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**MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 21<sup>st</sup> JULY 2010.****0210.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1.20 pm The President declared the meeting open.

**0210.02 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 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

**APOLOGIES:**

Nil

**LEAVE OF ABSENCE:**

Nil

**VISITORS:**

1.20pm- 1.30pm Mullewa District High School- Students- Jennifer Anderson, Kieran Crudeli

1.20pm- 1.30pm Teacher: Mrs Maria White

**0210.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**0210.04 PUBLIC QUESTION TIME**

Students from Mullewa District High School asked the following questions-

1. Is there anything exciting happening in Mullewa over the next few months?  
*The CEO advised that the Mullewa Show and the Wildflower Show were coming up at the end of August.*

2. The banners in the main street look great. Is there going to be an opportunity for the community in the future to maybe contribute to the design of the banners?

*The CEO advised that community groups are welcome to contribute ideas on what Mullewa has to offer.*

3. What is going on at the Mullewa Swimming Pool?

*The CEO advised that Stage II upgrade had been commenced. This will include new pipe work, tiling and paving and enhancement the toddlers pool.*

4. What is the minimum age for the Men's Shed/Group?

*The CEO advised that the minimum age is 18 years and over. Activities will initially include darts, pool with some introductory programs being implemented later on.*

<b>0210.05</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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**Moved:** *B I N Thomas*                      **Seconded:** *J L Freeman*

**COUNCIL DECISION:**            **THAT CR KIM KEEFFE BE GRANTED LEAVE OF ABSENCE FOR THE AUGUST 2010 COUNCIL MEETING.**

**CARRIED 7/0**

<b>0210.06</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>
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**Moved:** *Andrew Messina*                      **Seconded:** *J L Freeman*

**COUNCIL DECISION:**            **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16<sup>th</sup> JUNE 2010, AS PRINTED BE CONFIRMED.**

**CARRIED 7/0**

<b>0210.07</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b>
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Nil

<b>0210.08</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b>
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Nil

<b>0210.09</b>	<b>REPORTS OF COMMITTEES/MEMBERS</b>
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Nil

<b>0210.10</b>	<b>REPORTS OF OFFICERS</b>
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## 10.4 FINANCE AND GENERAL PURPOSE

<b>10.4.1</b>	<b>FINANCE REPORT – JUNE 2010</b>
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DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	14 <sup>th</sup> July 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:	<p><b>BANK RECONCILIATION</b></p> <p>The Bank Reconciliation for the month of June 2010 is attached at <b>APPENDIX A</b>. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest.</p> <p>A miscalculation has occurred where the bank has under invested our Reserve account by \$512.35. This error will be corrected when the account matures in September 2010. The Plant Reserve has been adjusted by \$512.35</p>
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 30 <sup>th</sup> JUNE BE RECEIVED.
<b>Moved:</b>	<i>A J Crudeli</i>
<b>Seconded:</b>	<i>J L Freeman</i>
COUNCIL DECISION:	<b>THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30th JUNE BE RECEIVED.</b>

**CARRIED 7/0**

**SHIRE OF MULLEWA  
BANK RECONCILIATION  
June 30, 2010**

ACCOUNT	MUNICIPAL	CDA	MUNI GRANT	TRUST	MCT	RESERVES	ROAD RESEAL
G.L. ACCOUNT NO.	160010	160010	6002	161710	174310	185210	174510
<b>Bank Statement Balance</b>	39,270.28	764,634.00	-	52,528.92	411,093.14	674,852.65	1,085,527.12
Adjustments	(5,450.38)	-	-	5,450.38	-	-	-
<b>Sub Total</b>	33,819.90	764,634.00	-	57,979.30	411,093.14	674,852.65	1,085,527.12
Add O/S Deposits	29,502.40	-	-	61.40	-	-	-
<b>Sub Total</b>	63,322.30	764,634.00	-	58,040.70	411,093.14	674,852.65	1,085,527.12
Less O/S Cheques	8,470.13	-	-	442.60	-	-	-
<b>CASH BALANCE</b>	54,852.17	764,634.00	-	57,598.10	411,093.14	674,852.65	1,085,527.12
<b>Cash Balance as at 01/07/08</b>	1,834,726.42	1,822,634.00	2.68	22,175.38	333,641.12	649,055.85	889,751.18
Receipts Year to Date	4,758,806.49	3,197,000.00	2.42	46,753.31	106,311.21	26,309.15	200,000.00
Receipts this Month	384,860.12	267,000.00	-	1,743.17	6,303.95	-	-
<b>Less</b>							
Payments Year to Date	5,449,380.83	3,864,000.00	5.10	12,923.26	28,551.73	-	4,224.06
Payments this month	709,525.98	658,000.00	-	150.50	6,611.41	512.35	-
<b>CASH BALANCE</b>	819,486.22	764,634.00	-	57,598.10	411,093.14	674,852.65	1,085,527.12

CDA Cash Balance included in Municipal Cash Balance

**STATEMENT OF CASH POSITION  
June 30, 2010**

Cash on Hand				400.00
Municipal Funds				54,852.17
Invested Municipal Funds	Interest Rate:	4.00%		764,634.00
Mullewa Community Trust	Interest Rate:	4.87%		411,093.14
Reserve Funds	Interest Rate:	4.87%		674,852.65
Road Reseal Funds	Interest Rate:	4.87%		1,085,527.12
				<u>2,991,359.08</u>

Represented by:

Reserves:	Leave Fund	...	...	115,000.00
	Service Gratuity Reserve	...	...	-
	Building Reserve	...	...	222,947.00
	Aerodrome Reserve	...	...	26,000.00
	Medical Centre Reserve	...	...	105,900.00
	Effluent Scheme Reserve	...	...	58,019.15
	Plant Reserve	...	...	146,986.50
	Mullewa Community Trust	...	...	411,093.14
	Road Reseal Fund	...	...	1,085,527.12
	Available funds	...	...	819,886.17
				<u>2,991,359.08</u>

All accounts held with Commonwealth Bank Australia

**10.4.2 ACCOUNTS FOR PAYMENT- JULY 2010**

DATE OF MEETING:	21 <sup>st</sup> JULY 2010																								
LOCATION/ADDRESS:	-																								
NAME OF APPLICANT:	-																								
FILE REFERENCE:	-																								
PREVIOUS MINUTE/S & REFERENCE:	-																								
DATE AND AUTHOR:	21 <sup>st</sup> JULY 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 \$637,296.23 the following:																								
	<table border="0"> <tr> <td colspan="3"><u>Municipal Account</u></td> </tr> <tr> <td>Cheque No.</td> <td>10507 – 10538</td> <td>\$66,571.97</td> </tr> <tr> <td>Electronic Fund Trans</td> <td>EFT 6015 EFT 6112</td> <td>\$490,556.70</td> </tr> <tr> <td>Payroll &amp; Fees</td> <td></td> <td>\$78,666.72</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td colspan="3"><u>Trust Account</u></td> </tr> <tr> <td>Cheque No.</td> <td>435-440</td> <td>\$1,231.90</td> </tr> <tr> <td></td> <td><b>Total:</b></td> <td><b>\$637,296.23</b></td> </tr> </table>	<u>Municipal Account</u>			Cheque No.	10507 – 10538	\$66,571.97	Electronic Fund Trans	EFT 6015 EFT 6112	\$490,556.70	Payroll & Fees		\$78,666.72	 			<u>Trust Account</u>			Cheque No.	435-440	\$1,231.90		<b>Total:</b>	<b>\$637,296.23</b>
<u>Municipal Account</u>																									
Cheque No.	10507 – 10538	\$66,571.97																							
Electronic Fund Trans	EFT 6015 EFT 6112	\$490,556.70																							
Payroll & Fees		\$78,666.72																							
<u>Trust Account</u>																									
Cheque No.	435-440	\$1,231.90																							
	<b>Total:</b>	<b>\$637,296.23</b>																							
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.	10507 – 10538	\$66,571.97
Electronic Fund Trans	EFT 6015 EFT 6112	\$490,556.70
Payroll & Fees		\$78,666.72
<u>Trust Account</u>		
Cheque No.	435-440	\$1,231.90
	<b>Total:</b>	<b>\$637,296.23</b>

**Moved:** *Andrew Messina*                      **Seconded:** *B I N Thomas*

**COUNCIL DECISION:**                      **THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.**

**Municipal Account**

<b>Cheque No.</b>	<b>10507 – 10538</b>	<b>\$66,571.97</b>
<b>Electronic Fund</b>	<b>EFT 6015 EFT 6112</b>	<b>\$490,556.70</b>
<b>Trans</b>		
<b>Payroll &amp; Fees</b>		<b>\$78,666.72</b>

**Trust Account**

<b>Cheque No.</b>	<b>435-440</b>	<b>\$1,231.90</b>
	<b>Total:</b>	<b>\$637,296.23</b>
		<b>CARRIED 7/0</b>

<b>10.4.3</b>	<b>WAIVING FEES – RECREATION CENTRE</b>
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DATE OF MEETING: 21<sup>st</sup> July 2010  
LOCATION/ADDRESS: -  
NAME OF APPLICANT: Jenna May & Megan George  
FILE REFERENCE: ADM0056  
PREVIOUS MINUTE/S & REFERENCE:  
DATE AND AUTHOR: 1<sup>st</sup> July 2010. Noelene Holmes, Deputy Chief Executive Officer  
DISCLOSURE OF INTEREST: Author has no disclosure of interest.  
SUMMARY: Report request waiving of Recreation Centre Fees  
BACKGROUND: Correspondence has been received from Jenna May and Meagan George requesting to waive the fee for use of the recreation Centre facilities.  
COMMENT: The applicants requests the fees be waived for use of crockery and the recreation centre stadium and dining room for the Mid West Rural Ambassadors Ball to be held on 24<sup>th</sup> July 2010. The request is attached at **APPENDIX C**.  
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:

**Hire Fee:**

	Friday 23rd July 2010	Saturday 24 <sup>th</sup> July 2010
Stadium	38.20	174.50
Dining Room		142.80
Crockery		92.70
	Total	\$448.20

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

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT THE REQUEST FROM JENNA MAY AND MEAGAN GEORGE FOR FREE USE OF RECREATION CENTRE FACILITIES BE CONSIDERED.

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

**COUNCIL DECISION:** **THAT THE REQUEST FROM JENNA MAY AND MEAGAN GEORGE FOR FREE USE OF RECREATION CENTRE FACILITIES BE GRANTED.**  
**CARRIED 7/0**

#### **10.4.4 WILDFLOWER DRIVE TRAILS DEVELOPMENT**

DATE OF MEETING: 21<sup>st</sup> July 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE: 17 September 2008, 17<sup>th</sup> June 2009

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

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report submits advice regarding successful grant applications for the Exploring Wildflower Country Project.

BACKGROUND: A copy the minutes of 17 June 2009 providing further background information relating to this item is attached at **APPENDIX D**

COMMENT: The applications to the Mid West Development Commission and the Wheatbelt Development Commission were successful. The funding received was \$168,964 and \$42,241 respectively.

Council considered the funding for this project in the 2009-2010 budget and allocated \$75,000 from R4R funding that was to be taken from the 2009-2010 Royalties for Regions funding. However, the 2009-2010 Royalties for Regions Funding was suspended and no payments were received.

At a recent meeting in Morawa between the Local Governments from Mullewa, Morawa, Perenjori, Dalwallinu and the City of Geraldton Greenough to discuss this funding and project, it was agreed that each Local Government consider using a portion of their Regional component of the Country Local Government allocation towards this project. The Shire of Mullewa allocation would be \$55,718 for its contribution, \$13,350 for the Artbelt component and \$19,336 for site works; a total of \$88,404.

This project will be considered in the 2010-2011 budget deliberations.



## 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: This project will need to be considered in the 2010-2011 budget  
 STRATEGIC IMPLICATIONS: This project should have positive implications to the region.  
 VOTING REQUIREMENT: Simple majority

## OFFICER RECOMMENDATION

THAT COUNCIL SUPPORTS THIS PROJECT FOR FUNDING FROM THE REGIONAL GROUPING OF COUNTRY LOCAL GOVERNMENTS ALLOCATION AND CONSIDER THIS PROJECT FOR \$88,440 IN THE 2010-2011 BUDGET

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

## COUNCIL DECISION:

**THAT COUNCIL SUPPORTS THIS PROJECT FOR FUNDING FROM THE REGIONAL GROUPING OF COUNTRY LOCAL GOVERNMENTS ALLOCATION AND CONSIDER THIS PROJECT FOR \$88,440 IN THE 2010-2011 BUDGET**  
**CARRIED 7/0**

<b>10.4.5 COMMUNITY SPORT &amp; RECREATION FACILITIES FUND – (CSRFF 2011/2012 )</b>
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DATE OF MEETING: 21<sup>st</sup> July 2010  
 LOCATION/ADDRESS: -  
 NAME OF APPLICANT: -  
 FILE REFERENCE: -  
 PREVIOUS MINUTE/S & REFERENCE: 15<sup>th</sup> October 2008, 15 July 2009.  
 DATE AND AUTHOR: 12 July 2010 – Tom Hartman, Chief Executive Officer

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

Report submits to Council the opportunity to make application to receive 1<sup>1/3</sup> funding consideration under the 2011/2012 Department of Sport and Recreation CSRFF program for stage 3 improvements to the Mullewa Swimming Pool.

BACKGROUND: The 2011/2012 CSRFF funding program was recently advertised and depending on the amount requested applications close August 31 and September 30<sup>th</sup> 2010 with the Local Government. Local Government is then required to consider the applications and prioritize them before forwarding to the Department by October 31<sup>st</sup>, 2010. These grants are also available to community organisations.

Council has previously agreed to utilise Royalties for Regions funding to stage an upgrading program over a 3 year period to improve the facilities at the pool. The plant room was replaced in stage 1 and stage 2, involving replacing the main inlet to the pools, tiling the pool 'bowls', enhancements to the small pool, replacing the scum gutters with a "level deck" (Wetdeck) and associated equipment, has commenced.

COMMENT: Tenders were accepted in April 2010 for stage 2 works with funding

being provided from a CSRFF grant and the 2010-2011 Country Local Government Fund (Royalties for Regions). It is suggested that Council again make application to the CSRFF for further funding to assist with the costs of implementing stage 3 which would involve work to the change rooms, ablutions, first aid room, staff area and entry.

CONSULTATION:	This project has been discussed many times in the past.
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	As an indication it is likely that this stage would cost around \$200,000 and if an application is successful the stage 3 project will need to be considered in the 2010/2011 budget. Council's contribution will depend on the number of partners in the project as CSRFF will only fund a third.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT COUNCIL SUPPORT THE APPLICATION TO THE DEPARTMENT OF SPORT AND RECREATION BY OCTOBER 31, 2010, FOR THE STAGE 3 UPGRADE OF THE MULLEWA SWIMMING POOL WHICH WOULD INVOLVE WORK TO THE CHANGE ROOMS, ABLUTIONS, FIRST AID ROOM, STAFF AREA AND ENTRY.

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

**COUNCIL DECISION:** **THAT COUNCIL SUPPORT THE APPLICATION TO THE DEPARTMENT OF SPORT AND RECREATION BY OCTOBER 31, 2010, FOR THE STAGE 3 UPGRADE OF THE MULLEWA SWIMMING POOL WHICH WOULD INVOLVE WORK TO THE CHANGE ROOMS, ABLUTIONS, FIRST AID ROOM, STAFF AREA AND ENTRY; AND**

**THAT AN ADDITIONAL APPLICATION BE SUBMITTED FOR WORKS TO UPGRADE THE BOWLING GREEN TURF AT THE MULLEWA SPORTS CLUB.**

**CARRIED 7/0**

#### **10.4.6 COUNTRY LOCAL GOVERNMENT FUND (Royalties for Regions)**

DATE OF MEETING:	21 July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	
PREVIOUS MINUTE/S & REFERENCE:	18 February 2009
DATE AND AUTHOR:	14 July 2010 - Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report submits Country Local Government Fund (Royalties for Regions) projects for 2010-11 funding allocations and recommends Council endorsement.

BACKGROUND: The attached letter at **APPENDIX E** has been received from the Department of Regional Development and Lands which details the program and guidelines.

COMMENT: As can be noted in the letter the Shire of Mullewa is allocated \$361,670 directly on projects identified in the forward capital works plan that is required to be prepared. It should also be noted that Council is to also receive \$194,745 to contribute towards the regional grouping for projects of wider community benefits across the region. It has been Council's stance that revitalising towns in the Mid West is of a regional significance.

Funding must be spent on infrastructure expenses.

As previously discussed with Council and it has been resolved, as a priority, future funding from the Country Local Government Fund be expended on the staged upgrade of the Mullewa Swimming Pool. Stage 1 has been completed and stage 2 has commenced to ensure that work is finished prior to the start of the 2010 – 2011 summer pool season.

The 2010-2011 draft budget being developed has allocated the following funding from the CLGF to these 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.

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 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.

**Moved:**

*Andrew Messina*

**Seconded:**

*J L Freeman*

COUNCIL DECISION:

**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.**
- CARRIED 7/0**

**10.4.7 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM ROUND 3**

DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	ADM0272
PREVIOUS MINUTE/S & REFERENCE:	18 <sup>th</sup> November 2009
DATE AND AUTHOR:	13 <sup>th</sup> July 2010, Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	<p>The Federal Government has made a further \$100 million in Round 3 of new infrastructure funding for local governments, conditional on it being spent by 31<sup>st</sup> December, 2011.</p>
BACKGROUND:	<p>On 18 June 2010, the Australian Government made an additional \$100 million available to boost the REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP). The purpose of this action is to support local jobs and build local infrastructure.</p> <p>Councils must submit a proposal which meets program guidelines and funds will be allocated according to a Government formula based on factors such as expected population growth of the shire.</p>
COMMENT:	<p>Mullewa's allocation is \$30,000.</p> <p>The guidelines for our funding are attached at <b>APPENDIX F</b>.</p> <p>As can be noted in the guidelines Councils are required to provide the Department with details of projects that will be funded by <b>30 July 2010</b>. Councils will also be required to enter into an agreement prior to receipt of the payment. Funding must be expended by <b>31 December 2011</b>.</p> <p>Funding can be spent on –</p> <ul style="list-style-type: none"><li>• social and cultural infrastructure (e.g. art spaces, gardens);</li><li>• recreational facilities (e.g. swimming pools, sports stadiums);</li><li>• tourism infrastructure (e.g. walkways, tourism information centres);</li><li>• children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);</li><li>• access facilities (e.g. boat ramps, footbridges); and</li><li>• environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).</li></ul> <p><b>Funding will not be available</b> for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spot programs.</p> <p>Council will need to develop a project/s to the value of \$30,000.</p>

Some projects that Council may consider are –

- Enhancement works to the main entrance streets to the town.
- Brick paving with solar in-ground lighting from the car park up to the lookout and in the lookout shelter.
- Red asphalt re-surfacing, tree pits and new parking bay marking in Maitland Street.
- Upgrade lighting at the Mullewa Swimming Pool.

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

This item will need to be considered in the 2010/11 budget.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL SELECT A PROJECT AND AUTHORISE THE CEO TO DEVELOP A PROJECT USING THE \$30,000 FROM THE 3rd ROUND OF THE LOCAL COMMUNITY INFRASTRUCTURE PROGRAM AND APPLY FOR FUNDING BY 30 JULY, 2010.

**Moved:**

*B I N Thomas*

**Seconded:**

*A J Crudeli*

COUNCIL DECISION:

**THAT COUNCIL SELECT A PROJECT AND AUTHORISE THE CEO TO DEVELOP A PROJECT USING THE \$30,000 FROM THE 3rd ROUND OF THE LOCAL COMMUNITY INFRASTRUCTURE PROGRAM AND APPLY FOR FUNDING BY 30 JULY, 2010.**

**CARRIED 7/0**

**Moved:**

*B I N Thomas*

**Seconded:**

*M D Tierney*

COUNCIL DECISION:

**THAT COUNCIL UTILISE THE FUNDS FROM THE LOCAL COMMUNITY INFRASTRUCTURE PROGRAM TO UPGRADE THE LIGHTING AT THE MULLEWA SWIMMING POOL.**

**CARRIED 7/0**

#### **10.4.8 PRELIMINARY BUDGET – 2010/2011**

DATE OF MEETING: 21st July 2010

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & -

REFERENCE:

DATE AND AUTHOR: 16 July 2010 - Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

INTEREST:

BACKGROUND:

The Local Government Act requires a local government to prepare and adopt an annual budget prior to the 31st of August in each year, or such extended time as the Minister allows.

COMMENT: A Preliminary Budget and budget notes have been sent out under separate cover by email.

It is expected that any changes to the Preliminary Budget will be made over the week leading up to the meeting to allow staff to compile a Draft Budget.

CONSULTATION: CEO

STATUTORY ENVIRONMENT: Local Government Act 1995  
Local Government (Financial Management) Regulations 1996

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

FINANCIAL IMPLICATIONS: The Preliminary Budget is based upon a 4.5% increase in rate revenue including differential rates on mining properties. All other financial implications are as identified in the document.

STRATEGIC IMPLICATIONS: All items identified by Council during the past twelve months for inclusion in the Preliminary Budget have been accommodated in this document.

All aspects of Council's Principal Activities Plan, Disability Service Plan, and Roadworks Program etc. have been incorporated in the Preliminary Budget.

VOTING REQUIREMENT: Absolute Majority.

OFFICER RECOMMENDATION THAT:

- THE PRELIMINARY BUDGET AS PRESENTED BE RECEIVED, AND THAT THIS DATA BE UTILISED TO FORM A BUDGET IN AAS27 FORMAT, IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1995, AND LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996.

A SPECIAL MEETING FOR THE PURPOSE OF ADOPTING THE 2010/2011 BUDGET BE HELD ON.....

**Moved:** *J L Freeman*                      **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT:**

- THE PRELIMINARY BUDGET AS PRESENTED BE RECEIVED, AND THAT THIS DATA BE UTILISED TO FORM A BUDGET, IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1995, AND LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996.

**CARRIED 7/0**

**NOTE:**  
**COUNCIL DID NOT RESOLVE TO CALL A SPECIAL MEETING DUE TO CONSIDERING THAT ALL INFORMATION HAS BEEN PROVIDED, TO BE IN A POSITION TO ADOPT THE 2010/11 BUDGET AT THIS MEETING.**

FOLLOWING LENGTHY DELIBERATIONS ON THE ABOVE REPORT, THE FOLLOWING REPORT WAS TABLED FOR CONSIDERATION

Meeting adjourned 3:15 – 3.50PM

**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

2010-2011 MUNICIPAL BUDGET – ADOPTION OF
--

DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	21 <sup>st</sup> July 2010 – Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
BACKGROUND:	The 2010/2011 Municipal Budget has been drafted in accordance with the Local Government Financial Regulations.
COMMENT:	It is necessary for Council to consider the following recommendations.
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:	As per the 2010/2011 adopted budget.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Absolute majority
OFFICER RECOMMENDATION	1. <u>Adoption of Rates 2010/2011</u>
	(a) General Rate:
	GRV Mullewa Townsite 10.33087%
	GRV Other Townsites 13.304522%
	UV Agriculture 0.862961%
	UV Mining 21.84%
	(b) Minimum Rate:
	GRV Mullewa Townsite \$321.06
	GRV Other Townsites \$ 83.49
	UV Agriculture \$238.50

UV Mining

\$286.65

That the above rates in the dollar on rateable property within the district of the Shire of Mullewa be imposed in accordance with the Local Government Act 1995 for the 2009/2010 year.

2. Interest on Overdue Rates

(a) Administration Fee – Any Instalment Plan

A charge of \$10.00 per reminder notice per instalment for rates levied in the financial year 2010/2011.

(b) Instalment Plan Interest Rates – Late Payment of any Instalment.

A charge of 5.5% per annum, calculated daily by simple interest be imposed.

Instalments, which are not paid by the due date, will be charged penalty interest at the rate of 10.0% per annum calculated on a daily basis and the ratepayer's instalment option may be revoked.

(c) Instalment Plans.

An Instalment Plan will be offered to amounts above \$200.00

(d) Late Payment on Rates

A charge of 10% per annum, calculated daily by simple interest be imposed.

(e) Due Dates of Rates and Instalments

Date of Issue of Rate Notices:	3rd August 2010
1 <sup>st</sup> Instalment Due Date:	7 <sup>th</sup> September 2010
2 <sup>nd</sup> Instalment Due Date:	9 <sup>th</sup> November 2010
3 <sup>rd</sup> Instalment Due Date:	11 <sup>th</sup> January 2011
4 <sup>th</sup> Instalment Due Date:	15 <sup>th</sup> March 2011

That interest and charges in accordance with the above be imposed on overdue rates for the 2010/2011 financial year.

3. Rubbish Charges – Mullewa Townsite

(a) Residential – 240 Litre

\$184.55 per annum per occupied Lot of one 240 Litre MGB, emptied weekly.

\$202.00 per annum per additional 240 Litre MGB (GST inclusive)

(b) Commercial – 240 Litre

\$202.00 per annum per occupied Lot of one 240 Litre MGB, emptied weekly (GST Inclusive).

(c) Commercial – 1.5m<sup>3</sup> bin

\$.1538.68 per annum per occupied Lot of one 1.5m<sup>3</sup> bin, emptied weekly (GST Inclusive)



- (d) Commercial – 3.0m<sup>3</sup>  
\$2,676.57 per annum per occupied Lot of one 3.0m<sup>3</sup> bin emptied weekly (GST Inclusive).
- (e) Commercial – Tip Charge  
\$867.25 fee to be charged in addition to any other Rubbish Charges, where rubbish is directly disposed of at the Mullewa Refuse Site (GST Inclusive).

That the above Rubbish Service Charges be imposed for the Mullewa townsite for the 2009/2010 financial year in accordance with the Waste Avoidance and Recovery Act, Levy and Regulations 2008.

#### 4 Schedule of Fees and Charges

That the Fees and Charges for

- Governance
- Law, Order and Public Safety
- Health
- Housing
- Welfare
- Community Amenities
- Recreation and Culture
- Economic Services
- Other Property and Services

For the 2010/2011 financial year be adopted.

#### 5. Effluent Scheme Charges

	Council Properties	Non-Council Properties
<i>Commercial Premises – Small (2 units)</i>		
Swimming Pool	501.60	
Tourist Centre	501.60	
Doctor's Surgery	501.60	
Town Hall	501.60	
Public Toilets	501.60	
Youth Precinct	501.60	
Community Centre	501.60	
<i>Medium (3 units)</i>		
Caravan Park	752.40	
Mullewa District High School		752.40
Railway Hotel		752.40
Club Hotel		752.40
Senior Citizens		752.40
<i>Large (4 units)</i>		
Homeswest Houses		1,003.20
Mullewa Health Services		1,003.20
Our Lady of Mount Carmel School		1,003.20
<i>Residential Premises (1 unit)</i>		
71 Jose Street	250.80	
73 Jose Street	250.80	
Burges Street Unit	250.80	

Burges Street Unit	250.80	
22 Fry Street	250.80	
24 Fry Street	250.80	
25A Fry Street		250.80
25B Fry Street		250.80
32 Birdwood Street		250.80
34 Birdwood Street		250.80
36 Birdwood Street		250.80
38 Birdwood Street		250.80
53 Jose Street		250.80
59 Jose Street		250.80

Note: Charges based on a per unit multiple of \$250.80 (inclusive of GST)

That the above Effluent Scheme Charges be imposed for the 2010/2011 financial year.

6. Adoption of the 2010/2011 Budget

That the 2010/2011 Municipal Fund Budget, subject to the above Rates, Rubbish, Effluent Scheme Fees and Charges being incorporated in the document, be adopted.

7. Statutory Compliance

That Council confirms it is well satisfied that services and facilities it provides:

- (a) Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, the State or any public body;
- (b) Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private, and
- (c) Are managed efficiently and effectively,

In accordance with Section 3.18(3) of the Local Government Act 1995

## 8. BUSHFIRE – SECTION 33 FIREBREAK ORDER

That the Section 33 Bush Fires Act Firebreak Order for the 2010/2011 year be adopted.

9. MATERIAL VARIANCES

In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations a percentage of 10% be adopted for highlighting material variances.

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

**COUNCIL DECISION:** 1. Adoption of Rates 2010/2011

(a)	<b>General Rate:</b>	GRV Mullewa Townsite	10.33087%
		GRV Other Townsites	13.304522%
		UV Agriculture	0.862961%
		UV Mining	21.84%
(b)	<b>Minimum Rate:</b>	GRV Mullewa Townsite	\$321.06
		GRV Other Townsites	\$ 83.49

UV Agriculture	\$238.50
UV Mining	\$286.65

That the above rates in the dollar on rateable property within the district of the Shire of Mullewa be imposed in accordance with the Local Government Act 1995 for the 2009/2010 year.

2. Interest on Overdue Rates

(a) Administration Fee – Any Instalment Plan

A charge of \$10.00 per reminder notice per instalment for rates levied in the financial year 2010/2011.

(b) Instalment Plan Interest Rates – Late Payment of any Instalment.

A charge of 5.5% per annum, calculated daily by simple interest be imposed.

Instalments, which are not paid by the due date, will be charged penalty interest at the rate of 10.0% per annum calculated on a daily basis and the ratepayer's instalment option may be revoked.

(c) Instalment Plans.

An Instalment Plan will be offered to amounts above \$200.00

(d) Late Payment on Rates

A charge of 10% per annum, calculated daily by simple interest be imposed.

(e) Due Dates of Rates and Instalments

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That interest and charges in accordance with the above be imposed on overdue rates for the 2010/2011 financial year.

3. Rubbish Charges – Mullewa Townsite

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\$202.00 per annum per additional 240 Litre MGB (GST inclusive)

(b) Commercial – 240 Litre

\$202.00 per annum per occupied Lot of one 240 Litre MGB, emptied weekly (GST Inclusive).

- (c) Commercial – 1.5m<sup>3</sup> bin  
\$1,153.68 per annum per occupied Lot of one 1.5m<sup>3</sup> bin, emptied weekly (GST Inclusive)
- (d) Commercial – 3.0m<sup>3</sup>  
\$2,676.57 per annum per occupied Lot of one 3.0m<sup>3</sup> bin emptied weekly (GST Inclusive).
- (e) Commercial – Tip Charge  
\$867.25 fee to be charged in addition to any other Rubbish Charges, where rubbish is directly disposed of at the Mullewa Refuse Site (GST Inclusive).

That the above Rubbish Service Charges be imposed for the Mullewa townsite for the 2009/2010 financial year in accordance with the Waste Avoidance and Recovery Act, Levy and Regulations 2008.

#### 4 Schedule of Fees and Charges

That the Fees and Charges for

- Governance
- Law, Order and Public Safety
- Health
- Housing
- Welfare
- Community Amenities
- Recreation and Culture
- Economic Services
- Other Property and Services

For the 2010/2011 financial year be adopted.

#### 5. Effluent Scheme Charges

Council	Council Properties	Non- Properties
<i>Commercial Premises – Small (2 units)</i>		
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Doctor's Surgery	501.60	
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Public Toilets	501.60	
Youth Precinct	501.60	
Community Centre	501.60	
<i>Medium (3 units)</i>		
Caravan Park	752.40	
Mullewa District High School	752.40	
Railway Hotel	752.40	
Club Hotel	752.40	
Senior Citizens	752.40	

<b>Large (4 units)</b>	
Homeswest Houses	1,003.20
Mullewa Health Services	1,003.20
Our Lady of Mount Carmel School	1,003.20
<b>Residential Premises (1 unit)</b>	
71 Jose Street	250.80
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Burges Street Unit	250.80
Burges Street Unit	250.80
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32 Birdwood Street	250.80
34 Birdwood Street	250.80
36 Birdwood Street	250.80
38 Birdwood Street	250.80
53 Jose Street	250.80
59 Jose Street	250.80

*Note: Charges based on a per unit multiple of \$250.80 (inclusive of GST)*

That the above Effluent Scheme Charges be imposed for the 2010/2011 financial year.

#### 6. Adoption of the 2010/2011 Budget

That the 2010/2011 Municipal Fund Budget, subject to the above Rates, Rubbish, Effluent Scheme Fees and Charges being incorporated in the document, be adopted.

#### 7. Statutory Compliance

That Council confirms it is well satisfied that services and facilities it provides:

- (a) Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, the State or any public body;
- (b) Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private, and
- (c) Are managed efficiently and effectively,

In accordance with Section 3.18(3) of the Local Government Act 1995

#### 8. **Bushfire – Section 33 Firebreak Order**

That the Section 33 Bush Fires Act Firebreak Order for the 2010/2011 year be adopted.

#### 9. MATERIAL VARIANCES

In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations a percentage of 10% be adopted for highlighting material variances.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**10.4.9 LGIA AWARD**

DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	14 <sup>th</sup> July 2010. Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	<i>Fair Work Australia</i> have introduced a new award for employees in local governments throughout Australia.
BACKGROUND:	The Federal Government have modernised all awards and removed State awards replacing them with national ones. Local government in WA has seen the removal of the Local Government Officers Award (WA) 1999 and the Municipal Employees Award (WA) 1999. These have been replaced by the Local Government Industry Award 2010 (LGIA).
COMMENT:	<p>The new LGIA was effective from the 1st January 2010 however employers have until the 1st July 2010 to implement the changes. The National Employment Standards (NES) replace the non-pay rate provisions of the Australian Fair Pay and Conditions Standard. The NES includes some new minimum entitlements, including the right to request flexible working arrangements and the right for new employees to receive a Fair Work Information Statement. For ease of reading the report the Officers recommendations are in bold at the conclusion of each item being discussed and then carried over into the foot of the report.</p> <p>Items in this font are extracts from the Local Government Industry Award 2010.</p> <p>The major changes that are noted are;</p> <p><u><i>Classifications and Pay Rates</i></u> – The LGIA lists 11 classifications based on position description. Attached to each level is a minimum weekly rate -shown at <b>APPENDIX A</b>. As an employee's take-home pay cannot be reduced a provision has been made in the LGIA to make overaward payments.</p> <p>The LGIA award states: The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.</p> <p>Example; Under the old award a plant operator is paid at Level 5 with a minimum weekly wage of \$647.87 The Shire of Mullewa pays negotiated an overaward payment of \$118.25 (totalling</p>

\$766.12). This does not automatically place him at a level in the new award with a similar pay rate. The majority of Councils plant operators are classed as Level 2 in the new award. The employee's rate would be Level 2 with an overaward payment of \$162.22

**It is suggested that Council approve overaward payments to maintain existing pay rates.**

APPENDIX A
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A full - time adult employee will be paid not less than the minimum weekly rate of pay applicable to the employee's classification for their 38 ordinary weekly hours as follows:

Classification	Minimum weekly rate
	\$
Level 1	583.30
Level 2	603.90
Level 3	628.00
Level 4	637.60
Level 5	679.30
Level 6	737.20
Level 7	750.40
Level 8	812.90
Level 9	871.50
Level 10	955.00
Level 11	1080.10

**Allowances** – The LGIA introduces an allowance for employees working in adverse conditions;

**15.8 Adverse working conditions**

(a) Operational and trade employees engaged in Levels 1 to 5 of this award will be paid an additional hourly allowance at the rate specified in clause 15.8(b) for all time worked by direction under adverse working conditions as defined in clause 15.8(c) provided that in all cases, in addition to the payment of this allowance, the employer will supply all appropriate protective clothing and equipment for working in the particular adverse conditions.

(b) An employee will be paid an additional hourly allowance for each hour in which work under adverse working conditions is performed as follows

- (i) Level 1 working conditions - 3.5% of the standard rate; or
- (ii) Level 2 working conditions - 5% of the standard rate; or
- (iii) Level 3 working conditions - 100% of the standard rate.

<b>standard rate</b> means the minimum hourly rate for a Level 4 employee in clause 14 - Minimum wages being the minimum weekly
---

(c) **Definition of adverse working conditions definition**

(i) **Level 1 working conditions**

The Level 1 working conditions allowance compensates for all adverse conditions associated with working outdoors and/or for moderately obnoxious, offensive or dirty working conditions, including:

- working in confined or cramped spaces;

- working in wet places;
- working in hot places where temperatures are artificially raised above 45 degrees Celsius;
- working at heights above 5 metres from the ground or other stable surface, including on temporary structures;
- working in dusty, muddy or dirty conditions;
- cleaning of public toilets and animal shelters;
- operating mechanical and pneumatic equipment;
- removing or destroying dead animals;
- handling or use of herbicides, insecticides and/or other poisonous or toxic substances;
- working with dirty materials such as asphalt, concrete, epoxy compounds, green or second – hand timber, insulation materials, grease, oil and other dirty building and construction materials;
- collection, removal and/or disposal of non - putrescible waste; and
- collection, removal and/or disposal of putrescible waste by mechanical means.

**(ii) Level 2 working conditions**

The Level 2 working conditions allowance compensates for the nature of highly obnoxious, offensive or dirty working conditions, which typically includes:

- clearing of sewer chokes;
- maintenance, connections to and/or repair of sewerage equipment;
- cleaning septic tanks, septic closets and/or chemical closets by mechanical means;
- reopening or exhumation of graves; digging graves in wet ground or where there is seepage from adjacent graves;
- handling infected materials;
- collection, removal and/or disposal of putrescible waste other than by mechanical means;
- working at waste depots, waste collection and/or waste transfer stations (other than employees engaged in gardening and/or lawn maintenance and employees engaged to work in enclosed weighbridges); and
- engaged in the collection, removal and/or disposal of, sludge from cess pits and/or grease traps.

**(iii) Level 3 working conditions**

The Level 3 working conditions allowance compensates for the nature of extremely obnoxious, offensive or dirty work in septic and sewerage treatment services, which typically includes:

- working in digestion tanks at sewerage treatment works;
- entering and cleaning aeration ponds or wet wells at sewer pump stations;
- working in live sewers; and
- cleaning septic tanks, septic closets and/or chemical closets by other than mechanical means.

**(d)** An employer may make an average payment equivalent to an agreed number of hours per week where the employee is regularly required to work under adverse working conditions as defined in clause 15.8(c).

**(e)** Adverse working conditions allowances are not payable during periods of leave.

“Industry Allowance’ which was paid under the MEA (outside workers) to compensate for working in unfavourable conditions no



longer exists. The allowance was paid at a rate of \$42.22 per fortnight.

LGIA Clause 15(d) allows the Employer to make an average payment in lieu of each condition. As can be seen by the listed adverse conditions, it would be extremely difficult to expect employees to keep concise records of works undertaken in these conditions.

**It is suggested that an amount of \$42.22 (based on a 76hour working fortnight) in lieu of “adverse working conditions” allowance be paid to outside workers.**

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Public Holidays – Under the ‘old’ award system employees were granted 2 days in lieu of the days after New Year’s Day and Easter Tuesday (shown at APPENDIX B). These two days have been omitted from the LGIA. Councils are compensating employees by adding these two days to leave with no leave loading.

**It is suggested that the two previously recognised ‘local government’ holidays be awarded to full time employees as additional leave without leave loading on completion of 12months service.**

**APPENDIX B**

**LOCAL GOVERNMENT OFFICERS AWARD 1999**

28.7 DAYS IN LIEU

IN LIEU OF THE TWO ADDITIONAL HOLIDAYS APPLICABLE PRIOR TO 29 FEBRUARY 1996, (THE DAY AFTER NEW YEARS DAY AND EASTER TUESDAY), THE FOLLOWING PROVISIONS SHALL APPLY IN RECOGNITION OF WA PUBLIC SERVICE STANDARDS.

ON THE WORKING DAY AFTER THE NEW YEARS DAY HOLIDAY AND EASTER TUESDAY EACH YEAR AN EMPLOYEE WHO IS SCHEDULED TO WORK THOSE DAYS OR IS ON PAID LEAVE SHALL BECOME ENTITLED TO A DAY’S PAID ABSENCE IN LIEU FOR EACH OF THE TWO HOLIDAYS PREVIOUSLY OBSERVED.

**MUNICIPAL EMPLOYEES (WESTERN AUSTRALIA) AWARD 1999**

THIS CLAUSE SHALL NOT APPLY TO CASUAL EMPLOYEES.

24.8.1 IN LIEU OF THE TWO ADDITIONAL HOLIDAYS APPLICABLE PRIOR TO 29 FEBRUARY 1996 (THE DAY AFTER NEW YEARS DAY AND EASTER TUESDAY), THE FOLLOWING PROVISIONS SHAL APPLY IN RECOGNITION OF WA PUBLIC SERVICE STANDARDS AS STATED IN THE PUBLIC SERVICE NOTICE, CIRCULAR TO CHIEF EXECUTIVE OFFICERS NO 5/94 DATED 9 FEBRUARY 1994.

24.8.2 ON THE 2 JANUARY AND EASTER TUESDAY EACH YEAR AN EMPLOYEE SHALL BECOME ENTITLED TO A DAYS PAID ABSENCE IN LIEU OF EACH OF THE TWO HOLIDAYS PREVIOUSLY OBSERVED, THESE DAYS TO BE TAKEN IN THE YEAR IN WHICH THEY FALL DUE AND AT THE CONVENIENCE OF THE EMPLOYER.

Annual Leave Loading Clause 25.4 of the LGIA states:

**25.4 Annual leave loading**

- (a) The employee will be paid an annual leave loading of 17.5%

calculated on the employee's minimum weekly rate of pay in addition to payment for annual leave provided.

- (b) Annual leave loading will, at the discretion of the employer, be paid in any of the following ways:
  - (i) on the anniversary date of employment;
  - (ii) on the same date each year as determined by the employer; or
  - (iii) when taking annual leave.
- (c) The maximum amount of annual leave loading that an employer may be required to pay in any year of service will not exceed 70% of the minimum weekly rate for Level 11.

Clause 25.4(b) advises that leave loading is payable when 'taking annual leave' this eliminates leave paid out when an employee terminates. There is no provision for accounting for leave loading that was payable prior to 1<sup>st</sup> January 2010 and the advice from Workplace Solutions is that it simply disappears. As the LGIA states this is 'at the discretion of the employer', the opportunity exists for Council to nominate whether loading is paid on accrued leave on termination or not. An employee would have the right to take annual leave (which would include the loading) and then terminate their employment.

**It is suggested that leave loading be paid on leave on termination for completed years of service and shall not apply to proportionate leave on termination. (This was the case under the old awards).**

Annual leave loading was previously payable on completion of 12 months service. Fairwork Australia advise that leave loading is now payable on all leave taken and it is no longer a requirement to complete 12 months service.

Clause 25.4(C) indicates that an employer MAY only pay a maximum amount of annual leave loading not exceeding 70% of the minimum weekly rate for level 11. This amount calculates to \$756.07. Capping this payment will lessen the amount of loading higher paid employees who simply take their 4 weeks annual leave, or employees who have not been fortunate enough to take previously due leave and take more than 1 years worth of leave.

**It is suggested that leave loading be paid in accordance with 25.4(b)(iii) when taking annual leave and that the employees be paid 100% of leave loading due.**

Casual Employees – A casual employee was previously paid a 20% loading on their hourly rate which included overtime – under the LGIA this has been increased to 25% and does not include overtime.

#### 10.5 Casual employees

- a) A casual employee is an employee who is engaged and paid as such but does not include a part-time or full-time employee.

**b) Casual loading**

Casual employees will be paid, in addition to the hourly ordinary time rate and rates payable for shift and weekend work on the same basis as a weekly employee, an additional loading of 25% of the hourly ordinary time rate for the classification in which they are employed as compensation instead of paid leave under this award and the NES.

**c) Penalties and overtime**

Penalties, including public holiday penalties and overtime, for casual employees will be calculated on the hourly ordinary time rate for the classification in which they are employed exclusive of the casual loading.

**The information on Casual employees be noted**

CONSULTATION:

Workplace Solutions. Chief Executive Officer. Various other Shires  
Local Government Act. Local Government Industry Award

STATUTORY

ENVIRONMENT:

POLICY

IMPLICATIONS:

There are no known policy implications at this time.

FINANCIAL

IMPLICATIONS:

Will be included in 2010-11 Budget deliberations

STRATEGIC

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

1. THAT COUNCIL APPROVE OVERAWARD PAYMENTS TO MAINTAIN EXISTING PAY RATES.
2. THAT AN AMOUNT OF \$42.22 (BASED ON 76HRS PER FORTNIGHT) IN LIEU OF "ADVERSE WORKING CONDITIONS" ALLOWANCE BE PAID TO OUTSIDE WORKERS.
3. THAT THE TWO PREVIOUSLY RECOGNISED 'LOCAL GOVERNMENT' HOLIDAYS BE AWARDED TO FULL TIME EMPLOYEES AS ADDITIONAL LEAVE WITHOUT LEAVE LOADING ON COMPLETION OF 12MONTHS SERVICE.
4. THAT LEAVE LOADING BE PAID ON LEAVE ON TERMINATION FOR COMPLETED YEARS OF SERVICE AND SHALL NOT APPLY TO PROPORTIONATE LEAVE ON TERMINATION.
5. THAT LEAVE LOADING BE PAID IN ACCORDANCE WITH 25.4(B)(III) WHEN TAKING ANNUAL LEAVE AND THAT THE EMPLOYEES BE PAID 100% OF LEAVE LOADING DUE.
6. THAT THE INFORMATION ON CASUAL EMPLOYEES BE NOTED

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

COUNCIL DECISION:

- 7. THAT COUNCIL APPROVE OVERAWARD PAYMENTS TO MAINTAIN EXISTING PAY RATES.**
- 8. THAT AN AMOUNT OF \$42.22 (BASED ON 76HRS PER FORTNIGHT) IN LIEU OF "ADVERSE WORKING CONDITIONS" ALLOWANCE BE**

- PAID TO OUTSIDE WORKERS.**
- 9. THAT THE TWO PREVIOUSLY RECOGNISED 'LOCAL GOVERNMENT' HOLIDAYS BE AWARDED TO FULL TIME EMPLOYEES AS ADDITIONAL LEAVE WITHOUT LEAVE LOADING ON COMPLETION OF 12MONTHS SERVICE.**
- 10. THAT LEAVE LOADING BE PAID ON LEAVE ON TERMINATION FOR COMPLETED YEARS OF SERVICE AND SHALL NOT APPLY TO PROPORTIONATE LEAVE ON TERMINATION.**
- 11. THAT LEAVE LOADING BE PAID IN ACCORDANCE WITH 25.4(B)(III) WHEN TAKING ANNUAL LEAVE AND THAT THE EMPLOYEES BE PAID 100% OF LEAVE LOADING DUE.**
- 12. THAT THE INFORMATION ON CASUAL EMPLOYEES BE NOTED**

**CARRIED 7/0**

## 10.5 CHIEF EXECUTIVE OFFICERS REPORT

### **10.5.1 MATTER LAYING ON THE TABLE - MID WEST REGIONAL COUNCIL - FUTURE**

DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	ADM0066
PREVIOUS MINUTE/S & REFERENCE:	18 November 2009, 16 December 2009 (attached) 17 February 2010, 17 March 2010
DATE AND AUTHOR:	12 July 2010, Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report raises further discussion regarding this matter and suggests that it be resolved.
BACKGROUND:	The attached copy of the report submitted to Council at the May, 2010 meeting outlines the background for this item. <b>APPENDIX A</b>
COMMENT:	This matter has been discussed by Council previously and it was resolved to lay the matter on the table indefinitely. There now appears to be no reason why this item remains laying on the table due to the reasons not now being relevant and it is suggested that it be lifted, discussed and resolved. It is further suggested that Council may wish to consider resolving to take no further action in the matter.
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 RESOLVE TO LIFT THE MATTER FROM THE TABLE TO CONTINUE THE DISCUSSION

**Moved:** *A J Crudeli*                      **Seconded:** *Andrew Messina*

COUNCIL DECISION: **THAT COUNCIL RESOLVE TO LIFT THE MATTER FROM THE TABLE TO CONTINUE THE DISCUSSION**

**CARRIED 7/0**

**Moved:** *B I N Thomas*                      **Seconded:** *Andrew Messina*

COUNCIL DECISION: **THAT COUNCIL TAKE NO FURTHER ACTION IN THIS MATTER**

**CARRIED 7/0**

<b>10.5.2</b>	<b>LOCAL GOVERNMENT REFORM – NAME of ENTITY</b>
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DATE OF MEETING: 21<sup>ST</sup> July 2010

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE: ADM0067

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

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

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

SUMMARY: Report submits the recommendation of Local Government Reform – Joint Structural Reform Transitional Arrangements - Committee for the name of the new Local Government body for the proposed amalgamation of the City of Geraldton Greenough and the Shire of Mullewa.

BACKGROUND: Previous reports have updated Council on the progress in the Local Government Reform process, and at the June, 2010 meeting information was provided and feedback considered relating to the names submitted for the new entity. Due to the provisions of the Local Government Act it is a requirement to provide the Local Government Advisory Board a name for the proposed new local government, prior to mid August.

Naming the new Council competition entries are attached at **APPENDIX B**

COMMENT: The following is an extract from the minutes of the Local Government Reform–Joint Structural Reform Transitional Arrangements– Committee held on the 29 June, 2010 showing the report and recommendation -

**“ 3. Name of Local Government (first item)**

*Darren Lee, Market Creations, invited to discuss marketing pitfalls with branding.*

*Committee also need to discuss new name for proposed new local government body that will require to be submitted prior to the end of the July 2010. See attached names received from competition.*

Dareen Lee and Natalie Nelms thanked the committee for allowing them an audience and stated their case in favour of the name the 'City of Geraldton' as a community preferred option.

Mr Lee advised that he had attended meetings with the local business community where the new entity name had been raised. This issue was found to be of great importance to the community.

Ms Nelms noted that there are ways to strongly incorporate the individual areas into the existing style guide without compromising work already done. Adopting the name of the City of Geraldton will be sustainable for future amalgamations should they occur.

Mr Lee reiterated the importance of maintaining a strong civic brand and suggested, from previous experiences with the Shire of Roebourne and the Karratha community, that the City ran the risk of compromising economic and community development initiatives should another more confusing name be adopted.

The committee agreed that although it is important to retain the existing identity of the area, the political reality is that the new name will need to suggest a wider area than Geraldton. Mr Lee acknowledged this and noted that the name the 'City of Greater Geraldton' would be a suitable alternative to the City of Geraldton from a marketing and business community perspective.

Darren Lee and Natalie Nelms left the meeting at 2.20pm.

H Eaton tabled advice from the Department of Local Government and highlighted the naming limitations that they have outlined around the word 'Region' being included in the name. If the area's population is greater than 20 thousand it is required to be named a City as opposed to a Town.

**MOVED CR SEWELL, SECONDED CR THOMAS**

**Recommend that:**

- 1. The name the 'City of Greater-Geraldton' be submitted to the Shire of Mullewa and City of Geraldton-Greenough councils for ratification;**
- 2. The automotive license plates 'CGG' be secured for the new entity; and**
- 3. A limited number of the first automotive license plates be held for auction by the new entity with funds raised going to a local community organisation.**

**CARRIED 5/5"**

CONSULTATION: Advertising commenced 7 May and concluded 24 May 2010 seeking submissions from the community as to a new name for the local Government area.

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 RECOMMENDATIONS OF THE LOCAL GOVERNMENT REFORM-JOINT STRUCTURAL REFORM TRANSITIONARY ARRANGEMENTS- COMMITTEE IN NAMING THE NEW LOCAL GOVERNMENT AREA THE CITY OF GREATER GERALDTON

**Moved:** J L Freeman

**Seconded:** B I N Thomas

**COUNCIL DECISION: THAT COUNCIL ENDORSE THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT REFORM–JOINT STRUCTURAL REFORM TRANSITIONARY ARRANGEMENTS– COMMITTEE IN NAMING THE NEW LOCAL GOVERNMENT AREA THE CITY OF GREATER GERALDTON**

**CARRIED 7/0**

### **10.5.3 LOCAL GOVERNMENT REFORM - UPDATE**

**DATE OF MEETING:** 21 July 2010

**LOCATION/ADDRESS:**

**NAME OF APPLICANT:**

**FILE REFERENCE:** ADM0067

**PREVIOUS MINUTE/S & REFERENCE:** 18 February 2009, 18 March, 2009, 22 April 2009, 20 May 2009, 17 June 2009, 19<sup>th</sup> August 2009, 17 February 2010, 17<sup>th</sup> March 2010, 21<sup>st</sup> April 2010, 19 May 2010, 16 June 2010.

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

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

**SUMMARY:** 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:** Minutes of the recent meeting of the Joint Structural Reform Committee are attached at **APPENDIX C** for Council to note.

The Local Government Advisory Board visited Mullewa on Tuesday June 6, and met with Councillors at 4.00pm and held a public hearing in the Recreation Centre Dinning Room at 7.00pm, where approximately 30 people attended.

One matter that was a concern from the public hearing were comments stating that Council has not provided information regarding what was happening. One statement mentioned that there has been no information in the Mullewa Mail. Attached at **APPENDIX D** are extracts taken from the Mullewa Mail since early 2009. A copy of this document has been forwarded to one person who made the statement.

**CONSULTATION:** President

**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 INFORMATION ON STRUCTURAL REFORM BE RECEIVED.

**Moved:** *J L Freeman*                      **Seconded:** *A J Crudeli*

**COUNCIL DECISION:**      **THAT THE INFORMATION ON STRUCTURAL REFORM BE RECEIVED.**  
**CARRIED 670**

#### **10.5.4 AGENDA FOR THE ANNUAL GENERAL MEETING FOR THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION**

DATE OF MEETING:      21<sup>st</sup> July 2010  
LOCATION/ADDRESS:      -  
NAME OF APPLICANT:      -  
FILE REFERENCE:      ADM0071  
PREVIOUS MINUTE/S & REFERENCE:      21 April 2010  
DATE AND AUTHOR:      12 July 2010, Tom Hartman, Chief Executive Officer  
DISCLOSURE OF INTEREST:      Author has no disclosure of interest.  
SUMMARY      Report submits the Agenda for the WALGA Annual General Meeting for direction to delegates at the meeting.

BACKGROUND:      The agenda for the WALGA AGM is **attached separately** and requires pages **13 to 31** to be considered for the direction to voting delegates.

COMMENT:      Council has the opportunity to consider the executive and member motions at the WALGA 2010 AGM.

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 PROVIDES VOTING DIRECTION TO DELEGATES ATTENDING THE 2010 WALGA AGM.**

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

**COUNCIL DECISION:**      **THAT COUNCIL PROVIDES VOTING DIRECTION TO DELEGATES ATTENDING THE 2010 WALGA AGM.**  
**CARRIED 7/0**

#### **10.5.5 MAIN ROADS – MID WEST LOCAL COUNCILS SERVICES AGREEMENT**

DATE OF MEETING:      21<sup>st</sup> July 2010  
LOCATION/ADDRESS:  
NAME OF APPLICANT:  
FILE REFERENCE:



PREVIOUS MINUTE/S & REFERENCE: 16<sup>th</sup> June 2010  
DATE AND AUTHOR: 14<sup>th</sup> July 2010, Tom Hartman, Chief Executive Officer  
DISCLOSURE OF INTEREST: Author has no disclosure of interest.  
SUMMARY: Report provides information on the progress of the Mid West Councils Service Agreement.  
BACKGROUND: At the June, 2010 meeting Council resolved –

**“COUNCIL REPLIES TO THE CORRESPONDENCE RECEIVED FROM MAIN ROADS WA ADVISING THAT:**

- 1) **AS A RESULT OF LEGAL ADVICE RECEIVED IN RELATION TO THE DRAFT SERVICE AGREEMENT THERE REMAINS SOME MATTERS STILL TO BE DETERMINED AND COUNCIL IS COMMITTED TO CONTINUING NEGOTIATIONS TO REACH MUTUAL AGREEMENT. IT IS PROPOSED THAT THE WORKING GROUP WILL MEET TO ESTABLISH A POSITION ON THE MATTERS TO BE RESOLVED PRIOR TO MEETING WITH MAIN ROADS.**
- 2) **COUNCIL UNDERSTANDS AND AGREES TO THE SERVICE DELIVERY ARRANGEMENTS PROPOSED BY THE WORKING GROUP AS PRESENTED IN ATTACHMENT 1.**
- 3) **IN RELATION TO THE OUTSTANDING SUBSTANTIVE MATTERS UNDER THE SERVICE AGREEMENT IN ACCORDANCE WITH THE MOU, COUNCIL IS PROPOSING THE FOLLOWING ACTIONS TO FINALISE THE PROCESS:**
  - a) **THE RELEVANT SERVICES AND THE RELEVANT ROADS TO WHICH THE SERVICES AGREEMENT WILL APPLY HAVE BEEN FINALISED;**
  - b) **THE STANDARDS TO WHICH THE COUNCILS MUST DELIVER THOSE RELEVANT SERVICES UNDER THE SERVICES AGREEMENT - A NUMBER OF OPERATIONAL PLANS AND METHODS OF OPERATIONS WILL BE DEVELOPED AND/OR FINALISED PRIOR TO THE EXECUTION OF THE AGREEMENT WITH THE ASSISTANCE OF MAIN ROADS WHILE THE GOVERNANCE PLAN IS TO BE DEVELOPED / FINALISED FOLLOWING THE EXECUTION OF THE AGREEMENT;**
  - c) **TERM - AN INITIAL TERM OF 5 YEARS, WITH A 5 YEAR EXTENSION OPTION BASED ON ANNUAL STRATEGIC REVIEWS WITH SUCH EXTENSION BEING A JOINT REVIEW PROCESS AND AGREEMENT BETWEEN THE SHIRES AND MRWA WILL BE REQUESTED.**
  - d) **COUNCIL AGREES TO THE SERVICE DELIVERY ARRANGEMENTS / STRUCTURE PROPOSED BY THE WORKING GROUP AS PRESENTED IN ATTACHMENT 1.**
  - e) **THE COMMERCIAL MODEL TO APPLY UNDER THE SERVICES AGREEMENT BEING THE CONCEPT OF REIMBURSEMENT OF DIRECT COSTS PLUS OVERHEADS (NO MARGIN OR PROFIT TO BE INCLUDED) IS UNDERSTOOD AND AGREED TO BY COUNCIL, SUBJECT TO NO RISK TO COUNCIL.”**

This response from Council was sent to MRWA along with the responses

from the other 5 Local Governments.

## COMMENT:

Following Councils June meeting the CEO attended a MWRC TAG meeting on the 18<sup>th</sup> June, 2010. This meeting revealed that the legal costs to the MWRC to review the draft agreement had increased substantially and a concern was expressed. From the TAG meeting the consensus was to suspend further legal involvement and arrange a meeting with MRWA and work through any of the issues.

The meeting with MRWA was held on the 28<sup>th</sup> June, 2010 and all matters of concern in the draft services agreement were discussed and agreement reached to proceed. As a result of this meeting the following letter has been sent to MRWA by each of the 6 Local Governments to Mr Brian Noble, Director, Operational Asset Management, Main Roads Western Australia –

***“MIDWEST LOCAL GOVERNMENTS SERVICES AGREEMENT***

***I refer to your letter of 31 May 2010, the subsequent letter from John Erceg extending the operation of the MOU until 9 July 2010.***

***The state of development of the agreement was considered by Council at its June 2010 Ordinary Meeting. At that meeting Council noted the substantial progress that had been achieved between Local Government representatives and Main Roads Western Australia in reaching agreement, and identified some risk issues for Council.***

***Since the Council meeting we met with you again on 28<sup>th</sup> June 2010 and I am very pleased with the outcomes of that meeting and the subsequent changes to the agreement to reflect the outcomes of that meeting. As a result I am satisfied that the risks have been mitigated and all substantive issues in relation to the agreement have been resolved including:***

- a) The relevant services and the relevant roads to which the services Agreement will apply;***
- b) The standards to which Council must deliver the relevant services under the services agreement;***
- c) The terms of the Services Agreement;***
- d) The obligations of each of the parties under the Services Agreement; and***
- e) The commercial model which will apply to the services agreement.***

***While there is still some detail to be worked through in developing the schedules to the agreement and finalising insurance and indemnity arrangements, I can see no substantive impediment to the agreement proceeding.”***

There still remains a lot of work to do regarding this project, however, the MOU requires that agreement on **substantive matters** under the service agreement in accordance with the MOU, must be finalised by mid August.

Once agreement is reached on the substantive matters the “nuts & bolts” on how it is all going to work will be developed towards finalising the agreement to be presented to the individual Local Governments for approval.

## CONSULTATION:

STATUTORY  
ENVIRONMENT:

Local Government Act 1995

## POLICY

There are no known policy implications at this time.

IMPLICATIONS:	
FINANCIAL IMPLICATIONS:	Direct costs and overheads will be reimbursed.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
<b>OFFICER RECOMMENDATION</b>	<b>THAT COUNCIL NOTE THE PROGRESS OF THE MAIN ROADS – MID WEST LOCAL COUNCILS SERVICES AGREEMENT AND ENDORSE THE ACTIONS OF THE CHIEF EXECUTIVE OFFICER IN FURTHER RESPONDING TO MRWA.</b>
<b>Moved:</b>	<i>J L Freeman</i>
<b>Seconded:</b>	<i>K P Keefe</i>
<b>COUNCIL DECISION:</b>	<b>THAT COUNCIL NOTE THE PROGRESS OF THE MAIN ROADS – MID WEST LOCAL COUNCILS SERVICES AGREEMENT AND ENDORSE THE ACTIONS OF THE CHIEF EXECUTIVE OFFICER IN FURTHER RESPONDING TO MRWA. CARRIED 7/0</b>

<b>10.5.6</b>	<b>AMENDMENTS TO TOTAL FIRE BAN LEGISLATION</b>
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DATE OF MEETING:	21 <sup>st</sup> July 2010
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	ADM0205
PREVIOUS MINUTE/S & REFERENCE:	21 April 2010
DATE AND AUTHOR:	12 July 2010, Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report submits a discussion document from FESA in relation to the unintentionally impacts on harvest and vehicle movement activities by declaring Total Fire Bans.
BACKGROUND:	The attached letter and discussion document has been received from Russell Hayes, Regional Director, FESA. <b>APPENDIX E</b>
COMMENT:	FESA have advised that they intend to consult further in this matter and have provided this document in advance of the next fire season to allow the process to begin. Although the issuing of a total fire ban during last fire season did not affect the Mid West area, lessons have been learnt from the experience from the Southern area of the State.
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
<b>OFFICER RECOMMENDATION</b>	<b>THAT COUNCIL NOTE THE CONTENTS OF THE DISCUSSION DOCUMENT AND PROVIDE FEEDBACK FOR THE CONSULTATION.</b>

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

**COUNCIL DECISION:**            **THAT COUNCIL NOTE THE CONTENTS OF THE DISCUSSION DOCUMENT AND PROVIDE FEEDBACK FOR THE CONSULTATION. CARRIED 7/0**

### 13. NEW BUSINESS

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

**COUNCIL DECISION:**            **THAT THE FOLLOWING ITEM BE INTRODUCED AS BUSINESS OF AN URGENT NATURE CARRIED 7/0**

<b>1 SHORT STREET, MULLEWA - VALUATION</b>
--

DATE OF MEETING:            17<sup>th</sup> February 2010

LOCATION/ADDRESS:            1 Short Street, Mullewa

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S &  
REFERENCE:

DATE AND AUTHOR:            18<sup>th</sup> January 2010. Noelene Holmes – Deputy Chief Executive Officer

DISCLOSURE OF INTEREST:            Author has no disclosure of interest.

SUMMARY                                      Report presents valuation and information on Council owned residential property situated at 1 Short Street, Mullewa.

BACKGROUND:                                In December 2009 Mr Kerry Tucker expressed an interest in purchasing his Council owned rented occupied property. A directive was given to obtain a valuation, which has now been received and is attached at **APPENDIX A**

COMMENT:                                      The valuation below (based on market value) and comments are supplied by Mid West Valuations;

*After consideration of the location and presentation of the subject property and with regard to market conditions and comparable sales evidence it is our opinion that the property has a value range of between \$110,000 and \$140,000 with an adopted value of \$125,000*

Mr Tucker has made a written offer of \$80,000.

CONSULTATION:  
STATUTORY  
ENVIRONMENT:

Local Government Act 1995 S3.58

**3.58. Disposing of property**

(1) In this section —

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local Government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

    - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

POLICY  
IMPLICATIONS:  
FINANCIAL  
IMPLICATIONS:  
STRATEGIC  
IMPLICATIONS:  
VOTING REQUIREMENT:  
OFFICER  
RECOMMENDATION

There are no known policy implications at this time.

Cost of Valuation: \$615

There are no known strategic implications at this time.

Simple majority

THAT;

- A) COUNCIL CONSIDER WHETHER OR NOT TO DISPOSE OF LOT 102 (1) SHORT STREET MULLEWA; AND;
- B) THAT A SALE VALUE OF LOT 102 (1) SHORT STREET, MULLEWA BE DETERMINED; AND
- C) THAT THE CEO BE AUTHORISED TO COMMENCE

- NEGOTIATIONS WITH MR KERRY TUCKER FOR THE PURCHASE OF LOT 102 (1) SHORT STREET, MULLEWA;  
AND  
D) THAT THE RELEVANT ADVERTISING BE INSTIGATED AS PER THE LOCAL GOVERNMENT ACT 1995

**Moved:** Andrew J Messina                      **Seconded:** B I N Thomas

- COUNCIL DECISION:** THAT;
- A) COUNCIL DISPOSE OF LOT 102 (1) SHORT STREET MULLEWA; AND;
  - B) THAT A SALE VALUE OF LOT 102 (1) SHORT STREET, MULLEWA BE \$125,000; AND
  - C) THAT THE CEO BE AUTHORISED TO COMMENCE NEGOTIATIONS WITH MR KERRY TUCKER FOR THE PURCHASE OF LOT 102 (1) SHORT STREET, MULLEWA; AND
  - D) THAT THE RELEVANT ADVERTISING BE INSTIGATED AS PER THE LOCAL GOVERNMENT ACT 1995

CARRIED 6/1

NEGOTIATIONS TOOK PLACE WITH MR TUCKER, WHO INDICATED HE WOULD NOT ACCEPT COUNCILS SALE VALUE OF \$125,000 AND WISHED TO MAKE A COUNTER OFFER. MR TUCKER HAS SUBMITTED AN OFFER OF \$90,000- SEE ATTACHED LETTER.

**Moved:** B I N Thomas                      **Seconded:** Andrew Messina

- COUNCIL DECISION:** THAT COUNCIL PROPOSE TO DISPOSE OF 1 SHORT STREET FOR THE SUM OF \$90,000 TO MR KERRY TUCKER;  
THAT THE REQUIRED ADVERTISING BE COMMENCED; AND  
THAT PROCEEDS FROM THE SALE OF THE PROPERTY BE PLACED IN COUNCILS BUILDING RESERVE.

CARRIED 7/0

19-07-10  
P.O. BOX 260  
Mullewa.

Dear Council,

In response to your letter regarding the purchase price of 4 Short St, Mullewa.

I have carried out a comprehensive inspection of the dwelling and estimate a minimum cost of \$40,000 to bring it to a reasonable standard.

In light of this, I offer council \$90,000 for the outright purchase of 4 Short St, Mullewa.

Regards.

M. O. Tucker.

RECEIVED	
SHIRE OF MULLEWA	
FILE: AOM0119 / A1462	
CORR NO: 10R10972	
20 JUL 2010	
ATTENTION:	DCEO
COPIES TO:	
COUNCIL	21.7.10
ACTION	

<b>0210.13      CLOSURE OF MEETING</b>
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The President closed the meeting at 5.00pm.

These minutes were confirmed at a meeting on 21 <sup>st</sup> July 2010:
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Signed:

A J Messina, President

Date: