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**MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 16<sup>th</sup> FEBRUARY 2011.****0211.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1.18 pm The President declared the meeting open.

**0211.02 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 M D (Mick) Tierney                        | (Central Ward) |
| Councillor A J (Andrew) Messina                      | (South Ward)   |
| Councillor K P (Kim) Keeffe                          | (South Ward)   |
| Councillor J L (Julie) Freeman                       | (Central Ward) |

**OFFICERS:**

Mr TA (Tom) Hartman - Chief Executive Officer  
Mr G (Grant) Middleton - Deputy Chief Executive Officer  
Mrs BA (Belynda) Mills - Executive Secretary  
Miss ME (Meagan) George - Debtors and Creditors

**APOLOGIES:**

Nil

**LEAVE OF ABSENCE:**

Nil

**VISITORS:**

Councillor Ian Carpenter (Mayor) – City of Geraldton-Greenough  
Councillor Ron Ashplant – City of Geraldton-Greenough  
Councillor John Sewell – City of Geraldton-Greenough  
Councillor Chris Gabelish – City of Geraldton-Greenough

1.18pm – 1.22pm Karl Meneghella (Deputy Principal) – Mullewa District High School  
1.18pm – 1.22pm Mikaela Wilson (Student) – Mullewa District High School  
1.18pm – 1.22pm Midget Papertalk (Student) – Mullewa District High School

**0211.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**0211.04 PUBLIC QUESTION TIME**

Students from Mullewa District High School asked the following questions:

1. Will the bouncy castle be put up in the swimming pool?

*The CEO advised that the bouncy castle should be put up today.*

2. Will there be a raised diving board and slide put up at the pool?

*The CEO advised there will not be a diving board at the moment. However during the swimming pool upgrades the base of the diving board was retained, so there is an opportunity in the future to put in a driving board.*

|   |
|---|
| <b>0211.05      APPLICATIONS FOR LEAVE OF ABSENCE</b> |
|---|

**Moved:**      *K P Keefe*

**Seconded:**      *Andrew Messina*

**COUNCIL DECISION:**      **THAT COUNCILLOR K P (KIM) KEEFE BE GRANTED LEAVE OF ABSENCE FOR THE MARCH 2011 COUNCIL MEETING.**

**CARRIED 7/0**

|  |
|--|
| <b>0211.06      CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> |
|--|

**Moved:**      *Andrew Messina*

**Seconded:**      *B I N Thomas*

**COUNCIL DECISION:**      **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15<sup>th</sup> DECEMBER 2010, AS PRINTED BE CONFIRMED.**

**CARRIED 7/0**

|  |
|--|
| <b>0211.07      ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b> |
|--|

Nil

|   |
|---|
| <b>0211.08      PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS</b> |
|---|

Nil

|   |
|---|
| <b>0211.09      REPORTS OF COMMITTEES/MEMBERS</b> |
|---|

Nil

|   |
|---|
| <b>0211.10      REPORTS OF OFFICERS</b> |
|---|

## 10.2      HEALTH, BUILDING AND TOWN PLANNING

|               |   |
|---------------|---|
| <b>10.2.1</b> | <b>MULLEWA SWIMMING POOL – EARLY MORNING SWIMMING</b> |
|---------------|---|

|                                |  |
|--------------------------------|--|
| DATE OF MEETING:               | 16 February 2011   |
| LOCATION/ADDRESS:              |  |
| NAME OF APPLICANT:             |  |
| FILE REFERENCE:                |  |
| PREVIOUS MINUTE/S & REFERENCE: |  |
| DATE AND AUTHOR:               | 8 February 2011, Tom Harman Chief Executive Officer  |
| DISCLOSURE OF INTEREST:        | Author has no disclosure of interest.  |
| SUMMARY                        | Report raises matter of use of the Swimming Pool by key holders for early morning and late afternoon swimming.   |
| BACKGROUND:                    | There have always been requests from members of the public to use pools for early morning swimming. The attached <b>APPENDIX A</b> policy was introduced at other places the author has worked and has successfully allowed the use of the pool.   |
| COMMENT:                       | Various systems have been used over time to allow some members of the public to use the pool out of hours. Some pools have the manager open early, others don't open. The problem with opening up by the manager is the hours the manager is expected to work. If the pool remains open at night due to hot weather, it may mean working 14 - 16 hour days. This 'burns' people out. Sometimes the manager doesn't open and this causes antagonism.<br><br>The proposed system works and should be considered. |
| CONSULTATION:                  | Some members of the public and staff.  |
| STATUTORY ENVIRONMENT:         | Section 3.18 Local Government Act.   |
| POLICY IMPLICATIONS:           | Council can adopt the attached as a policy.  |
| FINANCIAL IMPLICATIONS:        | There should be no increased operating costs for the pool.   |
| STRATEGIC IMPLICATIONS:        | Should again receive positive response from relevant   |
| VOTING REQUIREMENT:            | Simple majority  |
| OFFICER RECOMMENDATION         | <b>THAT COUNCIL ADOPT THE ATTACHED POLICY FOR EARLY MORNING AND LATE AFTERNOON SWIMMING AND REVIEW AS AND WHEN REQUIRED</b>  |

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

**COUNCIL DECISION:** **THAT COUNCIL ADOPT THE ATTACHED POLICY FOR EARLY MORNING AND LATE AFTERNOON SWIMMING AND REVIEW AS AND WHEN REQUIRED**

**CARRIED 7/0**

**EARLY MORNING SWIMMING AGREEMENT**

**2010/2011**

**CONDITIONS OF USE OF MULLEWA SWIMMING POOL BY KEY HOLDERS**

1. Entry to the pool by use of a key is only permitted between the hours of 5.00am to 8.00am daily during the pool season.
2. Early morning swimming is only permitted when at least two (2) persons are present at the pool.
3. Only persons 16 years of age or over will be authorised by Council to have access to the Mullewa Swimming Pool during the above times.
4. The key holder shall be responsible for the key and shall not permit other person's access to the pool and in particular children under the age of 16 years are not permitted to accompany the key holder, whether swimming or not. Keys are not transferable and are not to be lent.
5. If the water quality is not to the required standard, swimming will not be permitted and the swimmer shall comply with any notice at the entrance to the pool or to any direction given by Council staff that the pool is not to be used. Notwithstanding this, should Council be unaware that the water quality is not to the required standard and a notice has not been displayed advising of the closure of the pool, the swimmers use the pool at their own risk.
6. The gate to the pool shall remain locked at all times. The swimmer is to ensure that they lock the gate immediately after entering the grounds and on leaving.
7. The key holder is permitted only to the entry, concourse, pool and change rooms. All other areas are strictly out of bounds.
8. Failure to comply with any of these conditions will result in the cancellation of this permit.
9. The Council accepts no liability for any death or injury to any person or any loss of or damage to property of any person arising directly or indirectly out of use or access to the pool or pool area at any time.
10. The key holder named below hereby indemnifies and agrees to indemnify and keep indemnified the Council, its officers, agents and employees in respect of any liability whatsoever in respect of any death of or injury to any person or any loss of or damage to any property of any person arising directly or indirectly out of use of or access to the pool or the pool area by the key holder or any person obtaining access to the pool or the pool area with the key holders key or any duplicate key copies from such key.
11. Payment of the \$50.00 deposit is refundable when the key is returned. The deposit will be forfeited if the key is not returned within 14 days of the end of the pool season.
12. Key holders are required to pay a fee for either a weekly, monthly or season pass.

I \_\_\_\_\_ of \_\_\_\_\_

Acknowledge that I have read and agree to be bound by the above conditions.

Signed \_\_\_\_\_ (key holder)

Date \_\_\_\_\_

Key No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Shire Officer \_\_\_\_\_ Date \_\_\_\_\_

## 10.3 WORKS, PLANT, PARKS AND GARDENS

### 10.3.1 TENDERS – RESURFACE MULLEWA BOWLING CLUB GREEN

|   |   |
|---|---|
| DATE OF MEETING:  | 16 <sup>th</sup> February 2011  |
| LOCATION/ADDRESS:   | -   |
| NAME OF APPLICANT:  | -   |
| FILE REFERENCE:   |   |
| PREVIOUS MINUTE/S & REFERENCE:                                      | 15 <sup>th</sup> December 2010  |
| DATE AND AUTHOR:  | 7 <sup>th</sup> February 2011. Tom Hartman, Chief Executive Officer   |
| DISCLOSURE OF INTEREST:   | Author has no disclosure of interest.   |
| SUMMARY   | Report raises matter for Council to invite tenders for the resurfacing of the green at the Mullewa Bowling Club and recommends an invitation to tender be advertised.   |
| BACKGROUND:   | <p>This matter was considered at the December, 2010 meeting of Council where it was resolved –</p> <p><i>“THAT COUNCIL AUTHORISE UP TO \$100,000 EXPENDITURE FROM THE PUBLIC BENEFIT FUND TOWARDS THE ADDITIONAL PURPOSE OF REPLACING THE SYNTHETIC SURFACE ON THE MULLEWA BOWLING CLUB GREEN AND MAKE THE NECESSARY ADJUSTMENTS TO THE 2010-2011 BUDGET ESTIMATES.”</i></p> <p>Due to the deteriorating surface and the threat from competing teams withdrawing from playing in Mullewa, it is considered important that the timing needs to have the work undertaken following the bowling season end April/May 2011.</p> |
| COMMENT:  | <p>It is suggested that Council should call tenders now due to the tender process and the supply time line for this work to happen during the “bowling” off season.</p> <p>As previously discussed the Mullewa Bowling Club will need to contribute towards this cost and a contribution could also come from the Mullewa Sports Club.</p> <p>An estimate used for funding purposes is \$140,175.</p>   |
| CONSULTATION:   | Bowling Club<br>President Councillors<br>Suppliers.   |
| STATUTORY ENVIRONMENT: POLICY IMPLICATIONS: FINANCIAL IMPLICATIONS: | <p>Local Government (Functions &amp; General) Regulations.</p> <p>There are no known policy implications at this time.</p> <p>Based upon the above estimates, the Mullewa Bowling Club has made application to the Mullewa Community Trust for \$20,000 and still contribute their \$10,000. The Mullewa Sports Club contribution would need to be negotiated. If they also contribute \$10,000 that will require Council to include \$100,000 in the 2010/2011 budget estimates for an additional purpose as previously resolved.</p>  |

STRATEGIC IMPLICATIONS: The Mullewa Bowling Club is the most regionally significant sporting organisation following the Mullewa Football Club and would justify assistance. The green is also used regularly for social events and is a very important facility incorporated with the Mullewa Sports Club.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL INVITE TENDERS FOR THE CORRECTION OF THE SUB-BASE LEVELS AND RE-SURFACING OF THE GREEN AT THE MULLEWA BOWLING CLUB.

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

COUNCIL DECISION: **THAT COUNCIL INVITE TENDERS FOR THE CORRECTION OF THE SUB-BASE LEVELS AND RE-SURFACING OF THE GREEN AT THE MULLEWA BOWLING CLUB.**

**CARRIED 7/0**

### 10.3.2 PLANT TENDERS/QUOTES

DATE OF MEETING: 16 February, 2011

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: 10 February, 2011 – Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

INTEREST:

SUMMARY

Report raises matter for Council to invite tenders/quotes for the supply of a Roller, Prime Mover and Side Tipper and recommends an invitation to tender/quote be advertised.

BACKGROUND:

Council has funds in the 2010/2011 budget for the supply of Vibrating Roller to replace MW5053 CAT Vibrating Roller; Prime Mover to replace MW5051 Mack Truck and Side Tipper to replace MW2431.

COMMENT:

Estimates were received from suppliers that indicate that new vehicles can be purchased within the budget estimate

At the time of this report quotes have also been requested through WALGA's preferred supplier service and if there is an advantage, these quotes can be accepted without the requirement to invite tenders. However, consideration may need to be given to invite tenders if the quotes are not of any benefit.

Tenders will need to be invited for the Side Tipper as the WALGA Preferred Supplier service does not include these items

CONSULTATION:

Work Supervisor.  
President

STATUTORY

Local Government (Functions & General) Regulations, Part 4, Division 2.

- ENVIRONMENT: Local Government Act Section 5.42(b)  
Local Government Act Section 5.43(1)
- POLICY  
IMPLICATIONS: There are no known policy implications at this time.
- FINANCIAL  
IMPLICATIONS: Council has \$185,000.00 in the 2010/2011 budget estimates for the purchase of a new Vibrating Roller, with a change over of \$140,000.
- Council has \$180,000.00 in the 2010/2011 budget estimates for the purchase of a new Prime Mover, with a change over of \$168,000.
- Council has \$115,000.00 in the 2010/2011 budget estimates for the purchase of a new Side Tipper, with a change over of \$55000.
- STRATEGIC  
IMPLICATIONS: There are no known strategic implications at this time.
- VOTING REQUIREMENT: Absolute majority
- OFFICER  
RECOMMENDATION THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO OBTAIN QUOTES FROM WALGA AND DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO ACCEPT THE MOST ADVANTAGEOUS WITHIN THE PROPOSED BUDGETED AMOUNTS;
- OR,
- IF QUOTES ARE NOT ADVANTAGEOUS,
- THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A PRIME MOVER IN THE 435hp RANGE TO REPLACE MW5051 MACK TRUCK.
- THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A VIBRATING ROLLER IN THE 12 Tonne RANGE TO REPLACE THE CAT CS56C3 VIBRATING ROLLER.
- THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A SIDE TIPPER IN THE 21M3 RANGE TO REPLACE MW2431 SIDE TIPPER.
- Moved:** *J L Freeman*                      **Seconded:** *A J Crudeli*
- COUNCIL DECISION: **THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO OBTAIN QUOTES FROM WALGA AND DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO ACCEPT THE MOST ADVANTAGEOUS WITHIN THE PROPOSED BUDGETED AMOUNTS;**
- OR,**
- IF QUOTES ARE NOT ADVANTAGEOUS,**
- THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A PRIME MOVER IN THE 435hp RANGE TO REPLACE MW5051 MACK TRUCK.**
- THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A VIBRATING ROLLER IN THE 12 Tonne RANGE TO REPLACE THE**



**CAT CS56C3 VIBRATING ROLLER.**

**THAT COUNCIL INVITE TENDERS FOR THE SUPPLY OF A SIDE TIPPER IN THE 21M3 RANGE TO REPLACE MW2431 SIDE TIPPER.**

**CARRIED 7/0**

|               |  |
|---------------|--|
| <b>10.3.3</b> | <b>PETER ROAD PROPOSED RE-ALIGNMENT &amp; DEDICATION</b> |
|---------------|--|

DATE OF MEETING: 16 February 2011

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S &

REFERENCE:

DATE AND AUTHOR: 7 February 2011, Tom Hartman Chief Executive Officer

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

SUMMARY

Report submits a proposal to re-align Peter Road to allow 36.5m road train access to farm land and request for a road dedication under the section 56 of the Land Administration Act 1997.

BACKGROUND:

The heavy vehicles network in the Shire of Mullewa allows network 8 vehicles on roads north of the Geraldton Mt Magnet road. Network 8 vehicles are approved on these roads for lengths up to 36.5m. The problem is there are only 2 rail crossing that allow for the required "stacking distance" being Yuna-Tenindewa and Bone Road. Over the past years there appears to have been a lack of enforcement of the stacking distance requirement. However, the odd infringements from the Transport Inspectors have been issued to transport operators.

Due to the planned upgrade of the rail line there is going to be a marked increase in the number & length of trains using the line. This has resulted in transport operators being warned about the illegal access from the Geraldton Mt Magnet road on the other roads including Peter Road. This will be detrimental to farming operations as they will be prevented from using 36.5m long vehicles.

COMMENT:

This concern has been investigated and an initial inspection of the area of Peter Road reveals that it may be possible to re-align the approach to the Geraldton Mt Magnet road to cross the rail approximately 1.5 km west of the existing rail crossing. Peter Road is the only road which would allow this to happen due to the alignment of the rail line deviating away from the Geraldton Mt Magnet Road, allowing more space for the "stacking distance" to increase.

Negotiations will need to happen with the property owner for access to a portion of farm land. Other matters that will require attention will be appointing an Engineer to survey and design the proposal and obtain approval from the relevant authority for a rail crossing. An initial contact has been made with Westnetrail for advice on the attached **APPENDIX A** proposal, and they have advised the first contact will need to be with Main Roads WA. Westnetrail also advised that if the new crossing is

approved the existing rail crossing will be required to be removed.

The final process will be to request the Minister dedicate the land as a road under Section 56 of the Land Administration Act.

CONSULTATION:

President

STATUTORY  
ENVIRONMENT:

Section 56 Land Administration Act 1997

## **56. Dedication of roads**

- (1) If in the district of a local government —
  - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

  - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) If a local government resolves to make a request under subsection (1), it must —
  - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
  - (a) subject to subsection (5), by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

- (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
  - (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

#### Land Administration Regulations 1998

#### **Regulation 8**

#### **Preparation and delivery by local government of request to dedicate land as a road**

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;
- (b) if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application;
- (c) if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —
  - (i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years;
  - (ii) a description of the section or sections of the public who have had that use; and
  - (iii) a description of how the private road is

constructed;

- (d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions;
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 56(2) of the Act.

POLICY  
IMPLICATIONS:  
FINANCIAL  
IMPLICATIONS:  
STRATEGIC  
IMPLICATIONS:  
VOTING REQUIREMENT:

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 COUNCIL

- COMMENCE THE PROCESS TO RE-ALIGN PETER ROAD AND CONSTRUCT A NEW RAIL CROSS OVER FOR THE PETER ROAD ACCESS TO THE GERALDTON MT MAGNET ROAD;
- NEGOTIATE WITH THE OWNER OF THE LAND REQUIRED FOR THE RE-ALIGNMENT;
- ENGAGE GREENFIELD TECHNICAL SERVICES TO PREPARE SUFFICIENT INFORMATION & DESIGN IN A PLAN OF SURVEY, SKETCH PLAN OR DOCUMENTS FOR THE REQUEST TO THE MINISTER;
- APPLY TO THE RELEVANT AUTHORITIES FOR A NEW RAIL CROSSING, and;
- REQUEST THE MINISTER DEDICATE THE LAND AS A ROAD UNDER SECTION 56 OF THE LAND ADMINISTRATION ACT.

**Moved:**

*Andrew Messina*

**Seconded:**

*B I Thomas*

COUNCIL DECISION:

THAT COUNCIL

- **COMMENCE THE PROCESS TO RE-ALIGN PETER ROAD AND CONSTRUCT A NEW RAIL CROSS OVER FOR THE PETER ROAD ACCESS TO THE GERALDTON MT MAGNET ROAD;**
- **NEGOTIATE WITH THE OWNER OF THE LAND REQUIRED FOR THE RE-ALIGNMENT;**
- **ENGAGE GREENFIELD TECHNICAL SERVICES TO PREPARE SUFFICIENT INFORMATION & DESIGN IN A PLAN OF SURVEY, SKETCH PLAN OR DOCUMENTS FOR THE REQUEST TO THE MINISTER;**
- **APPLY TO THE RELEVANT AUTHORITIES FOR A NEW RAIL CROSSING, and;**
- **REQUEST THE MINISTER DEDICATE THE LAND AS A ROAD UNDER SECTION 56 OF THE LAND ADMINISTRATION ACT.**

CARRIED 7/0

Grant Middleton left the meeting 1.32PM – 1.34PM

## 10.4 FINANCE AND GENERAL PURPOSE

### 10.4.1 STATEMENT OF FINANCIAL ACTIVITY – DECEMBER 2010

|                                |  |
|--------------------------------|--|
| DATE OF MEETING:               | 16 <sup>th</sup> February 2011   |
| LOCATION/ADDRESS:              | -  |
| NAME OF APPLICANT:             | -  |
| FILE REFERENCE:                | -  |
| PREVIOUS MINUTE/S & REFERENCE: | -  |
| DATE AND AUTHOR:               | 18 <sup>th</sup> January 2011. Grant Middleton, 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 <b>APPENDIX A</b> is the Statement of Financial Activity for December 2010.  |
| CONSULTATION:                  |  |
| STATUTORY ENVIRONMENT:         | Local Government Act<br>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 DECEMBER 2010 BE RECEIVED.   |
| <b>Moved:</b>                  | <i>J L Freeman</i>   |
| <b>Seconded:</b>               | <i>B I N Thomas</i>  |
| <b>COUNCIL DECISION:</b>       | <b>THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF DECEMBER 2010 BE RECEIVED.</b>  |

CARRIED 7/0

### 10.4.2 STATEMENT OF FINANCIAL ACTIVITY – JANUARY 2011

|                    |                                |
|--------------------|--------------------------------|
| DATE OF MEETING:   | 16 <sup>th</sup> February 2011 |
| LOCATION/ADDRESS:  | -                              |
| NAME OF APPLICANT: | -                              |

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 9<sup>th</sup> February 2011. Grant Middleton, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF 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 B** is the Statement of Financial Activity for January 2011.

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 JANUARY 2011 BE RECEIVED.

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

**COUNCIL DECISION:** **THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF JANUARY 2011 BE RECEIVED.**

**CARRIED 7/0**

|  |
|--|
| <b>10.4.3 FINANCE REPORT – DECEMBER 2010</b> |
|--|

DATE OF MEETING: 16<sup>th</sup> February 2011

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 18<sup>th</sup> January 2011. Grant Middleton, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF 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: **10.4.3.1.1 BANK RECONCILIATION**  
The Bank Reconciliation for the month of December 2010 is attached at

**APPENDIX C.** 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 31 <sup>st</sup> DECEMBER BE RECEIVED. |

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

**COUNCIL DECISION:**                      **THAT THE FINANCE REPORT FOR THE PERIOD ENDED 31<sup>st</sup> DECEMBER BE RECEIVED.**

**CARRIED 7/0**

#### **10.4.4 FINANCE REPORT – JANUARY 2011**

|                                |   |
|--------------------------------|---|
| DATE OF MEETING:               | 16 <sup>th</sup> February 2011  |
| LOCATION/ADDRESS:              | -   |
| NAME OF APPLICANT:             | -   |
| FILE REFERENCE:                | -   |
| PREVIOUS MINUTE/S & REFERENCE: | -   |
| DATE AND AUTHOR:               | 9 <sup>th</sup> February 2011. Grant Middleton, 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:                       | <b>10.4.4.1.1 BANK RECONCILIATION</b><br>The Bank Reconciliation for the month of January 2011 is attached at <b>APPENDIX D.</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 31<sup>st</sup> JANUARY BE RECEIVED.

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

**COUNCIL DECISION:** THAT THE FINANCE REPORT FOR THE PERIOD ENDED 31<sup>st</sup> DECEMBER BE RECEIVED.

**CARRIED 7/0**

#### **10.4.5 ACCOUNTS FOR PAYMENT – FEBRUARY 2011**

DATE OF MEETING: 16<sup>th</sup> February 2011

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 11<sup>th</sup> February 2011. Grant Middleton, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF 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 \$1,183,952.90 the following:

Municipal Account

|                       |                   |              |
|-----------------------|-------------------|--------------|
| Cheque No.            | 10659 – 10711     | \$208,902.51 |
| Electronic Fund Trans | EFT6473 – EFT6585 | \$764,765.50 |
| Payroll & Fees        |                   | \$209,650.34 |

Trust Account

|               |     |                       |
|---------------|-----|-----------------------|
| Cheque No.    | 459 | 634.60                |
| <b>Total:</b> |     | <b>\$1,183,952.90</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.

Municipal Account

|                       |                   |              |
|-----------------------|-------------------|--------------|
| Cheque No.            | 10659 – 10711     | \$208,902.51 |
| Electronic Fund Trans | EFT6473 – EFT6585 | \$764,765.50 |
| Payroll & Fees        |                   | \$209,650.34 |

Trust Account

|            |     |                |
|------------|-----|----------------|
| Cheque No. | 459 | 634.60         |
| Total:     |     | \$1,183,952.90 |

**Moved:**

*J L Freeman*

**Seconded:**

*K P Keefe*

COUNCIL DECISION:

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

Municipal Account

|                       |                   |              |
|-----------------------|-------------------|--------------|
| Cheque No.            | 10659 – 10711     | \$208,902.51 |
| Electronic Fund Trans | EFT6473 – EFT6585 | \$764,765.50 |
| Payroll & Fees        |                   | \$209,650.34 |

Trust Account

|            |     |                |
|------------|-----|----------------|
| Cheque No. | 459 | 634.60         |
| Total:     |     | \$1,183,952.90 |

**CARRIED 7/0**

Ron Ashplant left the meeting 1.47PM – 1.53PM

**10.4.6 CARNARVON FLOOD APPEAL**

DATE OF MEETING: 16 February 2011

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S &  
REFERENCE:

DATE AND AUTHOR: 10 February 2011

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY

Report raises matter of the Carnarvon Flood Appeal that Council may wish to consider contributing towards

BACKGROUND:

During the end of December 2010, families suffered hardship or severe property damage as a result of the devastating floods in Carnarvon and the Gascoyne Region. Large areas were under water from the deluge which resulted in more than a normal year's rainfall falling in just two days.

COMMENT:

Council may wish to consider donating some funds to assist that community to cope with some of the worst flooding in living memory. The town was cut off on all sides by the floodwaters. While there was no loss of life or serious injury, 200 people had to be located at the evacuation centre.

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: COUNCIL CONSIDER DONATING FUNDS TOWARDS THE CARNARVON FLOOD APPEAL.

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

COUNCIL DECISION: **COUNCIL CONSIDER DONATING FUNDS TOWARDS THE CARNARVON FLOOD APPEAL.**  
**CARRIED 7/0**

**Moved:** *Andrew Messina*                      **Seconded:** *M D Tierney*

COUNCIL DECISION: **THAT COUNCIL WILL DONATE \$1000 TOWARDS THE CARNARVON FLOOD APPEAL.**  
**CARRIED 7/0**

Grant Middleton left the meeting 1.50PM – 2.00PM

#### **10.4.7 REQUEST FOR WAIVING COST – RECREATION CENTRE**

DATE OF MEETING: 16<sup>th</sup> February 2011  
 LOCATION/ADDRESS: -  
 NAME OF APPLICANT: Mullewa Women's Indigenous Group INC and the Department of Communities  
 FILE REFERENCE: ADM0056  
 PREVIOUS MINUTE/S & REFERENCE:  
 DATE AND AUTHOR: 11<sup>th</sup> February 2011, Tom Hartman, Chief Executive Officer  
 DISCLOSURE OF INTEREST: Author has no disclosure of interest.  
 SUMMARY: Report requests donation of the amount of the fee for use of the Recreation Centre.  
 BACKGROUND: Correspondence has been received from the Mullewa Women's Indigenous Group INC and the Department of Communities requesting that the fee charged for using the Recreation Centre be waived.  
 COMMENT: A copy of the letter from the Mullewa Women's Indigenous Group INC and the Department of Communities is attached at **APPENDIX E**.  
 CONSULTATION: Nil  
 STATUTORY ENVIRONMENT: POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: The total fee for hire is \$163.60 which includes \$70.90 for the Dining Room and \$92.70 for the Stadium.

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

VOTING REQUIREMENT: Simple Majority

OFFICER RECOMMENDATION: THAT COUNCIL WAIVE THE \$163.60 FEE TO THE MULLEWA WOMEN'S INDIGENOUS GROUP INC AND THE DEPARTMENT FOR COMMUNITIES FOR THE HIRE FEE OF THE MULLEWA RECREATION CENTRE FOR A PROTECTIVE BEHAVIOUR WORKSHOP HELD ON 23<sup>RD</sup> FEBRAURY, 2011, SUBJECT TO THE PREMISES BEING LEFT IN A CLEAN AND TIDY CONDITION.

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

**COUNCIL DECISION:** **THAT COUNCIL WAIVE THE \$163.60 FEE TO THE MULLEWA WOMEN'S INDIGENOUS GROUP INC AND THE DEPARTMENT FOR COMMUNITIES FOR THE HIRE FEE OF THE MULLEWA RECREATION CENTRE FOR A PROTECTIVE BEHAVIOUR WORKSHOP HELD ON 23<sup>RD</sup> FEBRAURY, 2011, SUBJECT TO THE PREMISES BEING LEFT IN A CLEAN AND TIDY CONDITION.**

**CARRIED 7/0**

Meagan George left the meeting 1.52PM – 2.02PM

## 10.5 CHIEF EXECUTIVE OFFICERS REPORT

### 10.5.1 LOCAL GOVERNMENT REFORM - UPDATE

DATE OF MEETING: 16 February 2011

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<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, 21 July 2010, 18 August 2010, 15 September 2010, 20 October 2010. 17 November 2010, 15 December 2010.

DATE AND AUTHOR: 6 December 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 and adopting the information.

BACKGROUND:

Most Council meetings since February 2009, reports have been submitted on the progress of the Local Government Reform process. This has allowed Council the opportunity to discuss any matters that arise from the reform process.

A copy of the Local Government Advisory Board letter, received, January

18, 2011, attached at **APPENDIX A**, outlines the process to date along with a copy of the notice referred to in page 2 of the LGAB letter.

COMMENT: The Minutes of the recent January, 2011 meeting of the Joint Structural Reform Committee are attached at **APPENDIX B** for council to receive and adopt the recommendations and contents of the minutes. (**Please note** that there is an amendment to the minutes circulated by adding –

*Reviews of the status of the amalgamation will occur at each of the Local Government Reform meetings and assessments can be made as to the implications of meeting 1 July 2011.*

And,

*The seconder of recommendation 3.5 being "CR N MCILWAINE"*

The main contents of the meeting relate to protecting local assets through the creation of reserves, policies and the budget process and the support for the Mullewa Community Advisory Committee. Other important matters relate to the Date of proposed amalgamation, Amalgamation Project Plan, MOU and the Logos and Crest.

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: As previously advised it doesn't get more strategic than this. As before in August 2009, this item is also again probably one of THE most important strategic decision to be made by ANY Mullewa Shire Council in its history.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL ADOPT THE INFORMATION, CONTENTS AND RECOMMENDATIONS OF LOCAL GOVERNMENT REFORM – JOINT STRUCTURAL REFORM TRANSITIONARY ARRANGEMENTS MANAGEMENT COMMITTEE MEETING HELD FRIDAY 28 JANUARY, 2011.

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

COUNCIL DECISION: **THAT COUNCIL ADOPT THE INFORMATION, CONTENTS AND RECOMMENDATIONS OF LOCAL GOVERNMENT REFORM – JOINT STRUCTURAL REFORM TRANSITIONARY ARRANGEMENTS MANAGEMENT COMMITTEE MEETING HELD FRIDAY 28 JANUARY, 2011.**

**CARRIED 7/0**

|               |  |
|---------------|--|
| <b>10.5.2</b> | <b>LOCAL GOVERNMENT REFORM – ARRANGEMENTS IN THE EVENT OF A POLL</b> |
|---------------|--|

DATE OF MEETING: 16 February 2011

|                                |   |
|--------------------------------|---|
| 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 <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, 21 July 2010, 18 August 2010, 15 September 2010, 20 October 2010. 17 November 2010, 15 December 2010.  |
| DATE AND AUTHOR:               | 8 February 2011, Tom Hartman, Chief Executive Officer   |
| DISCLOSURE OF INTEREST:        | Author has no disclosure of interest.   |
| SUMMARY                        | Report advises in the event that there is a request for a poll, council will need to resolve to appoint the WA Electoral Commission (WAEC) to be responsible for the conduct of the poll.   |
| BACKGROUND:                    | To speed up the process in the event that electors of the Shire of Mullewa request a poll, council will need to resolve to appoint the WA Electoral Commission (WAEC) or a person approved by the WAEC to be responsible for the conduct of the poll. Before this can occur, Council needs to obtain the written agreement of the Electoral Commissioner. This agreement has been requested.<br><br>Council will also need to consider whether the poll of electors (if required) is conducted as a postal poll or a voting in person poll. |
| COMMENT:                       | I have spoken to the Electoral Commission and they have agreed to provide a written agreement in anticipation of a request for a poll. If a poll does not eventuate, then the agreement is obviously not relevant and the resolution obviously does not need to be acted on. This agreement should be available for the Council meeting, and will be tabled.  |
| CONSULTATION:                  | Ross Earnshaw, Manager, Structural Reform, Department of Local Government<br><br>President  |
| STATUTORY ENVIRONMENT:         | <b>Clause 9(1)(b)(ii) of Schedule 2.1 of the <i>Local Government Act 1995</i>.</b><br><b>Clause 9(2) of Schedule 2.1 of the <i>Local Government Act 1995</i></b><br><b><i>Section 4.20(4) of the Local Government Act.</i></b><br><b><i>Section 4.61(2) of the Local Government Act.</i></b>  |
| 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:            | Absolute majority.  |
| OFFICER RECOMMENDATION         | THAT IN THE EVENT THAT ELECTORS OF THE SHIRE OF MULLEWA REQUEST A POLL ON THE PROPOSAL TO AMALGAMATE THE CITY OF GERALDTON-GREENOUGH AND THE  |

SHIRE OF MULLEWA, COUNCIL HEREBY DECLARES THE ELECTORAL COMMISSIONER, OR A PERSON APPROVED BY THE ELECTORAL COMMISSIONER, TO BE RESPONSIBLE FOR THE CONDUCT OF THE POLL UNDER PART 4 OF THE LOCAL GOVERNMENT ACT 1995. THIS RESOLUTION WILL ONLY TO BE ACTED ON IF THE MINISTER FOR LOCAL GOVERNMENT RECEIVES A VALID REQUEST FOR A POLL FROM ELECTORS OF THE SHIRE OF MULLEWA AND DIRECTS THE SHIRE OF MULLEWA TO CONDUCT A POLL.

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

**COUNCIL DECISION:** **THAT COUNCIL DECLARE, IN ACCORDANCE WITH SECTION 4.20(4) OF THE LOCAL GOVERNMENT ACT 1995, THE ELECTORAL COMMISSIONER TO BE RESPONSIBLE FOR THE CONDUCT OF THE POLL.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

|               |   |
|---------------|---|
| <b>10.5.3</b> | <b>LOCAL GOVERNMENT REFORM – ELECTED MEMBERS AS COMMISSIONERS</b> |
|---------------|---|

DATE OF MEETING: 16 February 2011

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<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, 21 July 2010, 18 August 2010, 15 September 2010, 20 October 2010. 17 November 2010, 15 December 2010.

DATE AND AUTHOR: 10 February 2011

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

SUMMARY Report raises matter concerning the appointment of the Elected Members to fill the positions of Commissioners in the new local government.

BACKGROUND: The Local Government Advisory Board recommended to the Minister for Local Government the amalgamation of the City of Geraldton-Greenough and the Shire of Mullewa. Recommendation 1 contained matters that have been reported elsewhere in Councils agenda. The report also contained other recommendations including Recommendation 2 which stated -

***“The Minister for Local Government consider appointing two commissioners from the elected members of the Council of Geraldton-Greenough and two commissioners from the elected members of the Council of the Shire of Mullewa; and***

***Recommendation 3:***

***The Minister for Local Government consider the appointment of an independent Chair of Commissioners.”***

COMMENT: It is suggested that Council consider recommending to the Minister that the President and Deputy President be appointed as Commissioners of the new local government.

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 RECOMMENDS TO THE MINISTER FOR LOCAL GOVERNMENT THAT CR NINO MESSINA AND CR BARBARA THOMAS BE APPOINTED COMMISSIONERS TO THE NEW LOCAL GOVERNMENT FOLLOWING THE ABOLISHION OF THE SHIRE OF MULLEWA.

**Moved:** *M D Tierney*                      **Seconded:** *Andrew Messina*

COUNCIL DECISION: **THAT COUNCIL RECOMMENDS TO THE MINISTER FOR LOCAL GOVERNMENT THAT CR NINO MESSINA AND CR BARBARA THOMAS BE APPOINTED COMMISSIONERS TO THE NEW LOCAL GOVERNMENT FOLLOWING THE ABOLISHION OF THE SHIRE OF MULLEWA.**

**CARRIED 7/0**

|  |
|--|
| <b>10.5.4</b> LOCAL GOVERNMENT REFORM – COMMUNITY ADVISORY COMMITTEE |
|--|

DATE OF MEETING: 16 February 2011

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<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, 21 July 2010, 18 August 2010, 15 September 2010, 20 October 2010, 17 November 2010, 16 December 2010.

DATE AND AUTHOR: 7 February 2011, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report raises matter of establishing a Community Advisory Committee/Group leading up to amalgamation and recommends a suggested process.

BACKGROUND: At the recent Structural Reform Committee Meeting it was discussed that the MOU includes an item (c.i.) to develop and support a Revised Community Advisory Committee for Mullewa. In developing the MOU it

was considered that maintaining local identity and having effective representation was vital. Attached at **APPENDIX C** is a copy of the document referred to in the MOU and an the relevant extract follows –

### **Revised Community Advisory Committees**

*A proposal for a revised system of community advisory committees has been put forward for consideration in the Local Government Reform Strategy. The general structure of the Committee would be as follows:*

- *Maintain the former local government areas as wards and create a Committee for each ward.*
- *Committee to be chaired by the councillor for that ward.*
- *Members of the community would be appointed to the committee.*

*There are a range of options that local governments can choose from in relation to this basic structure.*

- *Method and qualifications for appointment of committee members*
  1. *members could be invited from the whole community and appointment based on selection criteria.*
  2. *Alternatively, members could be from existing groups already established in the community, such as sporting, resident, business, youth, senior, agricultural, environmental groups. A benefit of this approach is that members would be exposed to a range of different perspectives and would assist with making bridges across various sections of the community.*
  3. *A mixture of the above.*
- *Role of committees*
  1. *Advisory role only and a conduit between the community and council.*
  2. *Decision making power, ie expenditure of small amount of funds for community events/functions.*
  3. *Formal consultation role in development of strategic plans, town planning schemes, local laws, policies, annual budget.*
  4. *Chairing of the Committee could be by the elected member from the ward or another member of the Committee.*
  5. *Determination of whether section 5.9 (2) of the Local Government Act 1995 is utilised and the extent, if any, of delegated decision making power.*
- *Meetings of committees*
  1. *A useful way in which to build relationships between communities across the local government and to allow for the sharing of information is to ensure that all committees communicate with each other on a regular basis. This can be achieved through electronic means, or face to face meetings.*

COMMENT:

Initially it is considered that the CAC could be an informal group based on a structure to be determined that would be given a role leading up to the formation of the Council. Following July 1, this role could commence to give the "Place Manager" and "Commissioners" the needed conduit to the community. Following the election of the Council in October 2011, this Group/Committee could be more formalised and chaired by the local councillor/s.

Since the decision to embrace the reform process the standout lingering concern has been representation. This committee/group should be a way to ensure that Mullewa's interests are enhanced by having a spread



across various sections of the community. At this stage it is suggested that the Community be invited to express an interest to become members of the Group, this expression would also include the present "willing" Councillors. Selection, qualifications, roles etc will need to be determined. The first step is to advertise for the interest for the Group ASAP. By giving all members of the community the opportunity to become involved at this early stage would also create a sense of ownership of the future reform and assist maintaining social capital and ensuring any impacts are addressed.

|                         |   |
|-------------------------|---|
| 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 COUNCIL INVITE EXPRESSION OF INTEREST FROM THE COMMUNITY TO BECOME MEMBERS OF A COMMUNITY ADVISORY COMMITTEE/GROUP AS PART OF THE LOCAL GOVERNMENT REFORM PROCESS. |

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

**COUNCIL DECISION:**                      **THAT COUNCIL INVITE EXPRESSION OF INTEREST FROM THE COMMUNITY TO BECOME MEMBERS OF A COMMUNITY ADVISORY COMMITTEE/GROUP AS PART OF THE LOCAL GOVERNMENT REFORM PROCESS.**

**CARRIED 7/0**

|   |
|---|
| <b>10.5.5</b> LOCAL GOVERNMENT REFORM – CITY OF GREATER GERALDTON<br>CORPORATE IDENTITY |
|---|

|                                |  |
|--------------------------------|--|
| DATE OF MEETING:               | 16 February 2011   |
| LOCATION/ADDRESS:              |  |
| NAME OF APPLICANT:             | Joint Structural Reform Transitional Arrangements Committee (JSRTAC)   |
| FILE REFERENCE:                |  |
| PREVIOUS MINUTE/S & REFERENCE: |  |
| DATE AND AUTHOR:               | 11 February 2011, Tom Hartman Chief Executive Officer, Cheryl Wood – Director of Corporate Services, City of Geraldton-Greenough.  |
| DISCLOSURE OF INTEREST:        | Author has no disclosure of interest.  |
| SUMMARY                        | Report submits a corporate logo and Council crest to be considered by Council.   |
| BACKGROUND:                    | The Joint Structural Reform Transitional Arrangements Committee (JSRTAC) consisting of representatives from both the City of Geraldton-Greenough and the Shire of Mullewa recommend the attached |

**APPENDIX D** corporate logo and Council crest for the new City of Greater Geraldton should amalgamation proceed on 1 July 2011.

The strapline “a vibrant future” was put forward to the committee and agreed upon as suitably capturing the vision of the new entity.

Should the attached corporate logo and Council crest be endorsed by the current Councils of the the Shire of Mullewa and City of Geraldton-Greenough, they will come into effect on 1 July 2011, pending Ministerial decision.

COMMENT: Elements of the previous logos of the City of Geraldton-Greenough and Shire of Mullewa have been incorporated into the new proposed design to retain each area’s existing identity.

The attached corporate logo and Council crest have been developed to incorporate aspects of each area’s identity whilst retaining a unified and easily recognisable brand. The JSRTAC recommend these designs along with the strapline ‘a vibrant future’ as the corporate and official Council identity of the proposed amalgamated entity of the City of Greater Geraldton.

It must be noted the Shire of Mullewa’s current logo will continue to be used for the tourism and as a locality brand, maintaining local identity.

CONSULTATION: Joint Structural Reform Transitional Arrangements Committee.

STATUTORY ENVIRONMENT: Part 2, Divisions 1, s 2.4 and Division 2, s 2.5 of the Local Government Act 1995 refer to the corporate name of a local government body.

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

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

STRATEGIC IMPLICATIONS: **Strategic & Plan for the Future Outcomes:**

Key Result Area 4: Leading the Opportunities

Outcome 4.1: Leadership in organisation and the community.

Strategy 4.1.4: Establish and enhance Geraldton’s regional, national and international profile.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL ENDORSE THE ATTACHED CORPORATE LOGO AND COUNCIL CREST FOR THE CITY OF GREATER GERALDTON, PENDING AMALGAMATION ON 1 JULY 2011

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

**COUNCIL DECISION:** **THAT COUNCIL ENDORSE THE ATTACHED CORPORATE LOGO AND COUNCIL CREST FOR THE CITY OF GREATER GERALDTON, PENDING AMALGAMATION ON 1 JULY 2011**

**CARRIED 7/0**



CARRIED 7/0

**10.5.7 MAIN ROADS INTEGRATED SERVICE AGREEMENT**

DATE OF MEETING: 16 February, 2011  
 LOCATION/ADDRESS:  
 NAME OF APPLICANT: MRWA, MWRC, Shire of Perenjori  
 FILE REFERENCE:  
 PREVIOUS MINUTE/S & REFERENCE:  
 DATE AND AUTHOR: 9 February 2011, Stan Scott, Chief Executive Officer, Shire of Perenjori, on behalf of the MWRC.  
 DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.  
 SUMMARY

Main Roads WA has now executed the Mid West Local Governments Services Agreement, and the Governance Team has met for the first time.

Following the execution of the agreement there are a range of actions required to give effect to the agreement. These requirements and actions are set out in the Transition Plan, Copy attached at **APPENDIX F**.

Affected Local Governments will need to make decisions on how plant is acquired for the delivery of agreed services. The required acquisitions are set out below:

| Requirement                          | Number | Shire     | Recomi  |
|--------------------------------------|--------|-----------|---------|
| Purpose built road maintenance truck | 1      | Coorow    | Lease D |
| Purpose built road maintenance truck | 1      | Perenjori | Lease D |
| Road inspection vehicle              | 1      | Mingenew  | Lease D |
| Road inspection vehicle              | 1      | Morawa    | Lease D |

The intent in setting up the services is to mirror to the extent possible the service delivery by Downer Mouchel (DM), the ISP. DM has examined the configuration of Road Maintenance vehicles used for the South West and Metropolitan ISA and is preparing a specification for new trucks that it will use. It is proposed that the Mid West Local Government teams would use identical vehicles. The individual affected Shires must determine the approach that best suits their situation.

The options for procuring the trucks and light vehicles required are:

- Direct purchase using Shire capital;
- Finance lease – The vehicle becomes the property of the Shire at the end of the lease but the lease cost appears as a debt on the Shire's balance sheet;
- Operating Lease – The vehicle becomes the property of the lease company at the end of the lease period. It is possible to extend the lease or purchase the vehicle at market value at the end of the lease period. Maintenance may or may not be

included in the leasing cost.

- Supplied by principal. Main Roads may consider the option of supplying the vehicles. This approach would allow an easy exit for all parties if the arrangement failed, but could be viewed as planning for failure.

Of these three options the most attractive is the operating lease. As there is full cost recovery under the Contract this arrangement is simpler and cleaner than the alternatives.

There are a number of alternatives for operating leases:

- There are 3 WALGA preferred suppliers. Leasing equipment through these suppliers allows Shires to enter into the lease without calling for tenders. The WALGA preferred suppliers are Capital Finance, Isis LG Finance and SGFleet;
- Downer Mouchel leases its equipment through Toyota Fleet and is confident that the finance cost is below that offered by the WALGA preferred suppliers. Downer Mouchel has indicated preparedness to on-lease equipment to Shires. As the supply would be an adjunct to the Agreement, tendering would not be necessary.
- Councils could tender for the best lease deal notwithstanding the WALGA preferred suppliers.

It is recommended that Councils negotiate to lease trucks from Downer Mouchel and lease light vehicles directly through the lease provider preferred by the respective Councils. Leases for light vehicles would probably fall below the tender threshold allowing Councils to approach Toyota Fleet as an alternative.

The Governance Team met in Mullewa on 2 February 2011, and the Governance Plan will be circulated for consideration at the March round of Ordinary Meetings.

BACKGROUND:

Action to date can be summarised as follows:

***Shires to nominate Governance Team Representatives [Clause 3.3] and Alternatives [Clause 3.6]***

The Governance Team representatives have been appointed by the Shires as follows:

| <b>Local Government</b> | <b>Primary Representative</b> | <b>Alternative Representative</b> |
|-------------------------|-------------------------------|-----------------------------------|
| Shire of Coorow         | Cr Moira Girando              | Mr Mark Hook                      |
| Shire of Mingenew       | Cr Michelle Bagley            | Mr Ian Fitzgerald                 |
| Shire of Morawa         | Cr Karen Chappel              | Mr Gavin Treasure                 |
| Shire of Mullewa        | Cr Nino Messina               | Mr Tom Hartman                    |
| Shire of Perenjori      | Cr Chris King                 | Mr Stan Scott                     |
| Shire of Three Springs  | Cr Neil Hebiton               | Cr Barry Burnett                  |

***MRWA to appoint Chairperson [Clause 3.4],***

Mr John Marmion, Project Director of Operational Asset Management has been appointed by MRWA as the Chair of the Governance Team. Mr Marmion is a very experienced Main Roads executive and has also been designated as the Chair of some other ISA Governance Teams.

Mr Rob Barnsley will Chair the Governance Team for the Midwest Gascoyne ISA.

***Governance Plan to be completed within 3 months of first Governance Team Meeting [Clause 3.6],***

The first meeting of the Governance Team was held on 2 February 2011. This means that the deadline for completion of the Governance Plan is 3 May 2011. A discussion draft was presented at the first meeting for consideration by the Governance Team, and will be circulated by MRWA when agreed revisions have been included.

***Joint Process Management Team [Clause 4.1 and Schedule 3] nominated and approved by the Governance Team comprising best for network personnel,***

The Roles and Responsibilities of the Joint Process Management Team (JPMT) are set out in Schedule 3 of the Agreement. The composition of the JPMT was approved by the February Meeting of the Governance Team.

***Two Local government personnel [Clause 6] to be identified to coordinate the transition developed within the Management Plan [ref Clause 11.6],***

The Local Government Personnel nominated for the purposes of this requirement are Mr Stan Scott, CEO Shire of Perenjori and Mr Mark Hook, CEO Shire of Coorow.

***Annual Works Program produced promptly after commencement date and thereafter by 31st March each year [Clause 7.2],***

This is the responsibility of the JPMT and is required to be completed by 31<sup>st</sup> March for each subsequent year, and promptly for the first year. Initially the AWP will only include the two full time inspectors and the two road maintenance teams.

***Main Roads to approve sub-contractors and plant [Clause 11],***

The main items of plant to be used exclusively on the delivery of the services under the agreement will be the dedicated routine maintenance trucks based in Perenjori and Leeman. Downer Mouchel is developing a specification for this type of vehicle for this network and the intent is to adopt that specification. A decision will be required from the Perenjori and Coorow Shires as to the best procurement model.

Other Shire plant will be available as required for use on the Network. Shires will be able to seek pre-approval of local contractors for sub-contract work that may arise from time to time.

***Monthly report by Joint Process Management Team [Clause 13].***

The MWRC has a Technical Advisory Group consisting primarily of CEO's but also including other senior officers when required. This group meets on the third Friday of each month. Given the similarity of the roles of the two groups and the need to provide information to and seek direction from the Governance Team a third Friday (in the month) Meeting schedule would make sense.

COMMENT:

Participation in these arrangements had its beginnings in December 2008 when Main Roads Western Australia (MRWA) published an outline of its vision for the Scope, Structure and Procurement of Integrated Service Arrangements. This vision was built on lessons learnt by MRWA in 10 years of purchasing services through Term Network Contracts.

In March 2009 the Mid West Regional Council (MWRC) on behalf of its then 7 member Councils expressed interest in the delivery of services through an ISA arrangement. Despite a very fluid environment the key

players have continued to recognise the potential benefits of the proposed alliance.

Finally after many many hours of meetings, seminars, consultations and negotiations an agreement was struck late in 2010 which will allow the now 6 Local Governments, with the help and coordination of the MWRC, to maintain the Main Roads Network in the North Midlands sub-region. The participating Local Governments are Coorow, Mingenew, Morawa, Mullewa, Perenjori and Three Springs.

The other key player in these arrangements will be Downer Mouchel (DM) the private consortium that has been selected as the Integrated Service Provider for the Midwest Gascoyne.

At its first meeting the Governance Team agreed to 1 July 2011 as the service commencement date. Resources applied to developing the arrangements, with the exception of time applied by the Governance Team, are direct costs that may be claimed against the agreement.

|                         |  |
|-------------------------|--|
| CONSULTATION:           | Consultation for the development of this agreement has included officer, elected members, senior main roads personnel and even the former Minister for Transport   |
| STATUTORY ENVIRONMENT:  | Local Government Functions and General Regulations 1996 – Supply by Downer Mouchel would be exempt under Reg 11 (2) (e) or (f).  |
| POLICY IMPLICATIONS:    | There are no known policy implications at this time.   |
| FINANCIAL IMPLICATIONS: | The basic services covered by the agreement will generate \$7.5 Million in the first five years. Additional maintenance works such as shoulder grading and reconditioning, vegetation clearing, emergency response and minor improvement works are all additional to the \$1.5 million per year. |
| STRATEGIC IMPLICATIONS: | This project has the capacity to increase the capability of local governments, increase our staffing and incrementally increase the amount of main roads work that is completed by member Councils.  |
| VOTING REQUIREMENT:     | Simple majority  |
| OFFICER RECOMMENDATION  | THAT COUNCIL NOTE THE DEVELOPMENT OF THE TRANSITION PLAN AND GOVERNANCE PLAN   |

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

**COUNCIL DECISION:**                      **THAT COUNCIL NOTE THE DEVELOPMENT OF THE TRANSITION PLAN AND GOVERNANCE PLAN**

**CARRIED 7/0**

### **10.5.8**      FUTURE OF MWRC

DATE OF MEETING:                      16 February 2011  
 LOCATION/ADDRESS:  
 NAME OF APPLICANT:  
 FILE REFERENCE:  
 PREVIOUS MINUTE/S &  
 REFERENCE:  
 DATE AND AUTHOR:                      10 February 2011, Tom Hartman Chief Executive Officer

|   |  |
|---|--|
| DISCLOSURE<br>INTEREST:<br>SUMMARY  | OF Author has no disclosure of interest.<br><br>MWRC is requesting that member Council's enter into discussion and advise MWRC of their plans if amalgamation does not proceed. This information is required in order that the delegates to MWRC may be fully informed when deliberating on the future of MWRC.  |
| BACKGROUND:   | The attached <b>APPENDIX G</b> letter, addressed to the President provides the background for this item.   |
| COMMENT:  | Council made its decision at the December 2009 meeting to withdraw from the MWRC. This decision came about due its future being committed to the reform process with the City of Geraldton-Greenough and the repeated requests to the MWRC to discuss its future at the time. There is no known reason to the author that Council would now change its mind. |
| CONSULTATION:<br>STATUTORY<br>ENVIRONMENT:<br>POLICY<br>IMPLICATIONS:<br>FINANCIAL<br>IMPLICATIONS:<br>STRATEGIC<br>IMPLICATIONS: | President<br>There are no known statutory implications at this time.<br><br>There are no known policy implications at this time.<br><br>There are no known financial implications at this time.<br><br>There are no known strategic implications at this time.   |
| VOTING REQUIREMENT:   | Simple majority  |
| OFFICER<br>RECOMMENDATION   | THAT COUNCIL ADVISE THE MID WEST REGIONAL COUNCIL THAT AT THIS STAGE COUNCIL DOES NOT WISH TO RECONSIDER ITS PREVIOUS DECISION TO WITHDRAW.  |

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

**COUNCIL DECISION:** **THAT COUNCIL ADVISE THE MID WEST REGIONAL COUNCIL THAT AT THIS STAGE COUNCIL DOES NOT WISH TO RECONSIDER ITS PREVIOUS DECISION TO WITHDRAW.**

**CARRIED 7/0**

|                |   |
|----------------|---|
| <b>0211.11</b> | <b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b> |
|----------------|---|

Nil

|                |  |
|----------------|--|
| <b>0211.12</b> | <b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> |
|----------------|--|

Nil



**0211.13 DELEGATED AUTHORITY**

Nil

**0211.14 CLOSURE OF MEETING**

The President closed the meeting at 2.40pm.

These minutes were confirmed at a meeting on 16<sup>th</sup> February 2011:

Signed:

A J Messina, President

Date: