



MINUTES  
OF THE ORDINARY MEETING  
OF COUNCIL  
HELD ON  
18 APRIL 2013  
AT 11.00am

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Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Thursday 18 April 2013, commencing at 11.00 am.

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

The Shire President Terry Iturbide declared the Ordinary Meeting open at 11.05 am

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

MEMBERS	Cr Terry K Iturbide, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Robert Grinham Cr Neil A Grinham Cr Stan Willock
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Laurence Hodder

### **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**

**7.1 PRESIDENT**

Date	Details	Attended with whom
27/04/2013	13-14 CLGF (Country Local Government Fund) Regional Workshop facilitated by MWDC (Mid West Development Commission)	Cr MR Valenzuela
9/04/2013	Shire of Yalgoo Strategic Community Plan Workshop (1.30pm session)	

**7.2 COUNCILLORS**

Date	Details	Councillors
9/04/2013	Shire of Yalgoo Strategic Community Plan Workshop (5.30pm session)	Cr MR Valenzuela

## **8. CONFIRMATION OF MINUTES**

### **8.1 ORDINARY COUNCIL MEETING**

#### **Background**

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

#### **Voting Requirements**

Simple majority

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

**C2013-0401** Minutes of the Ordinary Meeting

**That the Minutes of the Ordinary Council Meeting held on 21 March 2013 be confirmed.**

**Moved: Cr N Grinham**

**Seconded: Cr R Grinham**

**Motion put and carried 5/0**

## **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**

**11.0.1 Murchison Regional Vermin Council Member Council Precept Contributions**

File:		
Author:	Sharon Daishe, CEO	
Interest Declared:	No interest to disclose	
Date:	11 April 2013	
Attachments (yellow)	P1	Letter dated 20 December 2012 from Murchison Regional Vermin Council Member Council Precept Contributions
	P2	Letter dated 11 March 2013 from Shire to MRVC requesting further information
	P3-5	Emails between Geoff Brooks, CEO, Shire of Mount Magnet and Sharon Daishe, CEO, Yalgoo regarding offer to recalculate precepts

*This matter was presented to the February Ordinary Meeting of Council however was laid on the table with a request for further information.*

*Refer attachments – further information has been obtained, and the information within updated accordingly.*

**Matter for Consideration**

To consider the request from the Murchison Regional Vermin Council to increase annual member precepts.

**Background**

Currently the members of the Murchison Regional Vermin Council pay the following annual precepts:

**Member Council Precepts:**

Yalgoo	\$11,295
Sandstone	\$1,779
Mount Magnet	\$5,317
Meekatharra	\$7,774
Cue	\$4,833

The precepts listed above were determined some years ago on the basis of the Unimproved Capital Value of affected pastoral leases in each Shire.

This income is applied in full to “Materials and Contracts” expenses. After allowing for elected member allowances, meeting expenses, finance and audit expenses an amount of some \$40,000 is available for the maintenance of the 565 km No1 Vermin Fence and 72 km No 2 Vermin Fence. MRVC consider this amount insufficient for the sustainable maintenance of this length of fencing.

The matter was presented to the Ordinary Meeting of Council in February. Council resolved to lay the matter on the table and request the CEO to obtain further information.

The CEO wrote to the MRVC (refer attachment) and the issue was raised at a meeting of the MRVC in March. Subsequently MRVC informally offered to reduce Yalgoo precepts by the percentage of DEC properties (refer emails attached).



A report from the Shire's online rating database calculated DEC properties at 23% of pastoral land.

With reference to the attached email dated 4 April 2013 from Geoff Brooks, the precepts are recalculated as follows:

<b>Council</b>	<b>2012/2013 – Precepts Paid</b>	<b>2013/2014 – Precepts Proposed</b>
Yalgoo	\$11,295	\$17,394
Sandstone	\$1,779	\$4,025
Mount Magnet	\$5,317	\$12,037
Meekatharra	\$7,774	\$17,574
Cue	\$4,833	\$10,965
<b>TOTAL</b>	<b>\$30,998</b>	<b>\$61,995</b>

Geoff has also commented that the above table is an extract from the MRVC Corporate Business Plan, which will be circulated for comment by the end of April. The above figures have been adjusted to reflect the increase in DEC managed properties in Shire of Yalgoo whilst still maintaining the additional income target.

### **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**

Environmental protection

### **Policy Implications**

Nil

### **Financial Implications**

Shire precepts are currently \$11,295. If these are decreased by 23%, being the percentage of DEC controlled pastoral land, this would reduce to \$8,697. Doubled, this becomes \$17,394.

The increase in precepts would therefore be \$6,099.

### **Consultation**

- Geoff Brooks, CEO, Murchison Regional Vermin Council (MRVC)
- Terry Iturbide, President Shire of Yalgoo and Shire representative to MRVC

### **Comment**

It is reasonable to expect the MRVC to raise sufficient precepts to fund their core operation, being maintenance of the vermin fence.

The Shire of Yalgoo however is bearing a disproportionately high percentage of the annual cost. The precepts were originally based on pastoral leases. A significant number of pastoral leases in the Shire of Yalgoo have now been returned to the Department of Environment and Conservation.

The precepts have been recalculated as stated within and it is recommended that the Shire adopts the increased precept of \$17,394.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2013-0402    Murchison Regional Vermin Council Member Council Precept Contributions**

**That Council:**

- 1. Agrees in principle that the Murchison Regional Vermin Council (MRVC) needs to raise sufficient funds to properly maintain its assets (vermin proof fencing); and**
- 2. Agrees to include an amount of \$17,394 in the 2013/14 draft budget for MRVC precepts; and**
- 3. Requests the MRVC to consider a full review of methodology and precepts to recalculate for 2014/15 and future years.**

**Moved: Cr S Willock**

**Seconded: Cr MR Valenzuela**

**Motion put and carried 5/0**

## 11.1 WORKS AND SERVICES

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

### 11.2.1 BD012 Works Depot: Replace Workshop (CLGF 2013/14) and proposal for Volunteer Emergency Services Training and Operations Centre (VESTOC)

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	11 April 2013
Attachments	Nil

#### Matter for Consideration

To consider applying for funds to construct a Volunteer Emergency Services Training and Operations Centre (VESTOC) at the Shire depot.

#### Background

Council, by way of decision C2012-1005, nominated project BD012 Works Depot: Replace Workshop for the allocation of the 2013/14 individual rounds of Country Local Government Fund (CLGF).

The guidelines for this round have not been released, and the government has not yet confirmed that this round will proceed. However we have heard that if this round is funded, we may be required to have business cases ready earlier than in previous years as this will be the last round before the outcomes of the CLGF review are implemented.

Accordingly, staff are currently preparing designs and obtaining quotes in order to present a business case for the CLGF depot project to Council for consideration by August or earlier.

Depot offices will be constructed on a platform inside the new depot shed. In developing the concept drawings, it became apparent that this area should be set up as the Shire’s incident control centre. With additional funding, the size of the area could be expanded to purpose build additional offices and a training/operations room for volunteer emergency services.

#### 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

Use CLGF funds as leverage for other funding to provide a regional facility for purpose built volunteer emergency services training, and an operations centre for use during emergencies.

#### Policy Implications

Nil

### Financial Implications

If there is an individual round of CLGF 2013/14, allocations are likely to remain similar to the 2012/13 allocation of \$421,524.

This can be used to leverage funding from various sources for the additional cost of the VESTOC.

Professional grant writing services will be funded from the Shire's existing consultancy budget.

### Consultation

- Ron Adams, Project Executive, Shire of Yalgoo
- Paul Southam, Area Officer, Mid West Gascoyne, Department of Fire and Emergency Services (DFES)
- Tammy King, grant writer, Grants Empire (Tammy wrote our successful TIRF grant application for the caravan park)

### Comment

Staff discussed this concept recently with Paul Southam, Department of Fire and Emergency Services. Paul strongly supported the concept and provided information regarding potential grant funding.

Accordingly, it is proposed that the Shire develops a business case for the depot project that includes constructing a purpose built volunteer emergency services training and operations centre and uses CLGF funding to provide leverage opportunities for funding for the centre.

### Risk Management

Preparation of the business case will enable the Shire to be 'shovel ready' to apply for other sources of funding if the government does not offer individual 2013/14 CLGF. The VESTOC will add considerable value to any such bid.

If sources of funding for the VESTOC are not identified but CLGF is received, the construction can be scaled back to the original concept.

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2013-0403 BD012 Works Depot: Replace Workshop (CLGF 2013/14) and proposal for Volunteer Emergency Services Training and Operations Centre (VESTOC)**

**That Council:**

- 1. Approves the concept of constructing a Volunteer Emergency Services Training and Operational Centre at the Shire depot; and**
- 2. Authorises the CEO to use the CLGF 2013-14 depot precinct funds to leverage funds for construction of the centre.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr S Willock**

**Motion put and carried 5/0**

### 11.2.2 Development Assessment Panels (DAP) Councillor Nominations (term expiring 26 April 2015)

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	11 April 2013
Attachments (yellow)	P6-7 Letter from Department of Planning P7-8 Example Councillor Profile

#### Matter for Consideration

To consider nominating Councillors to apply for appointment to the regional Development Assessment Panel (DAP).

#### Background

On 1 July 2011 fifteen Development Assessment Panels (DAP) came into operation in order to determine development applications that meet a certain threshold value. Each DAP comprises five members: three specialist members, one of which is the presiding member, and two local government members.

Council nominated inaugural members in 2011, as per the decision of Council copied below. Nominees who completed the requisite training will have received formal confirmation of their nomination from the Minister. Council can re-nominate the same councillors, or new councillors, but the training is mandatory and the actual appointment is made by the Minister.

*C2011-0402 Development Assessment Panels – Councillor Nominations*

1. *That Council nominates the following Councillors to the Minister as members of the relevant Development Assessment Panel for the Shire of Yalgoo:*
  - *Cr TK Iturbide*
  - *Cr MR Valenzuela*
2. *And nominates the following Councillors as alternative members to the relevant Development Assessment Panel for the Shire of Yalgoo*
  - *Cr N Grinham*
  - *Cr L Hodder*
3. *That Council submits the names of the nominated Councillors to the Minister and to the Department of Planning as required.*

*Moved: Cr MR Valenzuela Seconded: Cr EC Rowe Motion put and carried 6/0*

Appointments of all local government DAP members expire on 26 April, 2013 and it is necessary to renominate.

#### 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**

Ensure that the local government is represented for assessment of developments in the Shire of Yalgoo that are considered by the panel.

**Policy Implications**

Nil

**Financial Implications**

Nil to Shire (refer attached document relating to payment to DAP members)

**Consultation****Comment**

It is important to note that the nomination does not constitute membership.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2015. All appointed local members will be placed on the local government member register and advised of DAP training dates and times.

It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

It is recommended that Council renominates those who were *previously appointed by the Minister* where possible.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION****C2013-0404    Development Assessment Panels (DAP) – Councillor Nominations****That Council:**

1. **Nominates the following Councillors to the Minister as members of the relevant Development Assessment Panel for the Shire of Yalgoo for the term expiring on 26 April 2015:**
  - **Cr Terry Iturbide**
  - **Cr MR Valenzuela**
2. **Nominates the following Councillors as alternative members to the relevant Development Assessment Panel for the Shire of Yalgoo for the term expiring on 26 April 2015:**
  - **Cr Laurence Hodder**
  - **Cr Stan Willock**
3. **Submits the names of the nominated Councillors to the Minister and to the Department of Planning as required. That**

**Moved: Cr MR Valenzuela**

**Seconded: Cr R Grinham**

**Motion put and carried 5/0**

### 11.2.3 Budget Request – Application for R4R Northern Planning Grant under the Local Government Assistance Program

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	11 April 2013
Attachments	Nil

#### Matter for Consideration

To consider approving a provisional budget amendment to recognise possible income and expenditure for grant funding, and provisionally authorise the CEO and President to execute the funding agreement by affixing the common seal, pending approval of the funding.

The funding provider is the Royalties for Regions Northern Planning sub program LGAP/SMUG (Local Government Assistance Program, Shires of Murchison and Upper Gascoyne).

The funding applied for is to prepare a townsite revitalisation strategy, local planning policies and economic development strategy (from a town planning perspective).

#### Background

The Shire authorised the CEO in 2012 to obtain quotes for a townsite structure plan.

In consultation with the Department of Planning, this has been refined to cover matters Council and community have identified as particularly critical. Urbis planning have prepared a proposal, and I am negotiating with the LGAP/SMUG team for funding in the vicinity of \$60-\$70,000 to carry out the work which includes:

##### Yalgoo Town Revitalisation Strategy

- Inception meeting and background review
- Community workshops and preparation of materials
- Main Street Beautification Concept Plan (this will include Gibbons Street, and will extend out into Piesse Street – ie: the Geraldton Mount Magnet Road. Urbis will work with Main Roads to ensure that the final design will provide the conditions that will achieve our aspiration to reduce the speed limit to 50 on the Geraldton Mount Magnet Road).
- Recreation Strategy and Concept for Shire owned facilities
- Trail Master Plan
- Associated reporting
- Project Management

##### Local Planning Policy Preparation

Council drafted policies back in 2000 (particularly one for mining and other temporary style accommodation in Yalgoo) but the process to formally adopt under the Town Planning Strategy was not undertaken.

- Review of Shire policy framework and existing draft policies
- Policy research
- Recommendation of additional planning policies as required
- Policy drafting
- Consultation on the policies
- Formal advertising in accordance with TPS
- Review and amendments to draft and final policy

- Preparation of Council reports on the policies (draft for advertising and final adoption)

#### Economic Development Opportunity Assessment

- Economic review and analysis
- Industry and stakeholder discussions
- Report preparation and advice

### **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.

s.9.49A (2) of the Local Government Act 1995 prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.

s.9.49A (3) requires that the common seal is to be affixed to a document in the presence of the President and CEO.

### **Strategic Implications**

Small local governments are often unable to fund high quality planning. This makes us uncompetitive when applying for funds.

Poor planning or lack of planning and lack of consultation also results in situations like poor drainage in Yalgoo, that is going to be very costly to rectify.

This planning process will result in documents that take community aspiration to the next level, with formal concept designs that can then be used to leverage funding opportunities.

### **Policy Implications**

Development of new formal town planning policies.

Delegation Register 2.1 Use of Common Seal

Policy 7.6 Budget – Preparation Timetable

### **Financial Implications**

There will be a zero net financial effect, as the project will only be carried out if the grant funding is approved.

### **Consultation**

Department of Planning (LGAP/SMUG team)

Urbis Planning

### **Comment**

It is recommended that the Shire embraces this opportunity, but understands that this is a planning process. Funding for infrastructure will need to be sought separately.

This process will feed into the Shire's corporate plan, asset management plan and long term financial plan.

It will provide planning documents that will assist the Shire and its staff to make well informed future decisions, and will provide strong evidence to leverage funding.



## Voting Requirements

Absolute Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2013-0405 Provisional request for budget amendment and authority to execute funding agreement, Northern Planning, LGAP/SMUG**

That pending approval of grant funding, Council provisionally authorises:

1. A budget amendment to recognise income and expenditure (net effect zero) for a grant from Northern Planning (Local Government Assistance Program) to carry out town planning services including develop town revitalisation and economic development strategies, and local planning policy/ies; and
2. Authorises the President and CEO to execute the funding agreement if required by affixing the common seal.

Moved: Cr N Grinham      Seconded: Cr S Willock      Motion put and carried by absolute majority 5/0

## 11.3 FINANCE

### 11.3.1 Financial Activity Statements and Accounts Paid for the months of February 2013 and March 2013.

File:	
Author:	Heather Boyd
Interest Declared:	No interest to disclose
Date:	8 April 2013
Attachments	p Financial Activity Statements February 2013- R34 (1)
(White)	p Schedule of Payments February 2013 – R13(1)
	p Financial Activity Statements March 2013 – R34(1)
	p Major Project Progress Reports - C2012-0320
	p Schedule of Payments March 2013 - R13(1)

#### Matter for Consideration

Adoption of the monthly financial statements, major project progress report and schedule of payments.

#### 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.

Council can expect to receive status reports for the following major 2012/13 projects commencing from the accounting period ended 31 October 2012:

- RC003 Yalgoo Community Hub: Covered Sports Facility

#### 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

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2013-0406    R34 (1) - Financial Activity Statements for the month of February 2013 and March 2013**

**That Council adopts the financial activity statements for the period ending 28 February 2013 and 31 March 2013, as attached.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr N Grinham**

**Motion put and carried 5/0**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2013-0407    R13 (1) - List of accounts paid for the month of February 2013 and March 2013**

**That Council receives the Schedule of Payments for accounts paid in the month of February 2013 and March 2013.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr R Grinham**

**Motion put and carried 5/0**

*ADJOURNMENT:            Lunch 12.00pm to 1.00pm.*

The meeting adjourned for lunch at 12.00pm and resumed at 1.00pm, with all who were in attendance before the adjournment being present at the resumption.

### 11.3.2 Cat Act Implementation Grant Program - Budget Adjustment 2012-13 and Common Seal

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	25 March 2013
Attachments	Nil

#### Matter for Consideration

To approve the budget amendment for implementation of the Cat Act 2011, and to authorise the President and CEO to execute the Dept of Local Government Cat Act Implementation grant agreements by affixing the common seal of the Shire.

#### Background

The Dept of Local Government has granted the Shire of Yalgoo \$4,235 to assist with projecting the implementation of the Cat Act 2011. The funding is made up of \$1,000 for the cat management facility, \$700 for the cat sterilisation program and \$2,535 for miscellaneous costs such as the microchip reader.

The project is expected to be completed by 30 June 2013 ready for the provisions of the Act to commence on 1 November 2013.

The Shire's contract ranger services, Canine Control, will coordinate the subsidised cat sterilisation, registration and micro chipping program. A schedule is being created for Murdoch University to make in-kind contributions of approximately \$3,000 by way of student veterinarians' visitations to Midwest Shires.

#### 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.

Section 9.49A (2) of the Local Government Act 1995 prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.

Section 9.49A (3) requires that the common seal is to be affixed to a document in the presence of the President and CEO.

#### Strategic Implications

No comment

#### Policy Implications

Delegation Register 2.1 Use of Common Seal.

#### Financial Implications

The Department of Local Government has granted the Shire of Yalgoo \$4,235 in 3 separate Cat Act Implementation Grant Program agreements made up of:

- \$700 Cat Sterilisation Program
- \$1,000 Cat Management Facility

- \$2,535 Miscellaneous Costs

The Shire will expend \$7,000, with \$2,765 funded by the Shire’s animal control budget.

**Consultation**

- Sharon Daishe, CEO, Shire of Yalgoo
- Ron Adams, Project Executive Shire of Yalgoo
- Peter Smith, Contract Ranger Canine Control
- Christine Harvey, Finance Consultant

**Comment**

Funding for miscellaneous costs are allocated to Local Governments to cover items related to the legislation such as training of rangers in microchips and the microchip readers, cat traps and vehicle fit outs.

The cat sterilisation grant is to assist pensioners and low income earners with the cost of cat sterilisation while the cat management facility is for the partial conversion of the dog pound to be also used for cats.

**Voting Requirements**

Recommendation #1 - Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION #1**

**C2013-0408 DLG Cat Act Implementation Grant Program - Budget Amendment 2012-13**

That Council approve a budget adjustment in 2012-13 for implementation of the Cat Act 2011 as follows:

- Grant income \$4,235 made up of:
  - \$700 Cat Sterilisation Program
  - \$1,000 Cat Management Facility
  - \$2,535 Miscellaneous Costs
- Expenditure \$4,235

Moved: Cr MR Valenzuela    Seconded: Cr R Grinham    Motion put and carried by absolute majority 5/0

Recommendation #2 – Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION #2**

**C2013-0409 DLG Cat Act Implementation Grants Program Use of Common Seal**

That Council authorises the President and CEO to affix the common seal of the Shire of Yalgoo to execute Cat Act Implementation Grants Program agreements between the Shire and the Department of Local Government.

Moved: Cr MR Valenzuela    Seconded: Cr N Grinham    Motion put and carried 5/0

### 11.3.3 Differential Rating 2013/14

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	7 April 2013
Attachments (yellow)	Nil

#### Matter for Consideration

Determination of the rate in the dollar and the minimum rates for the various differential and specified are rate categories for the 2013/14 financial year.

#### Background

The Valuer General's Office (Landgate) provides Council with a rateable value for each rateable property within the Shire. Properties located in the townships of Yalgoo and Paynes Find are valued based on a gross rental value (GRV). Pastoral/rural, mining and exploration/prospecting are valued based on unimproved value (UV). Council will then set a "rate in the dollar" (RID) and minimum rate values.

The rateable value (as advised by the Valuer General's Office) is multiplied by the rate in the dollar to produce the annual rates to be charged to the property. If this value is less than the minimum rate value agreed by Council, then the ratepayer will be charged the minimum rate value.

In the past Council has adopted a differential rating strategy and currently has four rating categories being residential, pastoral, mining, exploration/prospecting.

The annual differential rating proposal is to be advertised for public comment for a period of 21 days prior to its adoption by Council. Should Council adopt these differential rates at the Ordinary Meeting on 18 April 2013, the intention is to advertise the proposed rates in the Western Australian on the Saturday 4 May 2013. Submissions from ratepayers and electors would be invited to be received up to noon Monday 27 May 2013. If any submissions are received, Council is required to consider them. Submissions will be considered at the June 2013 Ordinary Council Meeting. If there are no submissions received then approval will be sought from the Minister.

As Council has a differential rate that is more than twice the lowest differential rate imposed, approval from the Minister for Local Government and Regional Development must be obtained before these rates are formally adopted by Council. The approval of the Minister will be sought towards the end of the public consultation phase in order to obtain feedback prior to the June 2013 Ordinary Council Meeting.

Once Council has advertised for the required time, processed any submissions from ratepayers and Ministerial approval has been granted, Council can then adopt the budget. As required by the Local Government Act 1995 the budget must be adopted by 31 August.

As in previous years, the justification for the higher minimum rate on vacant land is related to land supply issues. Development of the town is restricted by a lack of land available, especially for housing. Housing is still in critically short supply and Council is trying to address this by building houses and ensuring blocks are available for building. Vacant lots in Yalgoo are predominantly owned by absentee owners who it appears have little plans of developing them. The intention of the continued high minimum rates for vacant blocks is to clearly indicate Council's desire to pursue its goal to have town blocks developed. The purpose of the

greater minimum rates is motivational rather than based on revenue considerations. We believe that this course of action will provide motivation to the owners of vacant land needed for development either to improve their properties by the construction of dwellings or other buildings, or to sell them to people who are willing to implement such improvements.

### **Statutory Environment**

#### *Local Government Act 1995*

- s.6.32 – States that 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(3) – States that a local government cannot, without the approval of the Minister, impose a differential general 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 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.
- s.6.36 – Requires that 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**

Ensure that the Local Government raises rates to generate revenue to fund operating expenditure.

### **Policy Implications**

- Policy 7.5 Rates Calculation – outlines the steps for staff to prepare a draft budget using Local Government Cost Index (LGCI).
- Policy 7.6 Preparation of Budget – outlines the steps and timetable leading to the adoption of the Budget.

### **Financial Implications**

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure. However, it is allowed to adopt a budget that has a deficit that does not exceed 10% of its rates revenue.

For the 2013/2014 draft Budget it is proposed a total of \$1,703,014 be raised from GRV property and UV area rates.

### **Consultation**

CEO, Sharon Daishe

### **Comment**

#### Determining the Percentage Increase for Property Rates

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



Policy 7.5 instructs the use of the Local Government Cost Index (LGCI) for determining increases to rates:

WALGA LGCI rate to December 2011	2.8%
WALGA LGCI forecast to June 2012	3.6%
WALGA LGCI forecast to June 2013	3.2%

<b>OTHER COUNCIL DIFFERENTIAL MINING RATES</b>		
	<b>2012/2013</b>	<b>2011/2012</b>
Cue	26.00	24.75
Morawa	45.00	45.00
Mt Magnet	27.27	26.22
Perenjori	30.00	24.54
Average	<b>32.07</b>	30.13
Yalgoo	31.09	27.00

Policy 7.5 (5) - Council may adopt or vary the rate used for calculations, to suit budget considerations. Given the increased damage and Council costs to roads in the Shire by mining traffic, it is recommended that the Mining Rate be increased to 35.75 cents in the dollar being an increase from 2012/2013 of 15%.

The minimum rates were calculated at 3.2% and were then rounded up to the nearest \$10. The effect of this is the general minimum rate will increase by 4.35% and the lesser minimum rates will increase by 4%.

<b>RATE CATEGORY</b>	<b>BASIS</b>	<b>2012/2013 (cents in dollar)</b>	<b>2012/2013 Minimum \$</b>	<b>Rate cents in \$ as per Policy 7.5 (3.2%)</b>	<b>Proposed 2013/2014 Minimum</b>	<b>Proposed 2013/2014 (cents in dollar)</b>
Town Improved	GRV	6.90	<b>250</b>	7.12	<b>260</b>	<b>7.12</b>
Town Vacant	GRV	6.90	<b>575</b>	7.12	<b>600</b>	<b>7.12</b>
Pastoral/Rural/Special Use	UV	6.09	<b>250</b>	6.28	<b>260</b>	<b>6.28</b>
Mining/Mining Tenement	UV	<b>31.09</b>	<b>250</b>	32.08	<b>260</b>	<b>35.75</b>
Exploration/ Prospecting	UV	18.40	<b>250</b>	18.99	<b>260</b>	<b>18.99</b>

Determining the Yield from Property Rates

**DRAFT RATE MODEL 2013/2014** - Based on 3.2% increase, as per Policy 7.5, with the exception of Mining which has been modelled at 35.75 cents in the dollar.

<u>RATE CLASSIFICATION</u>	<u>NO OF PROPERTIES</u>	<u>MINIMUMS</u>	<u>YIELD \$</u>	
Town Improved (GRV)	36	2	20,745	1.22%
Town Unimproved (GRV)	11	11	6,600	0.39%
Mining/Mining Tenement (UV)	167	30	1,453,823	85.37%
Exploration/Prospecting (UV)	243	112	163,192	9.58%
Pastoral/Rural (UV)	<u>26</u>	<u>3</u>	<u>58,654</u>	3.44%
	<u>492</u>	<u>166</u>	<u>1,703,014</u>	

Of this total \$27,345 is obtained from GRV properties and \$1,675,669 from UV properties

**Voting Requirements for officer recommendation No.1**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION No. 1**

**C2013-0410 Differential Rating 2013/2014 - Advertising**

That Council advertises its intention in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2013/2014 financial year:

Rate Category	Basis	2013/2014 Rate Cents in the dollar	2013/2014 Minimum \$
Town Improved	GRV	7.12	260
Town Vacant	GRV	7.12	600
Pastoral/Rural	UV	6.28	260
Mining/Mining Tenement	UV	35.75	260
Exploration/Prospecting	UV	18.99	260

Moved: Cr R Grinham    Seconded: Cr MR Valenzuela    Motion put and carried by absolute majority 5/0

**Voting Requirements for OFFICER RECOMMENDATION/COUNCIL DECISION No. 2**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION No. 2**

**C2013-0411 Differential Rating 2013/2014 – Application to Minister**

That application be made to the Minister for approval to adopt differential rating and rates in the dollar that exceed the 2:1 immediately following the close of the submission period subject to no submissions being received.

Moved: Cr N Grinham    Seconded: Cr MR Valenzuela    Motion put and carried 5/0

### 11.3.4 Draft budget 2013/2014 – Consultation requests

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	8 April 2013
Attachments	Nil

#### Matter for Consideration

Review requests from councillors, staff and the community for inclusion in the draft budget for 2013/14.

#### Background

Councillors, staff and the community have been invited to submit requests for the draft budget in accordance with Council Policy 7.6 – Annual budget – Preparation Timetable.

#### 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.

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

#### Strategic Implications

Forward planning of works to be undertaken by Council in 2013/14

#### Policy Implications

Policy 7.6 Budget – Preparation Timetable

#### Financial Implications

Any consultation requests approved by Council will be included when preparing the 2013/14 draft budget.

#### Consultation

- Community via advertisement in the Yalgoo Bulldust requesting budget submissions March 2013
- Councillors via written request in March 2013
- Staff via memo seeking request in March 2013

**Comment**

**COMMUNITY DRAFT BUDGET REQUESTS**

Draft budget requests	Comments	Recommendation
<ul style="list-style-type: none"> <li>Fuel for the Mullewa Football Club Bus</li> </ul>	<p>The Mullewa Football players from Yalgoo previously used the Shire of Yalgoo bus to take players to training and games, and fuel was funded through the HCP contribution from MMG Golden Grove. The Football Club have now provided a bus for the players to use and would like the Shire to pay for fuel for their bus.</p>	<p>That the Shire funds fuel for the bus through the HCP program to the value of \$1,500. This amount is to be reviewed annually.</p>

**COUNCILLORS DRAFT BUDGET REQUESTS**

Draft budget requests	Comments	Recommendation
<ul style="list-style-type: none"> <li>Build toilets at the Yalgoo International Airport for the public and flying doctor</li> </ul>	<p>There are currently no toilet facilities at the airport.</p>	<p>It is recommended that Council commits \$60,000 for self composting environmental toilets to be placed at the airport, and also at the cemetery as the cemetery only has an old porta-loo currently.</p>

Draft budget requests	Comments	Recommendation
<ul style="list-style-type: none"> <li>To build a storm water drain system to prevent floods and reduce potential health risks</li> </ul>	<p>Planning and engineering for the issue of drainage in Yalgoo commenced with an application for funding to the Mid West Investment Plan in 2011, and to Northern Planning for planning and engineering early in 2012.</p> <p>MWIP have indicated support for some funding, pending planning and engineering outcomes.</p> <p>The Shire received a grant from Northern Planning in 2012 to carry out an infrastructure survey covering drainage, sewerage and underground power.</p> <p>Northern Planning have completed the survey, and made recommendations that were presented to Council in November last year. Council as a result has made decisions on the underground power and sewerage.</p> <p>The indicative cost for the drainage is \$371,000 and \$220,000 for roadworks / paths.</p> <p>Porter had one more task to complete, being the technical design for the drainage. Porter has recently provided technical drawings for staff review. The drainage has proved complex, and potentially more costly than originally indicated, due to the extremely poor design that was probably a result of lack of engineering and low budget when the streets were originally built.</p>	<p>Drainage improvements will be considered when funding is available.</p> <p>It is important to consider drainage upgrades consecutively with sewerage as the costs will be considerably higher if the two processes are not undertaken concurrently, which would require extensive rework.</p> <p>Mid West Investment Plan is a potential source of funding, bearing in mind that the cost will be in the vicinity of \$600,000.</p>

Draft budget requests	Comments	Recommendation
<ul style="list-style-type: none"> <li>Replace cricket wicket at oval and a practice net</li> </ul>	<p>Refer decisions of Council pending – a budget allocation was made to replace the existing cricket pitch, however this has not yet been actioned.</p> <p>There are two defunct cricket pitches in Yalgoo – one at the golf course, and one at the railway station. The one at the railway station is in the middle of the polocrosse/ gymkhana grounds. The risk to horses and their riders must be considered when designing a replacement pitch (and likewise the potential for damage to the pitch). There are no amenities for players at the golf course and the grounds are unformed gravel.</p> <p>The CEO has obtained a quote for a recreation survey in Yalgoo, and is negotiating with Northern Planning for town planning funding that will cover recreation, main street revitalisation, speed on Geraldton Mt Magnet road, local planning policies and economic development strategy.</p>	<p>Council has documented the need for a cricket pitch, as a community facility of high importance.</p> <p>It is recommended that the location, design and budget allocation for the pitch is included for further community consultation as part of a broader strategy to improve and consolidate recreation facilities in Yalgoo.</p>
<ul style="list-style-type: none"> <li>Replace shade cloth over water park</li> </ul>	<p>High winds shredded the shade cloth and cabling within 12 months of erection. The supplier rejected the Shire’s claim that the cloth should be replaced under warranty, and quoted \$20,000 last year to replace.</p> <p>There is little point in replacing the shade cloth only to have it damaged again by high wind. Staff had already planned to obtain a quote from Auspec Steel (builders of the rage cage roof, who are on the Shire’s list of pre-qualified suppliers) for a hard roof that is designed to withstand high winds and is visually integrated with the rage cage.</p>	<p>Consider the budget implications when the quote is received.</p>
<ul style="list-style-type: none"> <li>Street side pick up twice a year</li> </ul>		<p>A street side pick-up will be scheduled to be undertaken twice a year as part of the parks and gardens budget.</p>
<ul style="list-style-type: none"> <li>Fogging town in summer</li> </ul>	<p>The Shire already has an annual budget for fogging.</p>	<p>No change required.</p>

**STAFF DRAFT BUDGET REQUESTS**

Draft budget requests	Comments	Recommendation
<ul style="list-style-type: none"> <li>Dishwasher for the shire office</li> </ul>	<p>This matter has been raised before and already approved for inclusion in the office upgrade plan.</p> <p>Drawing up of the plans will not occur in 12/13 due to workload, and higher priorities.</p> <p>The kitchen is too small, with insufficient cupboard space now, to consider the extra expense of adding a dishwasher at this time.</p> <p>The dishwasher is an important item for the refurbishment.</p>	<p>Plans for the office extension and upgrade will be drawn up in 2013/14 for consideration by Council, and potential budget allocation for construction in 2014/15. The dishwasher will be included at this time.</p>
<ul style="list-style-type: none"> <li>Security screens and doors for 3 Gibbons St</li> </ul>	<p>Such a request should be considered in the context of all staff housing in the interest of equal levels of service and amenity.</p>	<p>Carry out an audit of the security provisions of each staff home, in the interests of standardising same.</p>
<ul style="list-style-type: none"> <li>Units 19a &amp; 19b. Replace floor coverings with wood veneer and repaint inside.</li> </ul>	<p>There is an existing schedule of maintenance work to be undertaken on the units.</p> <p>Units 19a, 18c and 18d are due for scheduled maintenance which will occur in the 2013/14 budget.</p> <p>Unit 19a was repainted in 2011 and any further repairs will be assessed as part of the staff housing maintenance budget.</p>	<p>No change required – the Shire already has a budget to maintain its assets.</p>

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION #1**

**C2013-0412 Draft budget 2013/2014 – Consultation requests**

That the following items be considered for inclusion in the 2013/14 draft budget as a result of consultation with community, councillors and staff:

- Payment of an annual contribution of \$1,500 from the HCP activities budget to the Mullewa Football Club, for fuel for their bus for the Yalgoo football players to attend training and games, provided that the club will be required to submit a monthly log of travel and fuel receipts to substantiate the expenditure. The payment will be reviewed annually.
- Capital funding of \$60,000 for one self composting toilet at the Yalgoo cemetery and one at the Yalgoo Airport (\$30,000 each).
- Hard cover for the Shire of Yalgoo Water Park, that is designed to withstand high winds and visually integrate with the adjacent new covered sports facility (quote to be provided for further consideration).

Moved: Cr MR Valenzuela

Seconded: Cr N Grinham

Motion put and carried 5/0

ATTENDANCE: 1.45 pm DEPUTY PRESIDENT Cr MR Valenzuela left the meeting.

ATTENDANCE: 1.47 pm DEPUTY PRESIDENT Cr MR Valenzuela re joined the meeting.

**11.3.5 Revise-WA Donation**

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	26 March 2013
Attachments	Nil

**Matter for Consideration**

To consider a further donation to REVISE-WA to assist with their volunteers’ travelling expenses.

**Background**

A letter was received by the Shire in July 2012 seeking a donation of \$200.00 to assist REVISE-WA with their educational assistance program. The Council at the meeting on 23 August 2012 resolved C2012-0812 to make a donation as requested.

REVISE-WA is a not-for-profit organisation that provides voluntary tutors to assist parents in the supervision of their children’s education received through the School of Isolated and Distance Education and regional Schools of the Air. The tutors are unpaid volunteers, with REVISE-WA organising and paying for tutor’s transport to and from properties.

While REVISE-WA relies on support from a number of organisations and from families who use the service as well as an annual grant, the contributions do not cover all of the volunteers’ expenses and therefore REVISE-WA seek additional funding to support the program.

**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**

Nil

**Policy Implications**

Nil

**Financial Implications**

Council has \$778 remaining in the 2012/13 discretionary budget for donations.

**Consultation**

CEO Sharon Daishe



**Comment**

REVISE-WA provides a valuable service to children receiving School of the Air or distance education by providing assistance particularly at a time when parents have a high workload or through illness may not be able to adequately supervise a child’s education. Children often benefit from the professional assistance of a trained teacher.

At the Council meeting on 23 August 2012 Council resolved C2012-0812 to pay an initial \$200.00 in donation to REVISE-WA. However Councillors expressed interest for the amount be reviewed prior to the end of the financial year if the discretionary donations budget had not been fully expended.

To 26 March 2013 the Council has \$778 remaining in the 2012/13 donations budget available.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2013-0413     Donation to REVISE-WA**

**That Council:**

- 1. Donates a further \$200 from the 2012/13 donations budget allocation to REVISE-WA to assist with their volunteer program; and**
- 2. Includes \$400 in the draft annual donations budget for 2013/14.**

**Moved: Cr R Grinham**

**Seconded: Cr N Grinham**

**Motion put and carried 5/0**

### 11.3.6 Draft Budget 2013/2014 - donations

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	8 April 2013
Attachments	Nil

#### Matter for Consideration

To consider proposals for donations for the 2013/14 financial year.

#### Background

In preparing Council’s Draft Budget, approval of donations prior to the budget meeting is required. Once this schedule has been approved, Council may adopt it, with or without amendment, however this will not occur until the annual budget is adopted.

#### 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.
- s.6.2 Requires that each year a local government prepare and adopt an annual budget.

#### Strategic Implications

None

#### Policy Implications

Policy 7.6 – Budget – preparation timetable

Policy 7.9 – Shire of Yalgoo Education Scholarships and Donations

#### Financial Implications

Any donations approved by Council will be included in the 2013/14 draft Budget. Council in its 2012/13 budget had included \$2,000 for donations.

#### Consultation

CEO, Sharon Daishe

**Comment**

A total of \$2,000 was budgeted for donations in the 2012/13 budget which was made up of:

2012/13 Budget	Paid	Comments
\$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show	Yes	A request has been received for the 2013 show which is in October.
\$100 Meekatharra School of the Air for graduation gifts to students	No	Meekatharra School of the Air have been contacted by the CYDC and will be looking to take this option up.
\$240 Medical oxygen supplied to the Paynes Find Royal Flying Doctor Service Clinic	Yes	This essential service is to assist the RFDS when required.
\$600 Yalgoo Primary School “Aussie of the Fortnight” program		The donation is being sought in 2013/14 for end of year awards and Christmas party.
\$960 Discretionary allowance		\$200 paid to Revise WA with a further \$200 presented to Council at the April 2013 meeting

It is proposed that all the above donations remain in the 2013/2014 budget with the addition of a donation to Revise-WA which will be offset by a reduction of the discretionary allowance.

- \$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show
- \$100 Meekatharra School of the Air for graduation gifts to student(s) as per Shire policy 7.9
- \$240 (~\$20/month) to pay for the Medical oxygen supplied to the Paynes Find Royal Flying Doctor Service
- \$600 Yalgoo Primary School “Aussie of the Fortnight” program
- \$200 Revise-WA
- \$760 Discretionary Members Donation (to be determined by council approval as the donation request arises)

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2013-0414 Draft Budget 2013/14 - Donations**

**That proposed donations totalling \$2,000 be included in the 2013/14 draft Budget and that the donations to specific organisations be those detailed as follows –**

- \$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show**
- \$100 Meekatharra School of the Air for graduation gifts to student(s)**
- \$240 Medical Oxygen for Royal Flying Doctor at Paynes Find**
- \$600 Yalgoo Primary School “Aussie of the Fortnight”**
- \$200 Revise-WA to help with volunteers travel expenses**
- \$760 Discretionary allowance**

**Moved: Cr MR Valenzuela**

**Seconded: Cr S Willock**

**Motion put and carried 5/0**

## 11.4 ADMINISTRATION

### 11.4.1 Mount Gibson Mining Public Benefit Agreement

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	05 April 2013
Attachments (yellow)	P10-16 MGM Public Benefit Agreement

#### Matter for Consideration

To consider an exchange of letters between the Shire and Mount Gibson Mining that clarifies expenditure of public benefit funds.

#### Background

Mount Gibson Mining struck a public benefit agreement with the Shire on 1 September 2008, which became active in November 2011, being the first date of haulage on the Wanarra East Road.

Funds have been reserved to date, with the exception of \$20,000 that was included in the 2012-13 budget for community activities.

The agreement states:

- 3.4 Payments out of the Public Benefit Fund will be subject to;**
- (a) Written application being made to the Yalgoo, and
  - (b) The written recommendation of Yalgoo council is forwarded to the MGM Representative, and
  - (c) the agreement of the MGM Representative is forwarded to Yalgoo.
- 3.5 All decisions shall be confirmed in writing via an exchange of letters.**

MGM have been paying the funds to the Shire each six months, and the Shire has held them in the HCP Reserve with the exception of \$20,000 that was included in the Healthy Community Program (HCP) 2012/13 operations budget for community activity expenses.

#### 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

#### Policy Implications

Nil

## Financial Implications

The public benefit agreement between the Shire and Mount Gibson Mining provides for funding of \$40,000 (paid six monthly in arrears) for public benefit in accordance with the agreement.

## Consultation

- Jessica Sackman, Environmental Engineer, Mount Gibson Iron Limited, Extension Hill Operations
- Steven Churchill, Health, Safety, Environment and Community, Extension Hill Operations

## Comment

The Shire does not have the staff resources to become a public grant provider, and the number of incorporated community organisations in the Shire is minimal which would restrict the Shire's ability to offer these funds equitably for public benefit.

History and evidence at the Shire shows that whilst monthly and annual accounts are transacted with acceptable efficiency, anything that requires special administration tends to be poorly managed due to cycles of staff turnover. This is evidenced over a very long period of time. For instance, there are many small amounts in the Shire's trust fund that have been in the fund for many years and there is no supporting evidence or history.

Administration of a separate special purpose bank account for this small amount of funding is unlikely to be managed well in the longer term.

However, the Shire has a community and youth development program that requires funds for community activities that are of public benefit. Such activities are developed in consultation with the community, to respond to community needs.

Council had previously notionally allocated \$20,000 of these funds to this program in the 2012-13 financial year. Expenditure of the activities component to date includes a school re-engagement program, school holiday program and youth camp to Kalbarri.

In order to simplify the administrative burden on the Shire, and expend the funds equitably for public benefit, it is suggested that Council recommends to MGM that the public benefit funds be allocated to the Shire's community and youth development activities program.

## Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

#### C2013-0415 MGM Public Benefit Agreement

That with regard to the Public Benefit Agreement between the Shire of Yalgoo and Mount Gibson Mining, Council:

1. Requests written approval from MGM to expend the public benefit funds for activities under the Shire's healthy communities program (E132018) for the benefit of citizens of Yalgoo, with any unspent amounts to be identified and held in the Shire's Healthy Community Project reserve; and
2. Invites MGM to nominate a representative to liaise with the Shire's Community & Youth Development Coordinator regarding the activities to be funded under the program; and
3. Advises MGM that the Shire will provide a financial and activity report to MGM each 6 months for the term of the agreement for the periods 1 July to 31 December, and 1 January to 30 June.

Moved: Cr MR Valenzuela

Seconded: Cr S Willock

Motion put and carried 5/0

## 12. NOTICE OF MOTIONS

### 12.1 PREVIOUS NOTICE RECEIVED

## 13. URGENT BUSINESS

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

### 14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### Local Government Act 1995

##### 5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

- (ii) endanger the security of the local government’s property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971* ; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**5.92. Access to information by council, committee members**

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
- (a) all written contracts entered into by the local government; and
  - (b) all documents relating to written contracts proposed to be entered into by the local government.

**5.93. Improper use of information**

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

**Local Government (Rules of Conduct) Regulations 2007**

**6. Use of information**

- (1) In this regulation —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
  - confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
  - non-confidential document** means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
- (a) information that the council member derived from a confidential document; or
  - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or

- (g) if the disclosure is required or permitted by law.

## **15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held on Thursday 23 May 2013 commencing at 11.00 am at the Paynes Find Community Centre.

*Note that there may be a workshop (Community Plan and WorkforcePlan) before this meeting commences and councillors may be requested to travel to Paynes Find the evening before.*

## **16. MEETING CLOSURE**

There being no further business, the President declared the meeting closed at 2.00pm.

### **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	<i>Australian Square Kilometre Array Pathfinder</i>
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)
CRC	Community Resource Centre
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
DAFWA	Department of Agriculture & Food
DAIP	Disability & Access Inclusion Plan
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
FaHCSIA	Families, Housing, Community Services & Indigenous Affairs
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GPG	General Purpose Grant
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
ILRG	Identified Local Road Grant
IMG	Incident Management Group
IPWEA	Institute of Public Works/Engineering WA
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

<b>Acronym</b>	<b>Detail</b>
LGGC	Local Government Grants Commission
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)
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
RDAMWG	Regional Development Australia Mid West Grants
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

<b>Acronym</b>	<b>Detail</b>
WAAA	West Australian Agriculture Authority
WACHS	WA Country Health Service
WACRN	Western Australian Community Resource Network
WARDT	Western Australian Regional Development Trust
WAERN	West Australian Emergency Response Network
WALGA	WA Local Government Association
WALGEMAG	Western Australian Local Government Emergency Management Advisory Group
WALGGC	West Australian Local Government Grants Commission
WAPC	Western Australian Planning Commission
WARDT	Western Australian Regional Development Trust
WWTP	Waste Water Treatment Plan

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