IMPLICATIONS:	There are no known financial implications at this time.		
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.		
VOTING REQUIREMENT:	Simple majority		
OFFICER RECOMMENDATION	THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.		
	<u>Municipal Account</u>		
	Cheque No.	10587-10615	\$71,834.98
	Electronic Fund Trans	EFT 6252- EFT 6329	\$647,794.66
	Payroll & Fees		\$134,672.70
	<u>Trust Account</u>		\$135,467.54
	Cheque No.	450-451	\$40.00
	Total:		855,137.18
Moved:	<i>B I N Thomas</i>	Seconded:	<i>J L Freeman</i>
COUNCIL DECISION:	THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE		

AS PRESENTED BE PASSED FOR PAYMENT.Municipal Account

Cheque No.	10587-10615	\$71,834.98
Electronic Fund Trans	EFT 6252- EFT 6329	\$647,794.66
Payroll & Fees		\$134,672.70

Trust Account

Cheque No.	450-451	\$40.00
Total:		855,137.18

CARRIED 7/0**10.4.4 WAIVING FEES – MULLEWA LESSER HALL**DATE OF MEETING: 20th October 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: Carly Jurgowiak – Mullewa District High School

FILE REFERENCE:

PREVIOUS MINUTE/S &
REFERENCE:DATE AND AUTHOR: 14th October 2010. Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report request waiving of Hall Fees

BACKGROUND: Correspondence has been received from Ms Jurgowiak of the Mullewa District High School requesting Council waive the fee for use of the Town Hall for the purpose of holding a disco.

COMMENT: The hirer requests use of the hall on Friday 19th November 2010 between 6pm and 10.30pm. The letter of request is attached at **APPENDIX C**

As with all hirers granted free use of Council premises, the following conditions are imposed;

- That the venue is left clean and tidy, specifically removing foot prints from the floor, at the conclusion of the hire,
- That the Council is indemnified for any accident or injury arising from this undertaking, and
- The contribution of the Council to this undertaking is promoted and funded from the interest earned from the Mullewa Community Trust deposit.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY: There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL IMPLICATIONS: The cheapest hire rate that would be applicable to an event of this nature is \$43.60 per hire.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL CONSIDER THE REQUEST FROM MS CARLY JURGOWIAK OF MULLEWA DISTRICT HIGH SCHOOL TO WAIVE THE FEES FOR USE OF THE MULLEWA TOWN HALL ON FRIDAY 19TH NOVEMBER 2010 BETWEEN THE HOURS OF 6PM AND 10.30PM

Moved: *K P Keeffe* **Seconded:** *J L Freeman*

COUNCIL DECISION: **THAT COUNCIL CONSIDER THE REQUEST FROM Ms CARLY JURGOWIAK OF MULLEWA DISTRICT HIGH SCHOOL TO WAIVE THE FEES FOR USE OF THE MULLEWA TOWN HALL ON FRIDAY 19TH NOVEMBER 2010 BETWEEN THE HOURS OF 6PM AND 10.30PM** **CARRIED 7/0**

10.4.5 ADMINISTRATION CHRISTMAS – NEW YEAR CLOSURE – REQUEST FOR

DATE OF MEETING: 20TH October 2010

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report requests permission to close the Shire Office over the coming Christmas/New Year period.

BACKGROUND: As in previous years staff are again requesting the Administration office be closed over the 2010 Christmas and New Year holiday period

COMMENT: Christmas 2010 falls on Saturday it is requested that the administration office be closed from Friday 24th December. Closing the day before Christmas will allow staff safe journey to their destination. The proposed closure would also include 29-31 December, reopening on Tuesday 4th January 2011.

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
	20	21	22	23	24	XMAS
26	P/Hol	P/Hol	29	30	31	1
2	P/Hol					

TABLE – SHADED AREA DENOTES PROPOSED OFFICE CLOSURE

The office has been closed for a similar period over the last 4 years and previous to that the level of telephone and front counter activity was minimal during the Christmas/New Year period. This closure will present an opportune time for staff to clear a small amount leave with little interruption to the organisation.

The closure time shall be taken as either annual leave, rostered days off or leave without pay, depending on the individual officers leave entitlement.

Should the request be granted the closure will be advertised extensively throughout Mullewa by way of notice boards and the Mullewa Mail.

CONSULTATION:	Chief Executive Officer & Administration Staff.
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There are no known policy implications at this time.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE REQUEST FOR CLOSING THE ADMINISTRATION OFFICE FOR THE PERIOD OF 24, 29, 30 & 31 DECEMBER 2010 REOPENING ON TUESDAY 4TH JANUARY 2011 BE APPROVED.

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE REQUEST FOR CLOSING THE ADMINISTRATION OFFICE FOR THE PERIOD OF 24, 29, 30 & 31 DECEMBER 2010 REOPENING ON TUESDAY 4TH JANUARY 2011 BE APPROVED. CARRIED 7/0**

10.4.6 MULLEWA SWIMMING POOL – FREE ENTRY 2010/2011 HOLIDAY PERIOD

DATE OF MEETING:	20 th October 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	609.01
PREVIOUS MINUTE/S & REFERENCE:	15 October 2008, 21 st October 2009
DATE AND AUTHOR:	13 October 2010 – Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report raises consideration to allow free entry to the Mullewa Swimming Pool during the 2010/2011 school holiday period.
BACKGROUND:	Over the past four years Council has resolved to allow free entry to the Mullewa Swimming Pool for the school holiday period.
COMMENT:	There has been considerable discussion on this matter over the past four years and Council has been satisfied that allowing free entry to the swimming pool has more positive than negative implications.
	Changes made to the criteria and Guidelines for the Mullewa Community Trust allows Council to apply for funding to offset the loss of income.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There has been an allowance in the 2010/2011 Budget for a reduction in the pool entry fees, similar to the income received last season.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL ALLOW FREE ENTRY TO THE MULLEWA SWIMMING POOL DURING THE 2010/2011 CHRISTMAS SCHOOL HOLIDAY PERIOD.

Moved: J L Freeman **Seconded:** B I N Thomas

COUNCIL DECISION: **THAT COUNCIL ALLOW FREE ENTRY TO THE MULLEWA SWIMMING POOL DURING THE 2010/2011 CHRISTMAS SCHOOL HOLIDAY PERIOD. CARRIED 7/0**

10.4.7 COUNTRY LOCAL GOVERNMENT FUND (Royalties for Regions)

DATE OF MEETING: 20 October 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE: 18 February 2009, 21 July 2010

DATE AND AUTHOR: 20 October 2010 - Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report re-submits Country Local Government Fund (Royalties for Regions) projects for 2010-11 funding allocations and recommends Council endorsement.

BACKGROUND: At Councils meeting held July 21, 2010, Council resolved –

THAT COUNCIL APPROVE FUNDING FROM THE COUNTRY LOCAL GOVERNMENT FUND 2010-2011 TO THE FOLLOWING PROJECTS-

- **MULLEWA SWIMMING POOL - \$361,670 FROM THE INDIVIDUAL ALLOCATION AND \$106,341 FROM THE REGIONAL GROUP ALLOCATION.**
- **EXPLORING WILDFLOWER COUNTRY PROJECT - \$88,404 FROM THE REGIONAL GROUP ALLOCATION.**

Since that meeting the President and CEO attended a Country Local Government Fund Regional Groupings workshop held in Geraldton. The aim of the regional groupings component of the fund is to assist the development of infrastructure projects that benefit the wider community across a region i.e. regionally significant infrastructure projects.

During the workshop, the Shire of Mullewa agreed to work collaboratively with the City of Geraldton Greenough on the following projects:

- Flores Road/Place Road intersection upgrade
- Wildflower Highway
- Mullewa swimming pool upgrade
- Airport precinct transformer upgrade

COMMENT: A report on the workshop outcomes is attached separately and a summary of future projects is attached at **APPENDIX D**.

It has been agreed that the allocation for the regional component for the CLGF between the City of Geraldton Greenough and the Shire of Mullewa is \$88,404 for the Wildflower Drive project and \$126,341 for the Pool.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL RATIFY THE CLGF REGIONAL COMPONENT WORKSHOP OUTCOME WHEREBY THE SHIRE OF MULLEWA AGREED TO WORK COLLABORATIVELY WITH THE CITY OF GERALDTON GREENOUGH ON THE FOLLOWING PROJECTS:

- FLORES ROAD/PLACE ROAD INTERSECTION UPGRADE
- WILDFLOWER HIGHWAY
- MULLEWA SWIMMING POOL UPGRADE
- AIRPORT PRECINCT TRANSFORMER UPGRADE

Moved:

Andrew Messina

Seconded:

K P Keeffe

COUNCIL DECISION:

THAT COUNCIL RATIFY THE CLGF REGIONAL COMPONENT WORKSHOP OUTCOME WHEREBY THE SHIRE OF MULLEWA AGREED TO WORK COLLABORATIVELY WITH THE CITY OF GERALDTON GREENOUGH ON THE FOLLOWING PROJECTS:

- FLORES ROAD/PLACE ROAD INTERSECTION UPGRADE
- WILDFLOWER HIGHWAY
- MULLEWA SWIMMING POOL UPGRADE
- AIRPORT PRECINCT TRANSFORMER UPGRADE

CARRIED 7/0

10.5 CHIEF EXECUTIVE OFFICERS REPORT

10.5.1 PREMIERS AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS - 2011

DATE OF MEETING: 20th October 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 611

PREVIOUS MINUTE/S & -

REFERENCE:

DATE AND AUTHOR:	12 October 2010 – Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report raises the Australia Day Awards for Council to invite nominations for a person, group or event for the awards.
BACKGROUND:	<p>The attached letter at APPENDIX A has been received from the Australia Day Council of WA.</p> <p>As part of Australia Day family awards the Premiers Australia Day Active Citizen awards were introduced to be announced on Australia Day.</p> <p>The awards focus on community contribution and participation rather than personal achievement:</p> <p>There are three awards –</p> <ul style="list-style-type: none">• Outstanding contributions to community by a local citizen of 25 years of age or over.• Outstanding contributions to community by a local citizen under 25 years of age.• Outstanding contributions to community by a local group or community event. <p>The nomination period closes on Friday 26 November 2010, but can be extended, and nominations are then required to be submitted to the Australia Day Council by Wednesday 12 January, 2011. It is suggested that Council consider any nominations at the December 2010 meeting.</p> <p>A successful function was held on Australia day last year at the Mullewa Swimming Pool and it is suggested to hold a similar function in 2011. Council may wish to consider presenting the awards on this day.</p>
COMMENT:	<p>Advertising will be carried out over the coming months.</p> <p>I consider this is again a good opportunity for Council to recognise those in the community for their valuable service.</p> <p>There would be persons under the age, group or event categories who we could nominate if no nominations are received from the community.</p>
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	If Council conducts an event on Australia Day 2011 there will be costs.
STRATEGIC IMPLICATIONS:	Will have positive impacts on Council and community relationships.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	<p>THAT COUNCIL INVITE NOMINATIONS:</p> <p>FOR THE PREMIERS AUSTRALIA DAY ACTIVE CITIZENSHIP AWARD FOR A PERSON OF 25 YEAR OR OLDER.</p>

FOR THE PREMIERS AUSTRALIAN DAY ACTIVE CITIZENSHIP AWARD FOR A PERSON UNDER 25 YEARS.

FOR THE PREMIERS AUSTRALIAN DAY ACTIVE CITIZENSHIP AWARD FOR A LOCAL GROUP OR COMMUNITY EVENT.

Moved: *Andrew Messina* **Seconded:** *K P Keefe*

COUNCIL DECISION: THAT COUNCIL INVITE NOMINATIONS:

FOR THE PREMIERS AUSTRALIA DAY ACTIVE CITIZENSHIP AWARD FOR A PERSON OF 25 YEAR OR OLDER.

FOR THE PREMIERS AUSTRALIAN DAY ACTIVE CITIZENSHIP AWARD FOR A PERSON UNDER 25 YEARS.

FOR THE PREMIERS AUSTRALIAN DAY ACTIVE CITIZENSHIP AWARD FOR A LOCAL GROUP OR COMMUNITY EVENT.

CARRIED 7/0

10.5.2	TEMPORARY ACCOMMODATION (CONSTRUCTION) CAMPS-	POLICY
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DATE OF MEETING: 20 October 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 409

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: 13 October 2010 – Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report raises a draft policy for Temporary Accommodation (construction) Camps for consideration and adoption

BACKGROUND: Due to the mining developments in the Mid West it is possible that Mullewa may be in the location for construction camps to house workers involved in these developments. Council has been recently approached to identify sites for a camp in association with the rail upgrade to Morawa. There is also an indication the Mullewa could be a site for a camp associated with the building of the rail line to Jack hills. Council has no policy in place to cover these proposals.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination. Some of the objectives could be

- To provide advice for potential developers of temporary accommodation or construction camps.

- To ensure that developers are aware of the requirements in providing, managing and removal of the camps.
- To establish guidelines to be used in considering any applications proposed for the development of these camps.
- To specify a time period for approval of these camps.

COMMENT: The draft policy is submitted for review and consideration and is attached at **APPENDIX B.**

CONSULTATION: City of Geraldton Greenough Health, Building & Planning Directorates.

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: New Policy

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL ADOPT THE DRAFT POLICY FOR TEMPORARY ACCOMMODATION (CONSTRUCTION) CAMPS

Moved: *J L Freeman* **Seconded:** *M D Tierney*

COUNCIL DECISION: **THAT COUNCIL ADOPT THE DRAFT POLICY FOR TEMPORARY ACCOMMODATION (CONSTRUCTION) CAMPS**

CARRIED 7/0

10.5.3 MAIN ROADS SERVICE AGREEMENT

DATE OF MEETING: 20th October 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 4th October 2010– Suzanne Ward – Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY: Council is being asked to: -

- Appoint an elected member and the CEO to represent Council on the Mid West Local Governments Services Agreement Governance Team,
- Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid West Local Governments Services Agreement with Main Roads WA, and
- Nominate the CEO of the Mid West Regional Council as (the single point of contact), their parties' representative.

BACKGROUND:

The Agreement

Over the past 2 years, Mid West Regional Council, Main Roads and the participating council representatives have held discussions in an attempt to reach agreement as to the manner in which the Local Governments may be involved in the performance of road asset management services on portions of Main Roads' road network.

On 22 February 2010, Main Roads and the Local Governments entered into a memorandum of understanding (MOU) under which Main Roads and the Local Governments undertook to negotiate, agree, finalise and execute an agreement under which the Local Governments will:

- perform certain of the road asset management services in respect of portions of Main Roads' road network; and
- be given status as a potential performer of minor construction and rehabilitation works on Main Roads' road network and be offered opportunities to undertake these works in accordance with Main Roads' delivery strategy for its road network.

In accordance with the MOU, Main Roads and the Local Governments, assisted by the Mid West Regional Council have carried out extensive negotiations and finalised an agreement which is now ready for execution. The Agreement reflecting the terms and conditions agreed between Main Roads and the Local Governments has been provided to members under separate cover.

The Governance Team

Clause 3 of the Agreement refers to a Governance Team whose primary function is to ensure that the Agreement is implemented and managed as smoothly and efficiently as possible. The team will be comprised of 2 Main Roads personnel and 6 nominees from the Councils. The Local Governments will be required to have a combination of 3 Elected Members and 3 CEO's at each meeting.

Councils are required to appoint one person (by name) and the CEO to represent their Council on the Governance Team.

Regular meetings will be held on a monthly basis initially and then on a quarterly basis.

Consultation will take place prior to the meetings to ensure the required quantum of 3 Elected Members and 3 CEO's attend.

Parties Representative

Under Clause 1.4 both Main Roads and the Local Governments are to perform their obligations through a single representative. This person is to be appointed in writing by each Local Government and may be changed by giving notice in writing to Main Roads.

Given Mid West Regional Council has fulfilled this role from the onset; I am suggesting that the CEO of the Mid West Regional Council be nominated as the Local Governments single representative.

COMMENT:

Agreement Summary:

Clause 2 Undertakings & Commitments

The Agreement commits parties to take a "Best for Network" approach at all times and to establish a culture based on agreed principles. This clause sets out the principles and the obligations both parties are committing to.

Clause 3, Clause 4 and Schedule 3 - Governance Team & Joint Process Management Team

Refer to Schedule 3 (Appendix I) Structure Plan.

The Governance Team will be comprised of 2 Main Roads representatives (Regional Manager and 1 other) and a representative from each Council (3 President's and 3 CEO's). Responsibilities of the Governance Team will be:

- a) Strategic Planning and Leadership,
- b) Governance,
- c) Facilitate Outstanding Performance, and
- d) Communication and Reporting

The Joint Process Management Team will comprise nominated personnel from both Councils and Main Roads who must be approved by the Governance Team. Roles and responsibilities of the Joint Process Management team will be:

- a) Develop the Annual Works program,
- b) Develop the Management Plan,
- c) Manage the transition from the current arrangement under the TNC to the performance of the services by Local Governments,
- d) Oversee the integration of Local Government and Main Roads processes and systems,
- e) Monitor performance of the Services by Local Governments, and
- f) Identify opportunities for improvement in Service delivery and ensure the improvements are implemented.

Clause 5 - Term

The initial term is for a period of 5 years with a strategic review by the Governance Team commencing 16 months prior to expiry. The Governance team has 3 months in which they must provide a report to the Local Governments and Main Roads recommending:

- a) Increase or decrease to scope of services,
- b) Extension of the term and period by which it is to be extended, or
- c) Termination of the agreement, and / or
- d) Additional Local Government / s be included in the agreement

The term may not be extended beyond 10 years.

Clauses 6 to 11 and Schedule 6 – Services & Plant

By 31st March each year, Main Roads will notify the Joint Process Management Team the amount of funds allocated to the performance of the Services and the Joint Process Management Team is to develop the

Annual Works Program for the next Financial Year.

Although the Agreement does not specify, the Annual Works Program will be developed in conjunction with and to integrate with each Local Governments annual works program in order to ensure sufficient resources for delivery of the services. There will be opportunities here for increased efficiencies and effectiveness through working collaboratively with the Local Governments, Main Roads and the Network Provider. (e.g. bitumen seals)

Main Roads may offer to the Local Governments, Minor Improvement Works to be carried out. The Local Government may, (with the prior approval of Main Roads) subcontract out this work.

The Local Governments will provide all of the Plant necessary to provide the Services and purchase new plant in consultation with the Process Management team.

Schedule 6 sets out the specifications relevant to the performance of the Services under the Agreement.

Shire of Coorow – Roadside Rubbish Collection Services

A rubbish collection crew is to be provided by the Shire of Coorow with a purpose built unit, the configuration and design of the unit is yet to be agreed between the parties.

The extent of the rubbish collection service is commensurate with available funding and will be defined in the Annual Works Program. Early indications are approximately \$75,000 per annum may be available for this service therefore the level of service is yet to be determined.

Shires of Coorow and Perenjori – 2 x Maintenance Teams

The Shires of Coorow and Perenjori will provide two purpose built maintenance trucks to be based at Leeman and Perenjori respectively to perform routine maintenance works under this Agreement. The personnel to man the road maintenance trucks will be engaged by the Shires of Coorow and Perenjori and will be based in Leeman and Perenjori respectively.

Within 12 months, the Parties must review the effectiveness and efficiency of having two purpose built road maintenance trucks and if the Parties determine that additional road maintenance capacity is required, further discussions will be held in respect of the most appropriate manner to provide any additional capacity to deliver the Services under this Agreement.

Shires of Mingenew and Morawa – 2 x Road Inspectors

The Local Governments will employ two full time road inspectors to perform the road inspections of the Network. The road inspectors will be provided with appropriate vehicles, equipment, training and direction.

One of the road inspectors is to be employed by and based in the Shire of Mingenew. The other road inspector will be employed by and based in the Shire of Morawa.

The road inspectors will receive directions from a Main Roads' appointed network manager who is to have regular contact with and support the performance of the road inspections.

(A communications plan is to be developed to ensure the Local Government Work's Managers are included and consulted).

Main Roads will provide the equipment and systems required to enable the road inspectors to provide information to Main Roads on the results of the road inspections performed.

**Planning of Services (Routine road maintenance)
The Network Manager and the road inspectors will make a significant contribution into the programming phase for the Services under this Agreement.**

Clause 12 and Schedule 7 – Payments & Procedures for Payment

Main Roads will reimburse direct costs and pay overheads to the Local Governments for the Services.

Local Governments will provide supported monthly accounts to MWRC for the work carried out and MWRC will compile and submit a monthly account to Main Roads. Any cost involved in this service being delivered by Mid West Regional Council will be recovered from Main Roads by the Local Governments as an overhead component.

MWRC will arrange workshops between Main Roads and Local Government finance staff to ensure the costing methods and the capture of the information required is consistent with Main Roads requirements.

Clause 13 – Reports, Record etc

The Joint Process Management team must supply a monthly report to Main Roads comparing the actual and forecast performance of the services against the Annual Works Program.

The Joint Process Management Team has responsibility for maintaining all invoices, accounts, records etc in relation to the services provided. Main Roads or their auditor has the right to audit records and information held by the shires in relation to the Service Delivery.

Clauses 14 and 15 - Insurance

Both parties are responsible for insuring their own risks. Any excesses of insurance claims relative to the Service Delivery will be a Direct Cost and reimbursable by Main Roads.

Clause 19 - Dispute Resolution

This clause provides a procedure for the resolution of any disputes should they arise.

CONSULTATION:

Main Roads WA representatives and consultants, Local Government CEO's and Work's Managers, Greenfield Technical Services, Paul Breman - UHY Haines Norton, John Woodhouse - Woodhouse Legal,

Anthony Quahe - Civic Legal.

STATUTORY
ENVIRONMENT:

Governance Team Representative

I have attached to the agenda item as Appendix I an extract from the **Mid West Local Governments Service Agreement - Schedule 3 Roles and responsibilities of the Governance Team**, to assist with deliberation on the nomination of a suitable representative from each Local Government.

Clause 3.3 of the **Mid West Local Governments Service Agreement** requires the Governance Team to be comprised of 2 representatives appointed by Main Roads and 1 representative appointed by each of the Councils. Each meeting is to be attended by 3 elected members and 3 CEO's.

Section 5.9 subsection 2 (c) of the Local Government Act 1995 specifies a committee may comprise council members, employees and other persons.

Section 5.10 subsection 1 (a) of the Local Government Act 1995 provides for the appointment of committee members. If the council is to appoint a council member or employee to a committee and the president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the president.

The Agreement

Clause 11.2 Mid West Local Governments Services Agreement requires each Local Government to comply with all statutory requirements applicable to the performance of the Services, including obtaining and complying with all authorisations necessary to enter into this Agreement and to perform the Services. The Local Governments must obtain all authorisations relevant to the services prior to performing the Services.

Section 9.49A Execution of Documents – Local Government Act 1995

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common

seal was so affixed.

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Parties' Representative

Clause 1.4 (b) of the Mid West Local Governments Services Agreement requires the Local Governments to appoint in writing a single representative through which to perform their obligations. Main Roads will provide assistance to ensure the Local Governments' representative can perform its obligations. The Local Governments may change their representative at any time by giving joint notice in writing to Main Roads. Management plans, policies and procedures will be developed as required to fulfil the requirements of the delivery of Services under the Agreement.

POLICY
IMPLICATIONS:

FINANCIAL
IMPLICATIONS:

Monitoring and management of cash flows will be required by the Local Governments and MWRC.

Local Governments will receive reimbursement for Direct Costs and payment of Overheads through the following process. The Overheads for the year are to be estimated and apportioned over the 12 month period with the 12 month being a balancing month when over or under actual costs are reconciled and billed accordingly. The Direct Costs will be reimbursed on a monthly basis through the certification process of Main Roads.

Mid West Regional Council is to be billed by the Councils monthly and will issue a monthly account to Main Roads. On receipt of payment from Main Roads, MWRC will disburse the funds to the Councils. This will be a cost neutral effort as Councils will code the MWRC cost as an overhead which is in turn recouped from Main Roads (monthly). Cost to provide this service will be contingent on volume of work.

STRATEGIC
IMPLICATIONS:

Local Government restructure will have minimal impact as the Agreement is a legally binding contract and any newly created Local Authority will inherit from the shires and be obliged to honour any existing contracts.

In the event of a change with MWRC, there is scope in the Agreement for a variation and alternative arrangements would be made for the single point of contact (Parties Representative) and the payment procedures.

VOTING REQUIREMENT:
OFFICER
RECOMMENDATION

Absolute majority
COUNCIL RESOLVE TO:

- a) APPOINT THE PRESIDENT, AS COUNCIL'S PRIMARY REPRESENTATIVE ON THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT GOVERNANCE TEAM, AND
- b) APPOINT THE CHIEF EXECUTIVE OFFICER, AS COUNCIL'S REPRESENTATIVE ON THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT GOVERNANCE TEAM, AND
- c) AUTHORISE THE PRESIDENT AND CHIEF EXECUTIVE OFFICER TO SIGN AND TO APPLY THE COMMON SEAL TO THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT WITH MAIN ROADS WA, AND

- d) NOMINATE (IN WRITING) S WARD, CEO OF THE MID WEST REGIONAL COUNCIL AS THEIR PARTIES' REPRESENTATIVE.

Moved: *M D Tierney* **Seconded:** *B I N Thomas*

COUNCIL DECISION: THAT SUBJECT TO THE REMOVAL OF CLAUSE 4 SCHEDULE 6, REQUIREMENTS FOR RUBBISH COLLECTION SERVICES

- a) APPOINT THE PRESIDENT, AS COUNCIL'S PRIMARY REPRESENTATIVE ON THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT GOVERNANCE TEAM, AND
- b) APPOINT THE CHIEF EXECUTIVE OFFICER, AS COUNCIL'S REPRESENTATIVE ON THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT GOVERNANCE TEAM, AND
- c) AUTHORISE THE PRESIDENT AND CHIEF EXECUTIVE OFFICER TO SIGN AND TO APPLY THE COMMON SEAL TO THE MID WEST LOCAL GOVERNMENTS SERVICES AGREEMENT WITH MAIN ROADS WA, AND
- d) NOMINATE (IN WRITING) S WARD, CEO OF THE MID WEST REGIONAL COUNCIL AS THEIR PARTIES' REPRESENTATIVE.

CARRIED 7/0

10.5.4	WESTNETRAIL CONSTRUCTION CAMP
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Moved: *M D Tierney* **Seconded:** *B I N Thomas*

COUNCIL DECISION: 10.5.4 - WESTNETRAIL CONSTRUCTION CAMP ITEM DEFERRED TO THE END OF THE MEETING

CARRIED 7/0

10.5.5	LOCAL GOVERNMENT REFORM - UPDATE
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DATE OF MEETING: 20 October 2010

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE: 18 February 2009, 18 March, 2009, 22 April 2009, 20 May 2009, 17 June 2009, 19th August 2009, 17 February 2010, 17th March 2010, 21st April 2010, 19 May 2010, 16 June 2010, 21 July 2010, 18 August 2010, 15 September 2010.

DATE AND AUTHOR: 14 October 2010, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: SUMMARY	OF Author has no disclosure of interest. Report updates Council on the progress in the Local Government Reform process, and recommends receiving information.
BACKGROUND:	To allow council the opportunity to discuss any matters that arise from the reform process a report will be submitted each month in the Council agenda.
COMMENT:	The Agenda of the recent meeting of the Joint Structural Reform Committee are attached at APPENDIX G for council to note.
CONSULTATION: STATUTORY ENVIRONMENT: POLICY IMPLICATIONS: FINANCIAL IMPLICATIONS: STRATEGIC IMPLICATIONS: VOTING REQUIREMENT:	President There are no known statutory implications at this time. There are no known policy implications at this time. There are no known financial implications at this time. There are no known strategic implications at this time. Simple majority
OFFICER RECOMMENDATION	THAT THE INFORMATION ON STRUCTURAL REFORM BE RECEIVED.

Moved: *B I N Thomas* **Seconded:** *M D Tierney*

COUNCIL DECISION: THAT THE INFORMATION ON STRUCTURAL REFORM BE RECEIVED.

CARRIED 7/0

10.5.6	LOCAL GOVERNMENT REFORM–ORGANISATIONAL STRUCTURE
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DATE OF MEETING:	20 October 2010
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	
PREVIOUS MINUTE/S & REFERENCE:	18 February 2009, 18 March, 2009, 22 April 2009, 20 May 2009, 17 June 2009, 19 th August 2009, 17 February 2010, 17 th March 2010, 21 st April 2010, 19 May 2010, 16 June 2010, 21 July 2010, 18 August 2010, 15 September 2010.
DATE AND AUTHOR:	14 October 2010, Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST: SUMMARY	OF Author has no disclosure of interest. Report submits recommendation from the Local Government Reform – Joint Structural Reform Transitional Arrangements Committee for the new organisations structure, for individual Council comment and endorsement.
BACKGROUND:	The CEO of the City of Geraldton-Greenough and the CEO of the Shire of Mullewa have reconsidered a proposed structure of the new organisation and submitted it for endorsement of the Committee at its meeting on September 30, 2010. Upon the consideration of the

committee it was to put forward that this structure be submitted to the individual Councils to form the basis of the new local government entity. The structure takes into consideration the requirements of the new organisation for the City area and the direct reporting to the CEO of the Place Manager at the Mullewa townsite offices and the potential of a part time administration office at Walkaway townsite.

The structure does not increase the workforce size of that which is already in place. There is likely to be some level of redistribution of staff but this is expected to be kept to a minimum.

The level of operational services and support to be provided at Mullewa, Walkaway or Geraldton has yet to be identified.

A copy of the proposed structure is attached at **APPENDIX H**

COMMENT: The recommendation of the recent meeting of the Joint Structural Reform Committee was –

The committee endorses the draft organisational structure for the new City of Greater Geraldton and recommends it be submitted to the individual Councils and staff for comment with the intention that the new structure will be phased in and be in place by date of amalgamation on Friday 1 July 2011.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL ENDORSE THE DRAFT ORGANISATIONAL STRUCTURE FOR THE NEW CITY OF GREATER GERALDTON.

Moved:

A J Crudeli

Seconded:

K P Keeffe

COUNCIL DECISION:

THAT COUNCIL ENDORSE THE DRAFT ORGANISATIONAL STRUCTURE FOR THE NEW CITY OF GREATER GERALDTON.

CARRIED 7/0

Meeting adjourned 1:56PM – 3.28PM

PRESENT:

Councillor A J (Nino) Messina – President	(West Ward)
Councillor B I N (Barbara) Thomas – Deputy President	(East Ward)
Councillor K P (Kim) Keeffe	(South Ward)
Councillor A J (Andrew) Messina	(South Ward)
Councillor A J (Tony) Crudeli	(Central Ward)
Councillor J L (Julie) Freeman	(Central Ward)
Councillor M D (Mick) Tierney	(Central Ward)

OFFICERS:

Mr TA (Tom) Hartman - Chief Executive Officer

Ms NJ (Noelene) Holmes – Deputy Chief Executive Officer

Miss JM (Jenna) May- Executive Secretary

10.5.4	WESTNETRAIL CONSTRUCTION CAMP
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DATE OF MEETING: 20 October, 2010

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S &
REFERENCE:

DATE AND AUTHOR: 13 October, 2010, Tom Hartman,

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

INTEREST:
SUMMARY

Report submits a proposal from Westnetrail to develop a temporary construction camp in Mullewa.

BACKGROUND:

On Wednesday 29th September 2010, the President and CEO met with Richard Sheridan and Todd Davey from WestnetRail to discuss a proposed 200 man camp in Mullewa, required for the Mullewa-Morawa-Geraldton Rail upgrade. A sample of sites were discussed, being the vacant land in Thomas street, Doney and Dalgetty Street and the area near Patience camp on Lovers Lane. On Thursday 6th October 2010, the CEO met with the Planning, Health and Building Department of the City of Geraldton Greenough to discuss the proposal in relation to Health, Building and Planning issues. These discussions will continue at a future date with the developer and Council consider the proposal further.

COMMENT:

A major point raised in the discussion was “leaving a legacy” following the completion of the project.

To allow Council to consider the proposal the following information is provided. Meeting notes taken by Richard Sheridan at the meeting are attached **APPENDIX C**. Due to a review of the notes by the CEO a response was sent which is attached at **APPENDIX D**. Copies of maps and aerial photos are also attached **APPENDIX E**

The President and CEO had a further meeting with Andrew Mounas, Todd Davey and Paul Hamersley from Westnetrail, on Monday 11 October, 2010. This meeting resolved all issues from the first meeting. During this meeting the sites were revisited at Thomas Street, Lovers Lane, and the Recreation Centre area.

Some of the actions for Council to consider are –

- Purchase of Lot 23 Lovers Lane (33 ha)
- Develop Lot 17 Thomas Street (owned by Council) with 20 “up market” units, to remain onsite at the completion of the contract.
- Purchase Lot 22 Thomas Street to allow the Thomas Street development further street frontage.
- Allow the main camp to be constructed on the vacant land within the recreation area west of the tennis courts & bowling green. With car parking on the gravel area north of the bowling green.
- Assist with an agreement to utilise the Mullewa Sports Club.
- Require a fully equipped gym to be located next to the pavilion and to remain onsite at the completion of the contract.

- Require the provision of an appropriate sewerage treatment facility for the camp and connect the treated effluent to the recreation oval watering system.
- Negotiate a lease fee for the sites.

Some ideas for the Thomas Street site were discussed and are attached at **APPENDIX F**

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL DISCUSS THE PROPOSAL TO DEVELOP A TEMPORARY CONSTRUCTION CAMP IN MULLEWA FOR WESTNETRAIL

Moved:

B I N Thomas

Seconded:

K P Keefe

COUNCIL DECISION:

THAT COUNCIL DISCUSS THE PROPOSAL TO DEVELOP A TEMPORARY CONSTRUCTION CAMP IN MULLEWA FOR WESTNETRAIL

CARRIED 7/0

Moved:

B I N Thomas

Seconded:

K P Keefe

COUNCIL DECISION:

THAT THE FOLLOWING ACTIONS ARE PURSUED:

DEVELOP LOT 17 THOMAS STREET (OWNED BY COUNCIL) WITH 20 "UP MARKET" UNITS, TO REMAIN ONSITE AT THE COMPLETION OF THE CONTRACT.

THE CEO BE AUTHORISED TO APPROACH THE OWNER OF LOT 22 THOMAS STREET WITH A VIEW TO PURCHASE.

ASSIST WITH AN AGREEMENT TO UTILISE THE MULLEWA SPORTS CLUB.

REQUIRE A FULLY EQUIPPED GYM TO BE LOCATED NEXT TO THE PAVILION AND TO REMAIN ONSITE AT THE COMPLETION OF THE CONTRACT.

REQUIRE THE PROVISION OF AN APPROPRIATE SEWERAGE TREATMENT FACILITY FOR THE CAMP AND CONNECT THE TREATED EFFLUENT TO THE RECREATION OVAL WATERING SYSTEM.

NEGOTIATE A LEASE FEE FOR THE SITES.

CARRIED 7/0

Moved: *B I N Thomas*

Seconded: *M D Tierney*

COUNCIL DECISION:

THAT COUNCILS PREFERENCE IS FOR THE MAIN CAMP TO BE CONSTRUCTED ON THE VACANT LAND WITHIN THE RECREATION AREA WEST OF THE TENNIS COURTS & BOWLING GREEN. WITH CAR PARKING ON THE GRAVEL AREA NORTH OF THE BOWLING GREEN; AND

THAT A TWO WEEK COMMUNITY CONSULTATION PERIOD BE UNDERTAKEN ON THE PROPOSED 'RECREATION CENTRE SITE.

CARRIED 4/3

Councillor A J Crudeli left the meeting 4:32 – 4.33PM

1010.13 CLOSURE OF MEETING

The President closed the meeting at 4.35pm.

These minutes were confirmed at a meeting on 17 th November 2010:
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Signed:

A J Messina, President

Date:
