



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING  
OF COUNCIL  
HELD ON  
12 DECEMBER 2012  
AT 11.00am

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.

# CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME .....	4
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.2	QUESTIONS WITHOUT NOTICE.....	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
7.1	PRESIDENT .....	4
7.2	COUNCILLORS.....	4
8.	CONFIRMATION OF MINUTES .....	5
8.1	ORDINARY COUNCIL MEETING.....	5
	<b>C2012-1201 Minutes of the Ordinary Meeting .....</b>	<b>5</b>
9.	MINUTES OF COMMITTEE MEETINGS .....	6
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters .....	6
10.0	INFORMATION ITEMS.....	6
11.	MATTERS FOR DECISION.....	6
11.0	MATTERS BROUGHT FORWARD.....	6
11.1	WORKS AND SERVICES .....	6
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH .....	7
11.2.1	Final Budget and Project Plan for CA02 Yalgoo Caravan Park Redevelopment Stages 2 and 3 .....	7
	<b>C2012-1202 Approval of Budget and Proposal for Stages 2 and 3 of the Yalgoo Caravan Park Redevelopment Project (TIRF and CLGF 2012-13 funding applications).....</b>	<b>10</b>
11.2.2	OS003 Paynes Find Rest Area – Caravan Day Rest Area Site .....	11
	<b>C2012-1203 OS003 Paynes Find Rest Area – Caravan Day Rest Area Site .....</b>	<b>13</b>
11.3	FINANCE.....	14
11.3.1	Financial Activity Statements and Accounts Paid for the month of October 2012.....	14
	<b>C2012-1204 R34 (1) - Financial Activity Statements for the month of October 2012 .....</b>	<b>15</b>
	<b>C2012-1205 R13 (1) - List of accounts paid for the month of October 2012... ..</b>	<b>15</b>
11.4	ADMINISTRATION.....	16
11.4.1	Abandoned Vehicles (refer Council decision C2012-1002).....	16
	<b>C2012-1206 Abandoned Vehicles (cross reference C2012-1002).....</b>	<b>18</b>
12.	NOTICE OF MOTIONS.....	19
12.1	PREVIOUS NOTICE RECEIVED.....	19
13.	URGENT BUSINESS.....	19
13.0	ADMISSION OF URGENT BUSINESS .....	19
	<b>C2012-1207 Admit Urgent Business .....</b>	<b>19</b>

13.1	ELECTORS' GENERAL MEETING .....	19
	<b>C2012-1208 Minutes of the Electors' General Meeting .....</b>	<b>19</b>
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	19
15.	NEXT MEETING .....	20
16.	MEETING CLOSURE .....	20
	<b>Common Acronyms.....</b>	<b>21</b>



Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Wednesday 12 December 2012, commencing at 11.00 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President Terry Iturbide declared the Ordinary Meeting open at 11.00am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS	Cr Terry K Iturbide, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Laurence Hodder Cr Neil A Grinham (Late arrival 11.20am) Cr Robert Grinham (Late arrival 11.20am)
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO Karen Malloch, Executive Assistant
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting

**4. PUBLIC QUESTION TIME**

**4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

**4.2 QUESTIONS WITHOUT NOTICE**

**5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

ATTENDANCE: 11.05am Karen Malloch, Executive Assistant left the meeting.

ATTENDANCE: 11.06am Karen Malloch, Executive Assistant rejoined the meeting.

**7.1 PRESIDENT**

Date	Details	Attended with whom
27/11/12	MMG Golden Grove Community Workshop MMG Golden Grove mine closure meeting with consultants	CEO
30/11/12	Gunduwa Regional Conservation Association , White Wells	Cr Valenzuela

**7.2 COUNCILLORS**

Date	Details	Councillors
4/12/12	Murchison Regional Vermin Council	Cr Laurence Hodder

## 8. CONFIRMATION OF MINUTES

### 8.1 ORDINARY COUNCIL MEETING

#### Background

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

During preparation of the minutes the CEO detected an error in the officer recommendation to item 11.4.1, RFT 1201 WALGA Panel of Prequalified Goods & Services Providers.

WALGA had advised the CEO as follows in an email dated 13 November:

*Please note that The Larter Family Trust, trading as N&N Carpentry indicated they are responding to Category B: Permanent Residential Dwellings and Temporary Accommodation, however did not submit a price for this category and as such can't be considered for works under this category.*

N&N Carpentry should only have been included for sub categories of Category A Building Maintenance and were inadvertently included under Category B.

The minutes have been corrected accordingly with N&N Carpentry removed from the panel at Category B: Permanent Residential Dwellings and Temporary Accommodation.

- ii) Permanent Residential Dwellings
  - Geraldton Building Services and Cabinets Pty Ltd
  - S.G. Dodemaide Enterprises
  - ~~N&N Carpentry~~
- iii) Temporary Accommodation
  - Geraldton Building Services and Cabinets Pty Ltd
  - ~~N&N Carpentry~~

#### Voting Requirements

Simple majority

*Note: President Terry Iturbide drew attention to an error on page 21, being that the time should read 3:35pm not 2:25pm.*

#### OFFICER RECOMMENDATION/COUNCIL DECISION

##### C2012-1201 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on Thursday 22 November 2012 be confirmed, including the corrections detailed above (error in item 11.4.1, and error on page 21).

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 3/0

## **9. MINUTES OF COMMITTEE MEETINGS**

## **10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters**

### **10.0 INFORMATION ITEMS**

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (eg: matters affecting employee/s or the personal affairs of any person).

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

#### **11.1 WORKS AND SERVICES**



## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

### 11.2.1 Final Budget and Project Plan for CA02 Yalgoo Caravan Park Redevelopment Stages 2 and 3

File:	
Author:	Ron Adams, Project Executive/ Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	04 December 2012
Attachments (yellow)	P1 Plans – rammed earth amenity complex and rammed earth accommodation, Shire of Yalgoo Caravan Park Redevelopment

#### Matter for Consideration

To consider approving the final budget and project plan for stages 2 and 3 of the Yalgoo Caravan Park Redevelopment Project.

#### Background

##### Forward Capital Works Plan

The Shire of Yalgoo Caravan Park Redevelopment is listed in the Forward Capital Works Plan as follows:

CA002 Caravan Park Redevelopment

Project Description	<b>Caravan Park Redevelopment</b>
Project Timeline	2010/11 – 2013/14
Purpose and Background	<p>The Yalgoo caravan park also requires attention to issues of draining, aging infrastructure and very basic standards of accommodation.</p> <p>Council envisages improving these facilities will increase the number of overnight stays in Yalgoo, which is anticipated will provide economic benefits to the region.</p> <p>The project will increase the number of overnight visitors to Yalgoo through the provision of improved services including:</p> <ul style="list-style-type: none"> <li>▪ Replace ablutions</li> <li>▪ Build Camp Kitchen</li> <li>▪ Improve Recreation Areas</li> <li>▪ Increase number of caravan/camping bays</li> <li>▪ Increase unit/chalet accommodation</li> <li>▪ Improve drainage and develop undeveloped area of park</li> </ul>
Strategic Relationship	1. Economic Prosperity

##### Stage 1 Completed

Council committed funds in the 2012/13 budget for the first stage of the project to improve drainage and develop the undeveloped area of the park. This is almost completed including raising and levelling the area,

preparing new camping area, installing reticulation, water, electricity and dump point and creating six new drive-through bays.

### Stages 2 and 3 Funding Applications/Project Plan

Council, at a meeting held 18 October 2012, resolved as follows:

*C2012-1005 Country Local Government Fund Projects 2012/13 and Future*

*That Council:*

**1) Nominates the following projects in priority order for allocation of future CLGF funding:**

**CA002 Caravan Park: Redevelopment (CLGF 12/13)**

*BD004 Yalgoo Town Revitalisation: Sewerage/Drainage Project (CLGF 12/13)*

*BD012 Works Depot: Replace Workshop (CLGF 13/14 and forward)*

*BD011 Yalgoo Community Hub: Community and Youth Centre (CLGF 13/14 and/or forward)*

**2) Authorises the CEO to prepare an application for Country Local Government Fund 2012/13 for:**

**\$250,000 -CA002 Caravan Park: Redevelopment**

*Balance to BD004 Yalgoo Town Revitalisation: Sewerage/Drainage project*

**3) Requests the CEO to prepare an application to the Tourism Initiative Regional Development Fund (TIRF) for matching funds for CA002 Caravan Park: Redevelopment**

*Moved: Cr LJ Terry Seconded: Cr L Hodder Motion put and carried 6/0*

(Note that point 2 of the above decision was amended in November; but only relating to the sewerage project, not the caravan park project).

### **Statutory Environment**

*Local Government Act 1995*

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

### **Strategic Implications**

Economic prosperity

### **Policy Implications**

Nil

### **Financial Implications**

Potential \$500,000 grant funding to complete redevelopment of the Shire of Yalgoo caravan park.

**Proposed Budget (ex GST)**

Item	TIRF	CLGF	TOTAL
Remove Ablution Donga	\$0	\$4,000	\$4,000
Sand Pad/ Earthworks	\$7,000	\$7,000	\$14,000
Plumbing	\$7,000	\$43,000	\$50,000
Electricity	\$9,000	\$42,000	\$51,000
Concrete Footing/Slab	\$14,000	\$27,000	\$41,000
Wall construction	\$32,000	\$32,000	\$64,000
Roof & Ceilings	\$38,000	\$44,000	\$82,000
Internal Fit out	\$10,000	\$29,095	\$39,095
External Fit out	\$0	\$7,000	\$7,000
Painting	\$0	\$3,000	\$3,000
Remove Accommodation Donga	\$5,000	\$0	\$5,000
Pathways	\$44,273	\$0	\$44,273
Drainage	\$15,000	\$0	\$15,000
Fence	\$10,000	\$0	\$10,000
Sealing Roadways/ bays	\$26,000	\$0	\$26,000
Lighting	\$10,000	\$0	\$10,000
Furnishings	\$17,227	\$0	\$17,227
Project Management	\$5,000	\$5,000	\$10,000
Licences & Engineering	\$0	\$5,000	\$5,000
Signage	\$0	\$1,405	\$1,405
External Audit at Completion of Project	\$500	\$500	\$1,000
<b>TOTALS</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>*\$500,000</b>

**Consultation**

- Bill Atyeo, Environmental Health Officer
- Tammy King, grant writer, Empress Administration
- Tourism WA
- Ron Adams, Project Executive

**Comment**

Councillors inspected the caravan park on 22 November and discussed the elements of the redevelopment project.

Plans have been drawn up (attached), and a budget prepared as shown within.

The CEO has engaged Tammy King of Empress Consulting to write the TIRF grant. Following an initial meeting with the CEO, Tammy attended a workshop run by the funding body to ensure that the Shire maximises the chances of a successful application. As a result, Tammy informed the CEO that projects that are registered for quality assurance with Tourism WA will have a competitive advantage. The Shire has now registered for this accreditation and will have six months to comply with the criteria. This will also lift the quality of the service provided at the caravan park.

The CEO and Project Executive met again with Tammy to fine tune the application, which will be ready to submit by the due date of 14 December 2012.

The budget has been split so that the CLGF funded component would be able to proceed independently if the TIRF grant is unsuccessful.

The elements of the project as proposed are:

CLGF 2012/13 application (\$250,000)	TIRF application (\$250,000)
<ul style="list-style-type: none"> <li>• Replace donga ablutions with rammed earth ablutions</li> <li>• Install camp kitchen</li> </ul> <p>Note that a camp kitchen and disabled amenities are required to comply with r7 of the Caravan and Camping Regulations</p>	<ul style="list-style-type: none"> <li>• Replace accommodation donga with rammed earth accommodation that will include two ensuite rooms and four non-ensuite.</li> <li>• Install pathways and lighting</li> <li>• Complete drainage works</li> <li>• Replace wire fence with iconic mulga post fence</li> <li>• Seal roadways</li> </ul>

It is recommended that Council approves the budget and the project plan for the CEO to submit the applications for TIRF funding (due in hard copy in Canberra on 14 December 2012) and CLGF 2012/13 (due to Department of Regional Development by 31 December 2012).

**NOTE that no expenditure can occur (CLGF or TIRF) until the TIRF application outcome is known due to the conditions of the grant regarding matching funds.**

*ATTENDANCE: 11.19am Karen Malloch, Executive Assistant left the meeting.*

*ATTENDANCE: 11.20am Crs Neil A Grinham & Robert Grinham joined the meeting.*

*ATTENDANCE: 11.21am Karen Malloch, Executive Assistant rejoined the meeting.*

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2012-1202 Approval of Budget and Proposal for Stages 2 and 3 of the Yalgoo Caravan Park Redevelopment Project (TIRF and CLGF 2012-13 funding applications)**

**That Council authorises the budget and project plans for stages 2 and 3 of the Yalgoo Caravan Park Redevelopment Project as disclosed within.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr L Hodder**

**Motion put and carried 5/0**

### 11.2.2 OS003 Paynes Find Rest Area – Caravan Day Rest Area Site

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	04 December 2012
Attachments	P3 Aerial photo of Paynes Find showing site locations (yellow)

#### Matter for Consideration

To consider the site for the caravan day rest area at Paynes Find.

#### Background

The Shire has allocated funds in the 2012/13 budget for capital project OS003, Paynes Find Rest Area which includes a caravan day rest area with toilets, caravan dump point, barbecue facilities and shade.

The Shire has been considering this project since at least as early as 2009, and has undertaken extensive community consultation commencing with a facilitated workshop in 2011.

The site identified for the caravan day rest area was originally at a location on the gold battery access road and opposite the Paynes Find Tavern.

All of the preparatory work for the project has been based around this site.

However during consultation with the community at Paynes Find in September 2012, an alternative site was proposed, being on the Great Northern Highway approximately 1.5 kilometres southwest of the Tavern.

Councillors inspected this site with members of the Paynes Find community on the day.

#### Statutory Environment

*Local Government Act 1995*

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

#### Strategic Implications

Economic Prosperity and Community Well Being

#### Policy Implications

Nil

#### Financial Implications

The Shire has committed \$84,000 in the 2012/13 budget (\$53,000 Shire, \$31,000 CLGF) for the full Paynes Find project including:

- Parking area, BBQ and rotunda
- Toilet and dump point
- Entry Signs (2)
- Noticeboard
- Signage

## Consultation

Ron Adams, Project Executive

## Comment

Staff are ready to commence work on this project early in 2013 and require a clear direction from Council regarding the location of the caravan day rest area.

A relative comparison of the sites includes:

### **Original** location opposite Paynes Find Tavern on road to Gold Battery:

- Project is ready to commence at this site without further research or approvals.
- Economic benefit & tourism – the site is next to the Paynes Find Tavern and within strolling distance of the Paynes Find Gold Battery. This option therefore maximises the economic benefit for existing commercial premises.
- Safety – site is adjacent to the Paynes Find Tavern, 24 hour fuel kiosk and the public phone booth. It is accessed from the low speed Paynes Find detour road which provides established safe access to/from the Great Northern Highway. The access is already in a slow traffic area, thus minimising the risk of a stopped or slowing RV being rear-ended by a fast moving road train. The site is removed from the fast moving heavy traffic on the Great Northern.
- Visual amenity – the site is slightly elevated, providing a view across the surrounding plains.

### **Alternative** location on Great Northern Highway at site of windmill:

- This site has the potential to be used for overnight accommodation which would provide a low cost alternative however this may be adverse competition for the Paynes Find Tavern. Persons wishing to walk to the Tavern and Gold Battery have a 1.5km plus walk and must cross the Great Northern.
- The community indicated enthusiasm for a cultural tourism trail commencing at this site. This is a potential source of new tourism income for the community; however it is not yet established so is not a certainty.
- Further research is required regarding access to the site from the Great Northern, permission to use the land for the purpose of a rest area would need to be established and native title status will need to be established (the community indicated that there are one or more sites of significance in the area).
- Safety – this site is considered less safe as it is isolated, and the access is directly off the Great Northern Highway. The site is close to fast moving vehicles and road trains. The Shire would need to obtain permission from Main Roads. It is likely that access to the site from the Great Northern would need to be restricted (which would require construction) and access provided from a side road. The side road is a low use road that intersects at a T junction. The increased traffic turning into the side road to access the rest area poses a higher risk from fast moving road trains rear ending a slowing or stationary RV.
- The site is associated with a bore, and research will need to occur to establish whether there are any risk management measures required to reduce risk of contamination of the water supply.
- Further approvals may need to be obtained and this will not be known until further research is carried out.

It is recommended that Council proceed with the development at the original site. Should Council elect to further investigate the alternative option, Council will need to recognise that the project is unlikely to

commence in this financial year due to the extensive further research required. There may also be increased costs.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

#### **C2012-1203    OS003 Paynes Find Rest Area – Caravan Day Rest Area Site**

**That Council, having considered an alternative site near the windmill on the Great Northern Highway, confirms that the site for the Paynes Find Caravan Day Rest Area will be the *original* site on the Shire access road opposite the Paynes Find Tavern.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr L Hodder**

**Motion put and carried 5/0**

## 11.3 FINANCE

### 11.3.1 Financial Activity Statements and Accounts Paid for the month of October 2012.

File:	
Author:	Heather Boyd, DCEO
Interest Declared:	No interest to disclose
Date:	28 November 2012
Attachments	P1 Financial Activity Statements - R34 (1)
(White)	P28 Schedule of Payments - R13(1)

#### Matter for Consideration

Adoption of the monthly financial statements, major project progress report and schedule of payments as at 31 October 2012.

The major project progress reports for October were presented to the Ordinary Council Meeting on 22 November 2012.

The Financial Activity Statements as at 30 November 2012 and payment report are not yet available (due to the early date of the December meeting) and will be presented at the Ordinary Council Meeting on 21 February 2013.

#### Background

1. The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.
2. Council, at the ordinary meeting held in March 2012, requested that a status report for major projects be included in the monthly financial reports (decision C2012-0320). Where relevant this additional report is included in the attachments for the information of council.

#### Statutory Environment

##### *Local Government Act 1995*

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

##### *Local Government (Financial Management) Regulations 1996*

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.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;



- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

**Strategic Implications**

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

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

**Policy Implications**

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

**Financial Implications**

Payments from Council’s Municipal Account as disclosed in the budget or subsequently approved.

**Consultation**

Shire accountants UHY Haines Norton.

**Comment**

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

**Voting Requirements**

Simple Majority

The officer recommendations to this item were moved and put en bloc.

**OFFICER RECOMMENDATION/COUNCIL DECISION**  
**C2012-1204     R34 (1) - Financial Activity Statements for the month of October 2012**  
**That Council adopts the financial activity statements for the period ending 31 October 2012, as attached.**  
**Moved: Cr MR Valenzuela                      Seconded: Cr NA Grinham                      Motion put and carried 5/0**

**OFFICER RECOMMENDATION/COUNCIL DECISION**  
**C2012-1205     R13 (1) - List of accounts paid for the month of October 2012**  
**That Council receives the Schedule of Payments for accounts paid in the month of October 2012.**  
**Moved: Cr MR Valenzuela                      Seconded: Cr NA Grinham                      Motion put and carried 5/0**

## 11.4 ADMINISTRATION

### 11.4.1 Abandoned Vehicles (refer Council decision C2012-1002)

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	06 December 2012
Attachments (yellow)	P4 Shire policies 13.3 and 3.6

#### Matter for Consideration

That with reference to Council decision C2012-1002, Council acknowledges that Sub Division 4 of the Local Government Act governs removal of abandoned vehicles and therefore a Council policy is unnecessary and may be contra indicated.

#### Background

At the Ordinary Meeting of Council held on 18 October 2012 the Shire President moved the following motion from the floor:

*NEW MOTION/COUNCIL DECISION*

*C2012-1002 Abandoned Vehicles on Council Land*

*Council requests the CEO to develop and recommend a Council Policy for the removal of abandoned vehicles on Council land.*

*Moved: Cr T Iturbide Seconded: Cr MR Valenzuela Motion put and carried 6/0*

Advice was sought from the Environmental Health Officer Bill Atyeo, Project Executive Ron Adams and Shire Ranger Peter Smith as to the information required in the policy. Bill Atyeo advised that the policy may work contra to the statutory requirements under the Local Government Act 1995, which lays out clearly the requirements of Local Government with regard to abandoned vehicles. This was confirmed by the Department of Local Government representative James McClusky.

#### Statutory Environment

##### *Local Government Act 1995*

Subdivision 4 — Impounding abandoned vehicle wrecks and goods involved in certain contraventions. This subdivision defines an abandoned vehicle and mandates the treatment of abandoned vehicles, including timeframes for impounding and advertising vehicles.

##### 5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and

(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

### **Strategic Implications**

Nil

### **Policy Implications**

Attention is drawn to the standing orders of Council as described in the following excerpts from the Council policy manual.

Policy Schedule 1.2 Standing Orders (excerpt):

*4. Notices of Motion – Councillor*

*A councillor may bring forward business in the form of a written motion, which shall be given to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter, up to 24 hours before the close of the agenda.*

*6. Urgent Business*

*General business will not be admitted to Council. In cases of urgency or other special circumstances, where a matter cannot or should not be deferred until the next meeting, urgent items may, with the consent of a majority of councillors present, be heard and dealt with. Any such business shall be in the form of a clear motion, and the President may require such a motion to be written and signed by the Councillor or officer proposing the motion or recommendation.*

*17. Chief Executive Officer – Duty*

*It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach or likely breach of these standing orders even if it requires interrupting any person who may be speaking.*

### **Financial Implications**

Nil

### **Consultation**

- James McClusky, Department of Local Government
- Sharon Daishe, CEO Shire of Yalgoo
- Ron Adams, Project Executive and authorised Ranger
- Peter Smith, Ranger, Shire of Yalgoo
- William Atyeo, Environmental Health Officer

### **Comment**

Council is responsible for setting strategic policy. An example of a strategic policy set by council is Policy number 13.3 regarding the level of service that Council has determined for various classes of Council roads.

The CEO is responsible for setting operational policy. An example of an operational policy is 3.6 – Usage of Information Technology.

With regard to abandoned vehicles, the Local Government Act governs what actions a local government may take. It is the responsibility of the CEO to determine the procedure. The Shire of Yalgoo employs competent rangers to deal with the issue of abandoned vehicles.

As councillors are aware, there are a number of vehicles abandoned on public land within the town of Yalgoo at the moment. The ranger has been tasked to deal with this issue.

### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2012-1206    Abandoned Vehicles (cross reference C2012-1002)**

**That Council:**

- 1. Receives the report of Deputy CEO Heather Boyd relating to Council decision C2012-1002; and**
- 2. Does not develop a Council policy for abandoned vehicles, in recognition that Subdivision 4 of the Local Government Act governs abandoned vehicles.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr NA Grinham**

**Motion put and carried 5/0**

## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

## 13. URGENT BUSINESS

### 13.0 ADMISSION OF URGENT BUSINESS

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2012-1207**    Admit Urgent Business

That Council admits a matter for urgent business.

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 5/0

### 13.1 ELECTORS' GENERAL MEETING

#### Background

Minutes of the Electors' General Meeting of Council were previously circulated to all Councillors.

There were no matters raised for Council to consider.

#### Voting Requirements

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2012-1208**    Minutes of the Electors' General Meeting

That the Minutes of the Electors' General Meeting held on 22 November 2012 be received.

Moved: Cr NA Grinham

Seconded: Cr L Hodder

Motion put and carried 5/0

*Note: The minutes of the Electors' General Meeting will be confirmed as a true and correct record at the next Electors' meeting.*

## 14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

**15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 21 February 2013 commencing at 11.00 am.

**16. MEETING CLOSURE**

There being no further business, the President declared the meeting closed at 11.52am.

**DECLARATION**

These minutes were confirmed by Council at the Ordinary Meeting held on \_\_\_\_\_.

Signed: \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed

## Common Acronyms

Acronym	Detail
AGM	Annual General Meeting
ASKAP	Australian Square Kilometre Array Pathfinder
BA	Broadcast Australia
BFS	Bush Fire Service
BFTA	Bush Fire Threat Analysis
CEMO	Community Emergency Management Officer
CEO	Chief Executive Officer
CLGF	Country Local Government Fund (Royalties for Regions)
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
DAFWA	Department of Agriculture & Food
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
DIA	Department of Indigenous Affairs
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLG	Dept of Local Government
DPI	Dept for Planning and Infrastructure
EA	Executive Assistant
EA	Executive Assistant
ECC	Emergency Coordination Centre
EMWA	Emergency Management Western Australia
ERM	Emergency Risk management
EWP	Elevated Work Platform
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HMA	Hazard Management Agency
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
IMG	Incident Management Group
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGEEP	Local Government Energy Efficiency Program
LGMA	Local Government Managers' Association
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)

<b>Acronym</b>	<b>Detail</b>
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
MMGHSRMG	Murchison Mid West Gascoyne Human Services Regional Managers Group
MRBA	Meekatharra Rangelands Biosecurity Association
MRVC	Murchison Regional Vermin Council
MRWA	Main Roads WA
MSC	Model Subdivision Conditions Schedule
MWAC	Municipal Waste Advisory Council
MWDC	Mid West Development Commission
MWGAAS	Mid West Group of Affiliated Agricultural Societies
MWIP	Mid West Investment Plan
MWRC	Mid West Regional Council – consisting of 7 Shires
NDES	National Digital Economy Strategy
NRIS	National Register Inquiry System
OPR	Oakajee Port and Rail
PE	Project Executive
POC	Plant Operating Costs
PWOC	Public Works Overhead Costs
R2R	Roads to Recovery (Cmwlth)
R4R	Royalties for Regions (State)
RDA	Regional Development Australia
RDAF	Regional Development Australia Fund
RDL	Dept of Regional Development and Lands
RFT	Request for Tender
RGS	Regional Grant Scheme
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SEMP	State Emergency Management Policy
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SLK	Straight line kilometres
SOP	Standard Operating Procedure
SWMP	(Regional) Strategic Waste Management Plan
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
TIRF	Tourism Infrastructure Regional Development Fund
VAST	Viewer Access Satellite Television
WAAA	West Australian Agriculture Authority
WACHS	WA Country Health Service
WAERN	West Australian Emergency Response Network
WALGA	WA Local Government Association
WALGGC	West Australian Local Government Grants Commission
WAPC	Western Australian Planning Commission
WWTP	Waste Water Treatment Plan