



Western Australia

Agenda for the Ordinary Meeting of the Murchison Shire Council,
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
On Friday **16 April 2010**, commencing at 9.30 am.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

LOA Cr W. McL Mitchell
Cr SA Broad

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

NIL

Stand Down Local Law Standing Orders

5. NEXT MEETING

The scheduled date for the next ordinary meeting is 21 May 2010.

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. NOTICE OF ITEMS TO BE DISCUSSED IN CAMERA

8. CONFIRMATION OF FLYING MINUTES

FLYING MINUTE – Annual Report 2008/2009

18.8 Annual Report 2008-09

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 February 2010
Attachments: Annual Report

MATTER FOR CONSIDERATION

To accept the annual Report for 2008-2009 and set a date for Annual Electors Meeting.

BACKGROUND

The Draft Annual Report has been previously circulated to councillors.

This report is to contain certain reports as required by various pieces of legislation.

The Annual Report once accepted by the local government is to advertised as being available for review by interested parties.

STATUTORY ENVIRONMENT

Local Government Act 1995

- S5.53 Provides for the guidelines for Annual Reports and what is to be included in the report.
- S5.54 Provides for the process for the acceptance of the Annual Reports

Local Government (Financial Management) Regulations 1996

- r 36 Provides what is required to be presented in the Financial statements
- r 51 Provides for actions required by the CEO for Annual Financial statements

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising Costs

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

That Council:

1. Accept the Annual Report for 2008-2009 with the following changes: Cr P Squires is in Ballinyoo Ward;
2. Add recognition to Banners in the Terrace to John Jensen – New Forest;
3. Call for an Annual Electors Meeting for 21/05/2010 at 4.00pm.

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING –19 March 2010

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of 19 March 2010 be confirmed.

9.2 Notice of Motion- Reference to Item 9.1.1 - 18.5 Works Supervisors Position Description

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 13 April 2010
Attachments:

MATTER FOR CONSIDERATION

Clarification on Councils position on the Works Supervisors Position

BACKGROUND

At the Ordinary Council meeting in March the following item was discussed and several decisions were made.

The original item was discussed at the February Ordinary meeting with the following resolution.

COUNCIL DECISION/OFFICER RECOMMENDATION

OC100220 Works Supervisor Position Description

Moved Cr PM Walsh, Seconded Cr BM Seaman

That Council:

- 1. Delete Designated Senior Employee Local Government Act 1995 S5.37 for this position**
- 2. Advertise position of Works Supervisor as required.**

Motion put and carried 5/1

During the Ordinary Council Meeting held in March the following resolutions were made:

9.1.1 - 18.5 – Works Supervisor Position Description

BACKGROUND

This item has been discussed and voted in the referred meeting of 19/02/10. Officer recommendation was to Delete designated Senior Employee title, replace with the new title, and advertise the position as Works Supervisor. Motion put and carried 5/1.

Cr B Mitchell & Cr B Seaman – Both councillors expressed their feelings about this motion. Both agree that this motion should be revoked (Work Supervisor) and leave the original position (Senior Employee).

The acting CEO expressed that the position was already advertised, with closure effective due date 31/03/10, as well as that the new motion is against officer's recommendation and further investigations will be required as to resolve without implications.

Cr B Mitchell expressed assurance that the motion could be revoked having Cr B Seaman's full support.

A new motion:

Rescind the original motion, and that the Work Supervisor's position retains the original title Senior Employee.

Moved Cr B Mitchell, Seconded Cr B Seaman

Further to this decision, Councillors agree to nominate the deputy president Cr M Halleen to oversee/monitor the work supervisor position and on his absence, that Cr R F Taylor act on his behalf.

Moved Cr M Halleen, Seconded Cr P Walsh

Motion put and carried 7/0

Clarification is sought on whether or not a vote was taken on the part of the discussion that the following motion was moved as there appears to be no vote recorded.

“Rescind the original motion, and that the Work Supervisor’s position retains the original title Senior Employee.

Moved Cr B Mitchell, Seconded Cr B Seaman

As this will be resolved during the confirmation of the minutes. If in fact that no vote was recorded then the following process is to be completed:

1. Establish if council still wish to make this change;
2. If the change is to be made then the requirement to follow Local Government Act (Administration) Regulations 1996 will be required.

Statutory Environment as follows:

Local Government Act 1995

S5.25 Regulations about council and committee meetings and committees

- (1) (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made)

Local Government (Administration) Regulations 1996:

Reg 10 Revoking or changing decisions made at a council or committee meetings- s5.25 (1) (e)

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported-
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) In any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

Inclusive of the mover:

(1a) Notice of motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made-
 - (a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) In any other case, by an absolute majority
- (3) This regulation does not apply to the change of decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

It appears councils intention was to revoke Minute OC100220, and change the decision to read.

“The Works Supervisors Position” will be a designated senior employee as describes in s5.37 of the Local Government Act”

As this motion is deemed substantially different from the Officers Recommendation as described in Local Government (Administration) Regulations 1996, Regulation 10 (3)

It is considered a substantial change due to the differences between a normal employee and designated senior employee. There is financial implication as the advertising for the position will have to be completed again.

The Council is required to detail a reason wishing to go against the Officers original recommendation.

The second item deals with:

Further to this decision, Councillors agree to nominate the deputy president Cr M Halleen to oversee/monitor the work supervisor position and on his absence, that Cr R F Taylor act on his behalf.

Moved Cr M Halleen, Seconded Cr P Walsh

Motion put and carried 7/0

Clarification is sought on whether council’s intention was to make a selection panel for the Works Supervisors position.

It appears that that the roles and responsibilities of the CEO and Council are being confused;

Local Government Act 1995

S5.41 (g) states that the CEO is responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);

S5.37(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for doing so.

Whether or not Council decides that the Works Supervisor’s position is or isn’t a designated senior employee position, the CEO is responsible for the process as well as the ongoing management supervision and direction of that position.

If Council’s intention was just to have Cr Halleen and or Cr Foulkes-Taylor assist the CEO in selecting a works supervisor, that is still not Council’s decision to make, however if the CEO wishes to have that assistance from a Councillor before making a recommendation to Council, that is up to the CEO.

Therefore the decision to appoint councillors is in fact ultra vires to the Local Government Act 1995.

STATUTORY ENVIRONMENT

See in background information

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Re advertisement costs for the Works Supervisors Position.

CONSULTATION

None

COMMENT

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

1. That it is councils intention to make the Works Supervisors position a designated senior employee as described in s 5.37 Local Government Act;
2. Revoke the decision made at the Ordinary Council meeting OC100220 Works Supervisor Position Description;
3. The reason for this change is.....
4. Revoke the decision. Councillors agree to nominate the deputy president Cr M Halleen to oversee/monitor the work supervisor position and on his absence, that Cr R Foulkes- Taylor act on his behalf.

9.3 CBD COMMITTEE MEETING –9 April 2010

BACKGROUND

Minutes of the CBD Committee of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the CBD Committee Meeting of 9 April 2010 be received.

9.4 PLANT COMMITTEE MEETING –8 April 2010

BACKGROUND

Minutes of the Plant Committee of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the CBD Committee Meeting of 8 April 2010 be received.

10. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

12. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

12.1 PRESIDENT

12.2 COUNCILLORS

13. DISCLOSURE OF INTERESTS

14. REPORTS OF COMMITTEES

14.1 Plant Committee

A Plant Committee Meeting was held on the 8 April 2010, The following Recommendations to Council were made:

COMMITTEE DECISION

Moved Cr P R Squires, seconded Cr M W Halleen

Recommend to Council to include in 2010-11 budget:

Construct wall in existing tool store to create an Office and Tool store that is lockable

Motion put and carried 4/0

14.2 Plant Replacement

The Plant Committee reviewed the Plant Replacement Program make the following recommendations for inclusion in the 2010-11 Annual Budget:

Moved Cr M W Halleen, seconded Cr P R Squires

- 1. Toyota Land cruiser be replaced with a 2wd 2 tonne truck**
- 2. Mu 141 Grader be replaced**
- 3. 8 x 6 box trailer be replaced**
- 4. MU 0 Toyota Prado**
- 5. Construction Crew Caravan be replaced**

The following items are carried over from previous financial year:

- 1. Rubber tyre roller**
- 2. Ripper mounted roller**
- 3. Additional Caravan**

Motion put and carried 4/0

OFFICER RECOMMENDATION

That Council include in the 2010-11 Annual Budget provision for the following:

1. Construct wall in existing tool store to create an Office and Tool store that is lockable
2. Toyota Land cruiser be replaced with a 2wd 2 tonne truck
3. Mu 141 Grader be replaced
4. 8 x 6 box trailer be replaced
5. MU 0 Toyota Prado
6. Construction Crew Caravan be replaced
7. Rubber tyre roller
8. Ripper mounted roller
9. Additional Caravan

14.3 CBD Committee

A CBD Committee Meeting was conducted on the 9 April 2010. The Following recommendations to Council are:

The CEO to discuss with Full Council the following items:

1. Coffee Machine
2. Air Conditioning
3. CCT TV for Security
4. Benches for Caravan Park
5. Extra panels in Gazebo
6. Foot paths
7. Rammed earth wall & Fencing
8. Cafe Furniture

COMMITTEE DECISION

Moved CR BM SEAMAN, Seconded CR PM WALSH

Request to Council:

1. **Committee be appointed to take the role of arranging and co-ordinating the opening;**
2. **Request a budget of \$10,000 for the opening;**
3. **If Minister cannot open on a weekend then the Chairman of MWDC perform this duty;**

Motion put and Carried 3/0

OFFICER RECOMMENDATION

That Council:

1. Refer to item 14.3 for Council Consideration, for items 2 and 3;
2. Delegate to the CBD Committee to organise and arrange the opening ceremony.

14.3.1 CBD Report

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 10 April 2010
 Attachments:

MATTER FOR CONSIDERATION
 Completion of the CBD Development and requirement of additional funding

BACKGROUND

The following is the financial status of the CBD development:

Roadhouse Building –as at 10 April	315382
- Items to pay, as budgeted	
Plumbing Final Payment	41546
Geraldton Cabinets	22000
Gibbs Windows	30000
Electrician	20000
Flooring	13000
Gyprock and Roofing	15000
Motel –includes furniture	47239
Gazebo-	33340
Total Expected Expenditure	537507
Budget- Shire of Murchison	385091
- Midwest Development Commission	145000
- Sale of Caravans	2456
TOTAL INCOME	532577
Expected Nett Result	(4930)

Items as identified by the Council and the Committee that should be included to complete the project as follows;

1. Coffee Machine
2. Air Conditioning
3. CCT TV for Security
4. Benches for Caravan Park
5. Extra panels in Gazebo
6. Foot paths
7. Rammed earth wall & Fencing
8. Cafe Furniture

Air Conditioning

Council has commented to myself and the Committee that air conditioning needs to be installed in the new building. A reverse cycle ducted air conditioning system installed will cost \$24,620.00

Footpaths

The requirement to complete a footpath network including covering the electrical cables in the caravan park is estimated at \$20,000.

Furniture and Fixtures

To complete the cafe, a coffee machine along with suitable furniture for the cafe and tourist centre is estimated at cost \$10,000.

Boundary Fence

A rammed earth wall that runs through the old road house, complete with nooks for all of the old items in the current grounds of the road house and the colorbond fence is estimated to cost \$20,000.

Caravan Park

To complete the camp kitchen, a BBQ with sink etc and paving inside the gazebo and suitable benches is estimated to cost \$10,000

Opening Ceremony

As this will be an opportunity to showcase the Settlement and to bring old residents etc back to Murchison then a serious effort at the opening would be required. Estimated cost \$10,000.

Total funding required completing the project:

Air Conditioning	\$24,620
Footpaths	\$20,000
Furniture & fixtures	\$10,000
Boundary Fencing	\$20,000
Caravan Park	\$10,000
Opening Ceremony	\$10,000
Total amount required	\$94,620

STATUTORY ENVIRONMENT

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

This amount is not budgeted for in the 2009-10 financial year. The amount could be transferred from the Royalties for Regions funding that is set aside for a bridge project.

CONSULTATION

None

COMMENT

Most of these items are not included in the build of the transaction centre.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That Council:

Approve an amount of \$100,000 to be transferred from Royalties for Regions funding to complete the CBD Development.

15. REPORTS OF OFFICERS

15.1 WORKS

15.1.1 Monthly Plant & Works Progress Report

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 14 April 2010
 Attachments:

MATTER FOR CONSIDERATION

To view the plant operation for the month of March April 2010 and an update on works carried out.

BACKGROUND

HEAVY PLANT			Start	End	MTD		Total
Plant Item	Year	REGO	Hours	Hours	Total	Service	Ownership
Cat Grader 12H	2005	MU 141	5471	5500	29	1308	33086
Cat Grader 12H	2003	MU 121	10842	10972	130		87000
Cat Grader 12M	2008	MU 51	1657	1789	132		5639
Volvo L110 Loader	2006	MU 65	2006	2044	38		14431
Komatsu Dozer	1997		6800	6811	11	46655	179907
Cat Vibrating Roller	2005	MU 177	2824	2838	14		18665
TRUCKS							
Iveco Prime Mover	2003	MU 000	181824	186234	4410	135	47343
Nissan UD	2009	000 MU	46284	47249	965		2612
Iveco Tipper	2004	MU 00	111126	112848	1722		56593
GENERATORS							
Generator 2-100KVA	2005		16073	18865	2792	1561	
Generator 1-83KVA	2005		39118	39122	4		
Generator 13KVA (Const)	2005		12109	12575	466		
LIGHT VEHICLES							
Toyota Land Cruiser	2005	01 MU	111215	118800	7585		11722
Mitsubishi Canter	2004	MU 140	36419	41583	5164		3843
Toyota Prado	2009	MU 0		44220		1463	3954
Holden Rodeo	2008	MU 167	103062	103717	655	360	6311
Isuzu DMAX	2009	MU 300	18399	20643	2244	450	3073
Toyota PTV	1986	MU 1017	19826	19826	0		2544
TRAILERS & TANKERS							
Side Tipper	2001	MU 2010	160229	161464	1235		16304
Side Tipper- Evertran	2009	MU 662	9581	10146	565	168	4860
Tri Axle Low Loader	2008	MU 663	16348	16455	107		8544
Tri Axle Low Loader	2001	MU 2004	0			450	52886
30K Water Tank	2005	MU 2024	52335	53122	787	270	9812
Dog Fuel Trailer	1993	MU 658	0			2010	1775
Dog Fuel Trailer	1972	MU 2005	0				535
Dolly 1-Red	2001	MU 2003	0				6240
Dolly 2-Black	2000	MU 2009	0			1218	10558
Tractors							
New Holland	2006	MU 380	909	950	57		2653
Forklift			11355	11364	39		
Caravans			0		0		6821
Various Small Plant			0		0		6349

Vehicles and Equipment

Questions on Notice from Previous Council Meeting 19/03/10:

Invoice G1017 Water Tanker \$ 11,660.35

The water tanker was sent to Geraldton during January/February, the work carried out was the installation of a new pump and motor that was mounted in the central position and all pipes manufactured and the rest of the trailer was serviced and returned to Murchison. The Plant Committee have inspected this machine.

Invoice G0746 Red Dolly \$4,155.07

The red dolly was stripped all worn parts replaced including brakes and bearings. The cost to do this dolly was similar to the black dolly which was overhauled at another location.

General Question

Why is the plant account so high during February?

All the plant received major servicing during January whilst staffs were on annual leave. During February when the account come in it has been due to the fact that all machinery has work completed during the Xmas shut down. History suggests this has been the case over a number of years

Parts and Repair Budget

The total plant parts and repair budget for 2009-10 is \$230,415. The actual year to date till the end of March is \$187,791. The plant budget is still within the forecasted range.

MU 2009- Black Dolly- General service and hooked up to truck and hydraulic lines and air hoses adjusted.

ITAJ320- Fuel trailer- Fitted generator and welding of frame etc, general service.

MU662- Evertran Side Tipper- General Service and adjust brakes.

Mu2004- Low Loader- General service, replace air lines and adjust brakes.

MU2030 Trailer- re wired trailer plug.

MU0 Prado- services carried out, repairs to tyre, check steering, fix rear door, 2 services in this.

Komatsu Dozer- Ripper frame removed and transported to Geraldton, hydraulic rams were U/s and require line boring before being repairs. All pins and bushed were flogged out and required replacing. Replacement of some track rollers was carried out.

Mu167 Rodeo- service and repair windscreen trim.

MU300 DMAX- service.

MU141 Grader- complete 500hr service.

MU2024 Water Tanker- service to water pump.

Main Power Generators- repairs to motors for overheating and oil lines.

Greenfield Mower- service

Metro Counts

Council currently own 2 metro counts for classifying vehicle movements.

1 Unit is placed north of the Boolardy Homestead but short of the top shed turnoff. This unit is programmed to there for 12 months.

The older unit will be placed south of the Jiggernoo airstrip as the data from this area will be required for our next RRG funding application

The cost of a metro count is \$4,200.

15.1.2 Works Report

Construction Report

Private Works- Works at Beringarra

Carnarvon Mullewa Road- pegged 10km, carted material to site

Beringarra Pindar Road- removed grid near Nookawarra
- Commenced T section at Top Shed , Boolardy

Mobilised machinery to Depot for Plant Committee Meeting

Maintenance Report

Carnarvon Mullewa Road- up to the Upper Gascoyne boundary
- Currently heading south to settlement

Mt Gould Road-

Byro-Berringara Road- graded completed

Woodleigh Byro Road- graded completed

Butchers Track-

Woolgorong South Road-

Coolcalya Road-

Ballythunna Road-

Cue Beringarra Road-

Butchers Track

MaConnel Dowl has a road agreement and usage contract with the Shire of Murchison. The Loop 5 is now completed and the camps have been demobilised. I have inspected the road on 14 April 2010. The following works will be required to be performed before sign off can be completed.

Road Inspection 14 April 2010- Butchers Track

Inspected by :Ron Adams, Chief Executive Officer

SLK 0 Corner of Carnarvon Mullewa Road and Butchers Track

0-4.7 Road has been repaired to satisfactory condition

4.7-5.4 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

5.4-6.2 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

7.4-7.6 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

7.9-8.4 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

9.1-9.5 Road is **disrepair** Shoulders require work , reshape and reform the road, re lay and bind the road

9.8-10.7 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

11.6-12.1 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

12.6-13.6 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

14-14.6 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

15.1-15.9 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

16.2-20.9 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

21.2-28.5 Road Damage in centre of road Road has lost crown, re shape road and bind

28.7-30.8 Road Damage in centre of road Road has lost crown, re shape road and bind

31.1-32.6 Road Damage in centre of road Road has lost crown, re shape road and bind

33-35 Road Damage in centre of road Road has lost crown, re shape road and bind

36-37.6 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

38-48.5 Road is disrepair Shoulders require work , reshape and reform the road, re lay and bind the road

Settlement-

General Grading-

Maintenance Grids

Staffing

- Neil Coombe- Acting Supervisor
- Paul Smart
- Stuart Broad
- Jason Hodder
- Glenn Pinnegar
- Neville Hobbs

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

None at this stage

POLICY IMPLICATIONS

None at this stage

FINANCIAL IMPLICATIONS

CONSULTATION

COMMENT

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

Note the Status Report of the Shire owned Plant and receive the Works Supervisors status report.

16. FINANCE

16.1 Financial Activity Statements March 2010

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 2 February 2010
Attachments: Nil

Activity Statements will be presented at May Ordinary Council Meeting.

16.2 Accounts Paid during the period March April 2010

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 14 April 2010
 Attachments: EFT & Cheque Detail for March- April

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of March April 2010.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996
 Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council’s Municipal Account

CONSULTATION

None

COMMENT

Payments made during the month of March/April 2010 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

1. Accounts Paid between March April 2010:

TYPE	Voucher	PAYMENT	STATUS	AMOUNT
EFT	1, 3-12	Creditor	Paid	\$ 28390.03
Cheque	8968-8976	Payroll	Paid	\$ 2384.36

2. Accounts to be Paid

TYPE	Voucher	PAYMENT	STATUS	AMOUNT

3. Salaries and Wages paid between March and April of \$ 24,616.10 is received.

16.3 Elected Member’s Allowances and Fees

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 10 April 2010
 Attachments: Nil

MATTER FOR CONSIDERATION

To determine the elected members allowances and fees for inclusion in the 2010/11 draft budget.

BACKGROUND

The Local Government Act 1995 requires Council to determine the fees and allowances payable to Elected Members each year.

All fees and allowance’s are to be paid bi annual in June and December.

The following fees and allowances were adopted by Council at its meeting in May 2009.

PRESIDENT

Council & Special Meeting Attendance Fee	\$150
Committee Meeting Attendance Fee	\$45
Presidents Allowance	\$5,000
Telecommunications Allowance	\$500
Mobile Phone Allowance	\$760
Travel Allowance per kilometer	\$1.30
Travel Allowance WALGA-State Council per Kilometer	\$0.70

DEPUTY PRESIDENT

Council & Special Meeting Attendance Fee	\$120
Committee Meeting Attendance Fee	\$45
Presidents Allowance	\$1,000
Telecommunications Allowance	\$500

COUNCILLOR

Council & Special Meeting Attendance Fee	\$120
Committee Meeting Attendance Fee	\$45
Telecommunications Allowance	\$500
Travel Allowance per kilometer	\$1.30

Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995

s 6.2 requires that each year a local government prepare and adopt an annual budget

s5.98-99 sets out the provision for allowances and fees to be paid

Local Government (Administration) Regulations 1996

reg 33 specifies that the maximum annual allowance for a mayor or president is \$12000 or 0.002% of the government operating revenue, up to a maximum of \$60,000;

reg 33 specifies the maximum annual allowance for a deputy is 25% of the mayor or president.

reg 34 specifies the minimum annual attendance fee for elected members is \$2,400 and the maximum \$7,000. The minimum attendance fee for a mayor or president is \$6,000 and the maximum \$14,000;

reg 34A specifies the maximum annual telecommunications allowance is \$2,400; and

reg 30(2) specifies a minimum committee sitting fee of \$30 with a maximum of \$70

STRATEGIC IMPLICATIONS

None at this stage

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Allowances and fees endorsed by Council will be included in the 2009/10 draft budget. As it is proposed the allowances and fees will remain at the same level, there will be no significant variance in the expense in the forthcoming year.

CONSULTATION

Nil

COMMENT

Fees and allowances payable to elected members in accordance with the Local Government Act 1995 are either entitlements or discretionary

Entitlements

Entitlements are fees, expenses and allowances that an elected member must receive should they request to receive them. Generally, Council can determine the amount to be paid within the minimum and maximum parameters specified by legislation. Example is elected members' attendance fees, the Presidents allowance and reimbursement of telecommunications.

Elected members are entitled to attendance fees and these can be paid per meeting in which case the minimum amount payable is \$60 and the maximum \$140 and the amount paid cannot exceed \$7000 per year; alternatively an annual attendance fee ranging from \$2,400 to \$7,000 can be set.

The President is entitled to attendance fees on a per meeting basis ,they can range from \$120 to \$280 with the amount paid not exceeding \$14,000 per year; or on an annual attendance fee ranging from \$6,000 to \$14,000 per year; or an annual attendance fee ranging from \$6,000 to \$14,000 can be paid.

An allowance in recognition of the additional duties required of the President is entitled to be paid and can range from \$600 to \$12,000, or 0.002% of the local governments operating revenue provided the result does not exceed \$60,000.

Discretionary

Discretionary fees, expenses and allowance are those that Council has the right to determine whether they should provide, and if so their amount. (For Example, the Deputy President's allowance and annual telecommunications allowance.) Should Council decide to continue to pay a Deputy Presidents allowance, the maximum amount of the allowance is 25% of the President's allowance.

Council has previously determined that elected members will be provided a telecommunications allowance rather than a reimbursement of telecommunication equipment rental charges. The maximum annual amount allowed is \$2,400 per member.

VOTING REQUIREMENTS
 Absolute majority

OFFICER RECOMMENDATION

That Council;

Set the following elected member fees and allowances to be paid bi annually:

PRESIDENT

Council & Special Meeting Attendance Fee	\$150
Committee Meeting Attendance Fee	\$45
Presidents Allowance	\$5,000
Telecommunications Allowance	\$500
Mobile Phone Allowance	\$760
Travel Allowance per kilometer	\$1.30
Travel Allowance WALGA-State Council per Kilometer	\$0.70

DEPUTY PRESIDENT

Council & Special Meeting Attendance Fee	\$120
Committee Meeting Attendance Fee	\$45
Presidents Allowance	\$1,000
Telecommunications Allowance	\$500

COUNCILLOR

Council & Special Meeting Attendance Fee	\$120
Committee Meeting Attendance Fee	\$45
Telecommunications Allowance	\$500
Travel Allowance per kilometer	\$1.30

16.4 Differential Rating 2010/11

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 9 April 2010
 Attachments: Nil

MATTER FOR CONSIDERATION

Determination of the rate in the dollar and the minimum rates for the various differential rate categories for the 2010/11 financial year.

BACKGROUND

Council currently has two rating categories UV Mining and UV Pastoral.

UV Mining would attract much higher cents in the dollar calculation, approximately three times the exploration/prospecting rate. This would then mean that Council would have a differential rate that is more than twice the lowest differential rate imposed the approval of the Minister for Local Government and Regional Development must be obtained before these rates are formally adopted by Council. The approval would be sought towards the end of the public consultation phase.

The annual differential rating proposal is to be advertised for public comment for a period of 21 days, prior to its adoption by Council. Submissions from ratepayers would be invited and any submission received will need to be presented to council for action or no action.

As councils recent ten year financial plans have revealed, rates are such a small part of this Shires income; it therefore allows Council to draft its rates charges earlier in the budget process.

Last year’s rates were;

Rate Category	Basis	2009/10 Rate in \$	2009/10 Minimum
Pastoral	UV	4.1300	\$225
Prospecting/Exploration	UV	8.2500	\$338
Mining	UV	24.500	\$338

Proposed rates for 2010/11;

Rate Category	Basis	2008/09 Rate in \$	2008/09 Minimum
Pastoral	UV	4.266	232
Prospecting/Exploration	UV	8.522	349
Mining	UV	25.30	349

STATUTORY ENVIRONMENT

Local Government Act 1995

- s 6.2 Provides for a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- s 6.33(1) Provides that a local government may impose differential general rates according to a number of characteristics.
- s 6.33(2) States that a local government cannot, without the approval of the Minister, impose a differential rate that is more than twice the lowest differential general rate imposed.
- s 6.34 States that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.

- s 6.35 States that a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate.
- S6.36 Requires a local government before imposing any differential general rates provides at least 21 days local public notice of its intention to do so.

STRATEGIC IMPLICATIONS

None at this stage

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure.

For the 2010/11 draft budget it is proposed a total of \$147,106 be raised from UV rates.

CONSULTATION

Nil

COMMENT

Determining the Percentage Increase of Rates

Factors such as growth of the Shire, need for additional resources to meet growth demand, the rising cost of labour and materials, previous rate increases approved and the perception of affordability of a reasonable rate increase are some factors taken into account when considering the percentage by which rates in the dollar and minimum rates have been increased.

It is proposed that Council's basis for determining increases to rates should be the Local Government Cost Index (LGCI). The LGCI provides a better representation of the cost of goods consumed by local government, than a basket of goods used to compile the Consumer Price Index (CPI). It is argued CPI provides a good estimate of a household's expectation of price changes (increases) to the goods and services they consume but it does not provide a good estimate of the cost pressures faced by local government.

The LGCI provides an imposed measure as in addition to taking into account household expenditure, it takes into account some of the other areas that a local government are involved, such as road construction and maintenance and the materials that are used for these activities. It does this by taking 70% of the CPI and 30% of the General Construction Index which measures changes in general construction activity costs.

This rationale is considered to be prudent financial management as is also supported by WALGA as a means of ensuring financial sustainability of local government.

The LGCI for March 2009 to March 2010 is 3.3%.

Consequently it is proposed the rate increase for 2010/11 be 3.3%.

Determining the Yield

The model rates based on a 3.3% increase and the changing to three categories the following rate yield is expected;

Category	No of Assessments	No of Minimums	Total Rate Yield
Pastoral	32	6	55670
Prospecting/Exploration	55	27	42288
Mining	4	0	49148

There for the total rate yield for 2010-11 would be \$ 147,106
 This does not include interims and any changes to valuations.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

1. That Council advise its intention in accordance with Section 6.36 of the Local Government Act 1995 to adopt for advertising purposes the following rates in the dollar and the minimum rates for the differential rating categories for the 2009/10 financial year.

Rate Category	Basis	2008/09 Rate in \$	2008/09 Minimum
Pastoral	UV	4.266	232
Prospecting/Exploration	UV	8.522	349
Mining	UV	25.30	349

16.5 Fees and Charges Schedule

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 09 April 2010
 Attachments:

MATTER FOR CONSIDERATION

Adoption of the draft schedule of fees and charges for the 2009/10 financial year.

BACKGROUND

In preparing Council’s Draft Budget, approval of the draft schedule of Fees and Charges prior to the budget meeting is required. Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

Fees and Charges Schedule-Shire of Murchison

		2009/10	Draft 2010/11
Cemetery			
Plot Reservation		\$92.00	\$92.00
Sinking Grave		\$460.00	\$460.00
Re opening Grave		\$460.00	\$460.00
Permit to Erect Plaque		\$46.00	\$46.00
Administration			
Photocopying-BW	A4	\$0.15	\$0.15
	A3	\$0.20	\$0.20
Photocopying-Color	A4	\$0.45	\$0.45
	A3	\$0.60	\$0.60
Facsimile	Inward	\$1.00	\$1.00
	Outward	\$1.00	\$1.00
Laminating	A3	\$2.05	\$2.05
	A4	\$4.10	\$4.10
Dog Registrations			
Staff Housing			
Single Bedroom unit		\$40.00	\$40.00
Single Bedroom unit-P/Furnished		\$50.00	\$50.00
Two Bedroom Unit		\$56.00	\$56.00
Three Bedroom House		\$60.00	\$60.00
Seven Bedroom House		\$150.00	\$150.00
Books & Maps			

Road to Murchison	\$30.00	\$30.00
A Varied & Versatile Life	\$28.00	\$28.00
Gascoigne Murchison Outback Pathways	\$30.00	\$30.00
Street Smart Maps-Midwest	\$7.70	\$7.70

Ammunition		
.243 Box 20	\$25.58	\$25.58
.222 Box 20	\$18.41	\$18.41
.22 Magnum Box 50	\$20.46	\$20.46
.22 Box 50	\$6.14	\$6.14
.223 Box 20	\$19.44	\$19.44
.308 Box 20	\$25.58	\$25.58

Plant & Equipment		
6 Wheel Tip Truck	p/hr	\$92.00 \$92.00
Dozer		\$122.00 \$122.00
Volvo L110E Loader		\$102.00 \$102.00
Grader		\$102.00 \$102.00
Vibrating Roller		\$92.00 \$92.00
Prime Mover/1 trailer type		\$102.00 \$102.00
6 Wheeler/1 trailer Type		\$107.00 \$107.00
Council Light Vehicle		\$56.00 \$56.00

Dry Hire		
Dolly	\$56.00	\$56.00
Treacle Low Loader	\$191.00	\$191.00
Labor	\$30.00	\$30.00

STATUTORY ENVIRONMENT

Local Government Act 1995

s 6.2 requires that each year a local government prepare and adopt an annual budget.

s 6.16 states in part that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide; and that fees and charges are to be imposed when adopting the annual budget.

Cemeteries Act 1986

S 53 (2) states that a fee or charge set by resolution under subsection (1) shall not come into effect until not less than 14 days notice of the fee or charge has been given in the Gazette.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The fees and charges when adopted will determine the amount of revenue to be received during the 2009/10 financial year for certain areas. There is a small cost for placement of Cemetery Fees and Charges in the Government Gazette.

CONSULTATION

None

COMMENT

The schedule attached shows the Fees and Charges fee including GST that was agreed for the 2009/10 financial year. The proposed fees for 2010/11 are shown on the right hand side.

Fees and charges that are set by other Government regulations are noted as such and the relevant legislation is also identified. These fees are only changed if it has been directed by the Government organisation.

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION

That Council:

1. That Council approve the 'Recommended 2010/11 Fees' as outlined in for inclusion in the 2010/11 budget.

17. DEVELOPMENT

17.1 ASKAP/SKA Issues

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 15 February 2010
Attachments: Nil

MATTER FOR CONSIDERATION

Various ASKAP & SKA Issues

17.2 Oakajee Port and Rail Issue

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 15 February 2010
Attachments: Nil

MATTER FOR CONSIDERATION

Various Oakajee Port and Rail Issues

17.3 Further Development to CBD

Notice of Motion

A Notice of Notice of Motion has been received from Cr PR Squires.

BACKGROUND

As the progress of the development of the CBD is nearing completion, the opportunity to extend the CBD with a heritage precinct is getting closer.

Council has already briefly discussed a heritage precinct and some basic ground work has been completed.

Motion:

Council progress towards completing a draft design and funding opportunities to be discussed at a community consultation day and be reported back to council

Notes from the CEO:

Background Information

Council has previously discussed a heritage precinct at the September Ordinary Council meeting with the following resolution.

COUNCIL DECISION/OFFICER RECOMMENDATION

OC090913 CBD-Shearer's Quarters

Moved Cr P M Walsh, Seconded Cr P R Squires

That Council:

- 1. Include the community project of relocating Shearers Quarters into the CBD Development.**

Motion put and carried 5/0

As part of this development some preliminary ground work had to be completed to see if the project would be viable or not.

1. The two buildings of concern were the Shearers quarters at Boolardy and the Shearers quarters at Byro
2. The owner of Byro Mr Andrew Whitmarsh has already confirmed the donation of the building at Byro.
3. A meeting was held with Ross Stevens from CSIRO on the availability of the Boolardy Shearers Quarters from the top shed. Subsequent to that meeting a formal approach was made by the Shire to acquire this building.
4. At the last WARRAG meeting David Debour is on record as saying the approval for the relocation of this building was "happening"
5. The CEO had arranged for Fred a house removal contractor to inspect the building and furnish the Shire with a quote to move the building.

6. A RCIP grant was on offer from the Federal Government of which the Shire of Murchison has been successful in gaining a grant for \$30,000 towards this project.

18. ADMINISTRATION

18.1 Freight Service-Murchison

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 12 February 2010
 Attachments: Nil

MATTER FOR CONSIDERATION

Freight Service to Murchison

BACKGROUND

Expressions of Interest were called for by interested parties to supply the freight services to the Shire of Murchison.

Advertisements were placed in the Geraldton Guardian, Murchison Monologue and on Councils website

Expressions closed on 31 March 2010. The following expressions were received;

Bilbe Enterprises	\$2000 per week
Corvino Pty Ltd	\$1150 per week
Murchison Mail & Freight	\$ 1200 per week plus \$10 per pick up

STRATEGIC IMPLICATIONS

Infrastructure

OBJECTIVE

Continue to enhance and develop facilities according to community needs

Creating Opportunities

OBJECTIVE

Aggressively pursue economic development opportunities

FINANCIAL IMPLICATIONS

As disclosed in the Annual Budget

CONSULTATION

Nil

COMMENT

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

Appoint Corvino Pty for a period of twelve months commencing 1 July 2010.

18.2 Structural Reform

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 21 January 2010
Attachments: Nil

MATTER FOR CONSIDERATION

Formation of a Regional Collaborative Group with Shire of Upper Gascoyne.

BACKGROUND

The Minister for Local Government offered the Shire of Murchison an opportunity to form a Regional Transition Group. Council considered the offer and resolved a course of action.

OC100221 Structural Reform

Moved Cr RE Foulkes-Taylor, Seconded Cr MW Halleen

That Council;

- 1. Inform the Minister that the Shire of Murchison is willing to form a Regional Collaborative Group with the Shire of Upper Gascoyne;**
- 2. If the Minister accepts the Shires offer then it will arrange and negotiate with the Shire of Upper Gascoyne to the formation of such a group.**

Motion put and carried 6/0

The Minister has responded and agreed to accept the Shire of Murchison's proposal of forming a Regional Collaborative Group with the Shire of Upper Gascoyne.

The Shire of Upper Gascoyne has yet to receive correspondence from the Minister, which in all likely hood will read the same as Shire of Murchison's.

Upper Gascoyne meet on the 30 April at which time their council will have an opportunity to arrange a meeting with the Shire of Murchison.

STATUTORY ENVIRONMENT

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

FINANCIAL IMPLICATIONS

CONSULTATION

Paul Rawlings, CEO Shire of Upper Gascoyne

COMMENT

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. In consultation with the Shire of Upper Gascoyne arrange a meeting of the two councils to set a timeline for exploration of a Regional Collaborative Group.

18.3 DEC-MOU

File:
Author: Ron Adams, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 21 January 2010
Attachments: MOU proposal from DEC

MATTER FOR CONSIDERATION

Memorandum of Understanding for DEC owned properties in Shire of Murchison.

BACKGROUND

The Department of Environment and Conversation (DEC) acquired the properties of Woolgorong and Muggon some time ago.

DEC and the Shire have operated a MOU on services provided to these properties the current MOU expired on 22 July 2007. The Shire has continued invoicing DEC as per the old MOU.

DEC when purchasing these properties generally enter into an agreement with the local government to make a contribution towards services in lieu of paying rates. State Government properties are exempt from paying rates. The calculation is generally performed from the base year the property was purchased and the CPI added each year.

The two properties in question currently yield \$3162. DEC are offering a change in the calculation to increase this amount annually for five years by the Local Government Cost Index.

In the scope of the agreement, and in consultation with David Rose of DEC, the Shire will maintain the following entrances as per normal procedure, as set out in Scope of Agreement.

1. Woolgorong southern access road;
2. Muggon access road via Butchers Track.

In the Amount to be Paid the following amendment be made;

(d) Except by negotiation, the annual amount shall be subject to a percentage increase not exceeding the WA Local Government Cost Index, calculated as 70% of the Perth consumer price index (CPI), as at 30 June immediately prior.

This however is incorrect, as the LGCI is made up of 70% of the Perth CPI plus 30% of the construction index.

STATUTORY ENVIRONMENT

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

FINANCIAL IMPLICATIONS

Income from this will be included in the annual budgets.

CONSULTATION

David Rose, DEC

COMMENT

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council;

1. Accept the MOU offered by DEC for a period of five (5) years subject to an annual review;
2. Change the roads to only include the southern access at Woolgorong and the southern access to Butchers Track for Muggon;
3. The payment be adjusted annually by the Local Government Cost Index being 70% of the Perth CPI plus 30% of the Construction Index;
4. Authorise the President and the Chief Executive Officer to affix the common seal to the MOU.

18.4 Royalties for Regions

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 21 January 2010
 Attachments: MOU proposal from DEC

MATTER FOR CONSIDERATION

Current Status of the Royalties for Regions program.

BACKGROUND

The Royalties for Regions Program was released soon after the last state election in a deal done between the National Party and the Liberal Party.

When the program was released, Murchison’s Grant looked like this;

Financial Year	Shire of Murchison	Regional Grouping
2008-09	\$ 912,836	\$ 0
2009-10	\$ 593,343	\$ 319,493
2010-11	\$ 593,343	\$ 319,493
2011-12	\$ 456,418	\$ 456,418
Total Amount	\$ 2,555,940	\$ 1,095,404

The program now looks like this;

Financial Year	Shire of Murchison	Regional Grouping
2008-09	\$ 912,836	\$ 0

This is real as this money has been received by the Shire of Murchison.

The Financial Year 2009-10 looks like this;

Financial Year	Shire of Murchison	Regional Grouping
	\$ 593,343	\$ 319,493
2009-10	\$ 0	\$ 0

The 2009-10 funding was “deferred”. It is unknown whether this funding will be reinstated or lost indefinitely. However, an amount of \$ 35,000 is available for Local Governments to access to develop a “Forward Capital Works Plan”.

The Shire of Murchison has completed a Long Term Financial Management Plan and is currently progressing through the asset management plan WAMI.

The \$35,000 grant would assist in completing the WAMI program and then developing a Forward Capital Works Plan which will be a pre requisite of 2010-11 Royalties for Regions Program.

The other part to the funding is that \$100,000 has been made to the Development Commissions, i.e.: Midwest Development Commission to be actively involved in facilitating the planning groups to identify regional infrastructure projects that provide wider community benefits across local government areas. This plan will be a pre requisite to access the funding held by the Regional Grouping.

Based on the initial program Council decided to utilise the R4R funding to replace Bridge 837 at Ballinyoo. This funding included utilisation of the Regional Groupings portion of the funding.

The Financial Year 2010-11 looks like this;

Financial Year	Shire of Murchison	Regional Grouping
2010-11	\$ 593,343	\$ 319,493

These numbers are based on the original funding plan, but will not be known until after the May State Budget. Whatever the number is, it will be 65% direct to the Local Government and 35% to the Regional Organisation.

The Financial Year 2011-12 looks like this;

Financial Year	Shire of Murchison	Regional Grouping
2010-11		

Too far ahead for any forecasting to know whether funding will be forthcoming or not.

Council has previously endorsed to form a Regional Grouping with the Shire of Upper Gascoyne for the purposes of allocating the Regional Groupings money.

This formation of grouping of similar shires has highlighted the fact that Shire of Murchison is in the Midwest Development Commissions area and the Shire of Upper Gascoyne is in the Gascoyne Development Commissions area.

A corolly to this is, The Shire of Murchison has been requested to form a Regional Collaborative Group with Shire of Upper Gascoyne through the structural reform process. Minister Castrilli (Minister for Local Government) has already agreed for this to take place. I have requested the Department of Regional Development and Lands clarify with the Minister for Regional Development and Lands, Brendon Grylls that he also will allow a Regional Grouping of these two shires for the purposes of Royalties for Regions.

STATUTORY ENVIRONMENT

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

FINANCIAL IMPLICATIONS

1. The impact of the financial uncertainty of Royalties for Regions Program has large effect on the Ballinyoo Bridge Project. The project requires review for forward planning;
2. Application for grants to produce the required documents will be paid in the 2009-10 financial year as this will become a pre requisite to accessing future funding.

CONSULTATION

Steve May, Principal Grants Officer, Department of Regional Development and Lands.

OFFICER RECOMENDATION

1. Access the funding on offer to complete a Forward Capital Works Plan;
2. Authorise the Deputy President and Chief Executive Officer to affix the common seal to the funding agreement;
3. Request from Minister RDL for clarification on Regional Groupings.

18.5 Ballinyoo Bridge

The following Item is still lying on the table from Ordinary Meeting held in December 2009.

18.5.1 Bridge 837

File:
 Author: Ron Adams, Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 13 November 2009
 Attachments:

MATTER FOR CONSIDERATION

Evaluate to proposed budget for building a new bridge.

BACKGROUND

The following letter from DLGRD was received 1-12-09 about the R4R funding for Years 1 and 2.

Dear All

I am receiving a number of inquiries regarding Stage 2/Year 2 of the Country Local Government Fund and the progress regarding guidelines and so forth. Therefore I thought I would provide you all with a general overview of the current status.

The guidelines are being finalised in consultation with the Department of Regional Development and Lands. They are currently awaiting Ministerial approval. Once the Ministers have announced the commencement of Stage 2 of the CLGF, the guidelines plus other information will be release.

Please note that the process for project notification and approval will be the same as last year. You will be required to submit an Acceptance Form - similar to last year - outlining your projects and other information. This form will be forwarded as part of the guidelines package as per last year. Please also be aware that the guidelines will alter slightly in terms of project eligibility to I would hesitate before commencing any projects prior to Departmental approval. Please also be aware that it is likely - but still to be confirmed - that projects will be required to be priority projects identified by the local government on your strategic plans/plans for the future. This is still to be approved but is a likely change so please be prepared for it.

There will also be additional signage and Royalties for Regions acknowledgement requirements for this Stage which will be outlined in the guidelines.

Please remember that funds will not be distributed until you have fully expended and acquitted your Stage 1/Year 1 allocation. As per Circular 26-2009, expenditure is not transferring money into a reserve/trust account but is the physical expenditure of a project. Please be aware that your regional groups will not receive any Stage 2 funding until you individual stage 1 funding has been fully expended and acquitted.

If you are experiencing delays in your projects and anticipate they will not be complete prior to 30 June 2010 then I would suggest you review your Stage 1 projects and decide whether reallocation to eligible projects that will be complete prior to this date is required. If you decided that reallocation is necessary then you need to inform the Department in writing of these changes.

Hopefully this information answers all the inquiries that I have been receiving. If you require further clarification please do not hesitate to contact me.

Kind Regards
 Rachel

Rachel Reynolds

Senior Grants Officer
 Country Local Government Fund Branch
 Department of Local Government

R4R Years 3 & 4 are subject to a change in the mining royalty from the State Government. Unfortunately finding a definitive answer to how much our funding will reduce or increase is proving difficult. It is even difficult to speculate on possible scenarios. What is definite is the fact that what we initially thought we were going to receive has changed.

The table below shows the bridge costing's and income as we currently know, this includes actual and some budget numbers that we are working on. On the Income side its shows the expected income from Royalties for Regions.

The numbers represented in orange are now numbers of concern, as these are what we cannot determine if or how much these will reduce.

New Bridge at 70m Down Stream

		EXPENDITURE			INCOME
Expenditure			Income		
Bridge			Royalties for Regions		
		\$			\$
Deck and Pylons		364,500	Year 1		912,836
		\$			
Transport		41,000			
		\$			\$
Rock Supply & delivery		346,500	Year 2		585,151
		\$			
Construction of Bridge		548,000			
		\$			\$
sub-total bridge works		1,300,000	Year 2- Regional Project		327,685
Engineering			Year 3		456,418
		\$			
Geo Tech		129,972	Year 4		456,418
		\$			
Greenfields	4150	20,000	Year 3 -Regional		\$
		\$	Projects		456,418
HTD Surveyors	1750	10,000			
		\$			
BGE	25000	25,000			
		\$			\$
sub-total Engineering		184,972	Year 4- regional Project		456,418
Road- 5 km					
		\$			
embankment construction		1,725,000			
		\$			
Clearing and general shaping		100,000			
		\$			
Sub base & base		200,000			
		\$			
		285,000			
		\$			
sub-total embankments and road works		2,310,000			
Allowance for Overruns		150,000			
		\$			\$
		3,944,972			3,651,344

Money expended not refundable
Money dependant on Royalties- not
Guaranteed
Money guaranteed
Actual- may slightly increase
Budget only numbers

STATUTORY ENVIRONMENT

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The construction of a new bridge is disclosed in the current budget to the point of what could be expended in this financial year. The income from this project is projected over the next three years, but is currently subject to review.

CONSULTATION

Michael Keene- Greenfield Technical Services

Legal Opinion- Civic Legal

Civic Legal were asked to express advise on the status of the Stop Work Order and whether the Shire can demolish Ballinyoo Bridge.

Civic Legal's Advice

We note that a listing on the Shire's Municipal Inventory does not attract any legal rights i.e. the listing of the bridge on the Municipal Inventory does not prohibit the bridge from being demolished. The only issue, therefore, is whether the Stop Work Order is still in effect.

The Stop Work Order was made on the 17 August 2009. Pursuant to s 59(7)(d) of the Act it ceases to have an effect after 42 days have passed from the date of the order (being 28 September 2009) unless the State Administrative Tribunal ("SAT") has made an order that the Stop Work Order should continue in force.

We have no instructions to the contrary and therefore take it that the Shire has not received any communications from the Heritage Council, the Minister for Heritage or the SAT. On this basis it is likely that the SAT has not made an order that the Stop Work Order should continue and accordingly the Stop Work Order has ceased to have effect. However, to confirm that this is the case, we have made an application to search the SAT's Register of Proceedings. The SAT has informed us that the search will take 3 days from the date of this letter.

We can advise you of the position with more certainty once we receive the results of the search.

If it turns out that the Sat has not made an order to continue with the Stop Work Order the Shire can then proceed to demolish the bridge.

Although it is not a requirement at law the Shire would of course be seen to be transparent prior to demolition, it wrote to the Heritage Council to advise them of its intention.

In the interim, we suggest taking no action until the SAT search has been returned to us. If you have any queries regarding the above please do not hesitate to contact the writer.

Anthony Quahe
Director

COMMENT

Due to the uncertainty of income from Royalties for Regions in my opinion the risk to proceed with the construction on a new bridge is too high for a small local government to take.

In view of Civic Legal’s advise

“Although it is not a requirement at law the Shire would of course be seen to be transparent prior to demolition, it wrote to the Heritage Council to advise them of its intention.” The intention to demolish the bridge without informing the Heritage Council would not be seen favourably.

OFFICER RECOMMENDATION

That Council:

1. Engage Main Roads WA to build a single lane bridge in concrete to replace old Bridge 837
2. Pre purchase all engineering, design and concrete casting to the value of \$680,000.

Received all councillors response 7/0

Councillor Response from five councillors 5/0

OC090602 Confirmation of Flying Minute 030609

Moved Cr R E Foulkes-Taylor, Seconded Cr M W Halleen

That Council;
Formally adopt the flying minute of 3 June2009.

Motion put and carried 6/0

SM080903

COUNCIL DECISION/OFFICER RECOMMENDATION

In extensive consultation with the Community of Murchison, the Main Roads of WA Engineers BG &E Engineering and with all reports available to Council that the immediate demolition of Bridge 837 proceed.

Motion put and Carried 6/0

COUNCIL DECISION/OFFICER RECOMMENDATION

OFFICER RECOMMENDATION

That Council:

1. The new Ballinyoo Bridge be built on the existing alignment
2. The CEO to source and appoint a photographer to complete a record of old Bridge 837
3. **The Shire to preserve any significant pieces of the bridge that could be utilized for Museum.**
4. Golder be engaged to complete geotechnical survey up to the price of \$140,000;
5. **Shire of Murchison builds the temporary bypass around the bridge.**

OC090503 Confirmation of Flying Minute 140409

Moved Cr R E Foulkes-Taylor, Seconded Cr M W Halleen

That Council;
Formally adopt the flying minute of 14 April 2009.

Motion put and carried 6/0

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

Moved Cr P M Walsh, Seconded Cr M W Halleen

That Council:

1. Rescind motions as listed below with exceptions highlighted in blue
2. Advise Department of Local Government that the bridge project will be ceased and that the Royalties for Regions money will be spent on new road infrastructure on the Carnarvon Mullewa Road
3. An allowance is made in the next budget for a reserve fund to be established for care and maintenance of Bridge 837.

COUNCIL DECISION

OC091211 Bridge 837

Moved Cr W McL Mitchell, Seconded Cr P M Walsh

1. That Item18.1.1 Bridge 837 lay on the table

Motion put and carried 7/0

Note: Council request that when the bridge is next discussed that a report from an engineer on the low level crossing that has been constructed at the bridge

18.6 Elected Member Training

Notice of Motion

Notice of Motion received from Cr RE Foulkes-Taylor

The CEO engage with WALGA to organise a one day training session (on a date that council agrees to) focussing on governance for the current Murchison councillors, and extend an invitation to adjoining shires who may have councillors that wish to attend.

BACKGROUND

WALGA offers to bring training to local governments via their “in house” training programs. The cost to this is \$3950 plus travel and accommodation.

In the Governance area the following courses are available;

Councillor Roles and Responsibilities

Content

- Relationship to Unit of Competency: LGAGENEE501A- Undertake councillor roles and responsibilities
- Relationship to Elected Member Professional Development Framework;
Module 1: Legal Responsibilities of an Elected Member
Module 5: Meetings

Councillor Roles and Responsibilities covers the behaviours and actions required of Elected Members in meeting their roles and responsibilities. Knowledge of the legislation and regulations within which councils must operate is essential in order for Elected Members to lead and support their communities.

Topics covered in this course include Local Government Act 1995, Local Laws, and disclosure of financial interests, meetings and standing orders.

19. CEO ACTIVITY REPORT

19.1 CEO Activity Report

File:

Author: Ron Adams, Chief Executive Officer

Interest Declared: No interest to disclose

Date: 10 April 2010

Attachments: Nil

MATTER FOR CONSIDERATION

CEO's activity report

Annual Leave- 10 March to 7 April

8 April- Plant Committee Meeting

- EOI for Freight Service
- Applications for Works Supervisor

9 April- CBD Committee Meeting

- President Broad, Councillor Seaman- Various WARRAG Issues

10 April- Completion of Minutes for Plant and CBD Committee Meetings

- Preparation Council Agenda

12 April- Preparation of Agenda

- MOU with DEC
- Royalties for Regions
- CBD Issues

13 April- Heritage Council- Meeting on 30 April at 1.00 pm

- Visit to Boolardy Shearers Quarters
- Butchers Track Inspection with Craig Harvey

14 April- Preparation of Agenda

- John Lane –WALGA , arrange for Emergency Management Plan to begin

20. URGENT BUSINESS

20.1 Notice of Motion- Action Plan

Cr BM Seaman

Motion

To ensure that all goals and objectives of council are met, council has asked for a long term “Action Plan” spreadsheet to be created and presented at every council meeting. Actions will be added or subtracted at every full council meeting.

The plan should include

- Tasks and date initiated
- Responsible Part
- Resources needed and budget requirements
- Completion Date or Deadline
- Status

20.2 Notice of Motion- Murchison Settlement Power needs

Cr BM Seaman

The Murchison Settlement has to rely on Generator Power

Due to the growing nature of the Murchison Settlement, council feels that the summer peak power consumption and future power needs of the settlement require investigation.

Motion

That the CEO employs

- A suitable contractor to investigate the peak summer power load of the Murchison Settlement
- Provide the information to council for consideration at the June full council meeting

21. ITEMS TO BE DISCUSSED IN CAMERA

22. MEETING CLOSURE