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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 Friday 25 October 2013, commencing at 11.00 am.

SWEARING IN OF RE-ELECTED AND NEW COUNCILLORS

The Local Government Act 1995 (s.2.29) prescribes that a person elected as a councillor, president or deputy president must make a declaration in the prescribed form (Form 7), before a prescribed person, before acting in the office. The CEO is a prescribed person.

Newly elected and re-elected councillors will make the declaration before the meeting is formally opened. The Act prescribes that the first matter to be dealt with at the meeting is the election of the president.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

In accordance with the Local Government Act Schedule 2.3 (3), the CEO Sharon Daishe presided at the meeting until the election of the president.

The Chief Executive Officer declared the meeting open at 11: 20am, with the first item of business being election of the President.

1.0 ELECTIONS

Information for elected members

- The first matter to be dealt with at the ordinary council meeting following an ordinary election is the election of the president. The CEO presides at the meeting until this occurs, and conducts this election.
- Providing that a president is elected, the next matter to be dealt with is the election of the deputy president. The president conducts this election.
- A councillor who is nominated by another councillor must confirm that they are willing to be nominated. This must be done verbally or in writing to the person conducting the election.
- If there is more than one nomination voting is conducted by secret ballot.
- The Act prescribes what action is to occur if there are equal votes.

a) Election of Shire President (Schedule 2.3, Division 1, 4.)

The CEO advised that two nominations had been received for Cr Terry Iturbide for the office of President. The CEO called for further nominations.

There being no further nominations, the CEO declared Cr Terry Iturbide elected to the office of President. Cr Terry Iturbide made the Declaration of Office (President) before Chief Executive Officer, Sharon Daishe. Shire President Terry Iturbide assumed the Chair and thanked the members for electing her to the office.

b) Election of Deputy Shire President (Schedule 2.3, Division 2, 6.)

The President advised that one nomination had been received for Cr M Raul Valenzuela for the office of Deputy President.

The CEO called for further nominations. There being no further nominations, the President declared Cr M Raul Valenzuela elected to the office of Deputy President.

Cr M Raul Valenzuela made the Declaration of Office (Deputy President) before Shire President, Terry Iturbide.

Cr M Raul Valenzuela thanked the members for electing him to the office.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry K Iturbide, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Robert W Grinham Cr Stanley K Willock Cr Adam B Fawkes
STAFF	Sharon Daishe, Chief Executive Officer (CEO) Heather Boyd, Executive Manager Corporate (EMC) Pip Parsonson, Community Youth & Development Coordinator (CYDC) Karen Malloch, Administration Coordinator/Executive Assistant (ACEA)
GUESTS	Stuart Griffiths, Commercial & Legal Manager, Sinosteel Superintendent Andy Greatwood, Mid West-Gascoyne District, WA Police
OBSERVERS	Carol Hall, Yalgoo Nursing Post
LEAVE OF ABSENCE	
APOLOGIES	Cr Neil A Grinham

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

- Cr Stanley Willock disclosed a financial interest in Item 11.2.2 - pg 26

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS WITHOUT NOTICE

Nil

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
8 October 2013	Special Meeting of Murchison Regional Vermin Council (MRVC)	
9 October 2013	Teleconference with Regional Roads Group (RRG)	CEO, Sharon Daishe
16 October 2013	Golden Hub Primary Health Care – Mt Magnet	

7.2 COUNCILLORS

Date	Details	Councillors

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**C2013-1001 Minutes of the Ordinary Meeting**

That the Minutes of the Ordinary Council Meeting held on 19 September 2013 be confirmed.

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried 5/0

8.2 SPECIAL COUNCIL MEETING

Councillors were advised that an administrative error had occurred incorrectly recording the dates of the Special Meetings on 5 September 2013 and 25 September 2013 respectively.

The correct dates were 6 September 2013 and 23 September 2013 which are now accurately amended and recorded.

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2013-1002 Minutes of the Special Meeting**

That the Minutes of the Special Council Meeting due to be held on 6 September 2013, as resumed on Thursday 19 September 2013, be confirmed.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0

8.3 SPECIAL COUNCIL MEETING

Councillors were advised that an administrative error had occurred incorrectly recording the dates of the Special Meetings on 5 September 2013 and 25 September 2013 respectively.

The correct dates were 6 September 2013 and 23 September 2013 which are now accurately amended and recorded.

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2013-1003 Minutes of the Special Meeting**

That the Minutes of the Special Council Meeting held on 23 September 2013 be confirmed.

Moved: Cr MR Valenzuela Seconded: Cr NA 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).

The order of the Deputations and Presentations was altered due to time constraints affecting Mr Stuart Griffiths.

ORDER OF BUSINESS:

The DEPUTATION: Sinosteel Mid West (10.1) and the PRESENTATION: Policing and the Future Direction for Yalgoo (10.2) were changed to enable Mr Stuart Griffiths sufficient time to return to Perth in the afternoon.

10.2 DEPUTATION: Sinosteel Mid West

Extract from Shire of Yalgoo Policy 1.2 Standing Orders, Schedule 1.2:

7. Deputations

Persons wishing to appear before Council or a Committee as a deputation should apply to the CEO at least one week before the date of the meeting, specifying the purpose of the deputation and the number of persons in the deputation. Deputations may be permitted at the discretion of the Presiding Member or by a resolution of the Council or Committee (as the case may or may not be). Not more than two members of a deputation may address the Council or Committee, except to answer questions from members of the Council or Committee.

Sinosteel Midwest Corporation (SMC)

Mr Stuart Griffiths has applied to attend the meeting to answer any questions that may arise regarding agenda item 11.1.1 relating to a proposed agreement between the Shire of Yalgoo and SMC for road construction and haulage of ore on the Yalgoo Ninghan Road.

Councillors will have the opportunity to ask questions at this point (ie: at the item for deputation/s).

Further questions are not permitted once the item is opened for debate, as only councillors can participate in debate.

ATTENDANCE: *11:30am Stuart Griffiths, Commercial & Legal Manager Sinosteel, gave a presentation and answered questions from the Councillors regarding the proposed agreement between the Shire and Sinosteel for road construction and the haulage of ore on the Yalgoo Ninghan Road.*

The Shire Councillors and Executive staff were offered a tour of the Blue Hills mine site at a convenient time/date in the new year.

ATTENDANCE: *11:45am Stuart Griffiths departed from the meeting.*

10.1 PRESENTATION: Policing and the Future Direction for Yalgoo

Presentation by Superintendent Andy Greatwood, Mid West-Gascoyne District, Western Australia Police.

This presentation relates to item 11.4.7

Superintendent Andy Greatwood was invited to make a presentation to the council following recent disruptive, anti social and criminal behaviours in Yalgoo, which prompted several complaints from the community.

Superintendent Andy Greatwood gave a comprehensive overview of policing procedures, statistics and strategies. Cultural and social issues were discussed in relation to isolated communities such as Yalgoo. A range of specific actions and activities were presented, aimed at reducing and/or rectifying some of the behavioural and social problems.

ATTENDANCE: 12:40pm Karen Malloch, ACEA left the meeting.

ATTENDANCE: 12:42pm Karen Malloch, ACEA rejoined the meeting.

ADJOURNMENT: Lunch 12:52pm to 1:40pm.

The meeting adjourned for lunch at 12:52 noon and resumed at 1:40pm with all who were in attendance before the adjournment being present at the resumption with the exception of Superintendent Andy Greatwood, Mid West-Gascoyne District, WA Police and Cr Robert Grinham.

ATTENDANCE: 1:42pm Cr Robert Grinham joined the meeting.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.0.1 Adoption of New Policy 2.7 Integrated Planning: Long Term Financial Planning

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	10 October 2013
Attachments (yellow)	P1 Draft Policy (new) 2.7 Integrated Planning: Long Term Financial Planning

Matter for Consideration

To consider adopting new policy 2.7 Integrated Planning: Long Term Financial Planning Policy.

Background

Council adopted a Long Term Financial Plan at the September ordinary meeting of council.

A draft policy has also been prepared to provide clear direction on expectations for long term financial planning for elected members, employees and contractors/consultants engaged by the Shire.

Councillors reviewed the policy at a workshop with elected members and councillors on 21 August 2013.

The policy was presented for adoption at the September ordinary meeting of council however at the meeting it became apparent that the policy document had been omitted from the attachments in a number of copies of the agenda.

The decision to adopt the policy was therefore laid on the table.

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.

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and **long term financial planning**.

Strategic Implications

Planning for the financial sustainability of the local government.

Policy Implications

New Policy 2.7 (draft) Integrated Planning: Long Term Financial Planning

Financial Implications

The Long Term Financial Plan predicts income and expenditure over a fifteen year period.

The first four forecast years of the Long Term Financial Plan provide the financial context for the Corporate Business Plan and the first year of the Corporate Business Plan provides the financial context for the annual budget.

Consultation

- Paul Breman and Russell Barnes, UHY Haines Norton
- Executive staff
- Elected members
- Margaret Hemsley, Consultant to Local Government, Risk ID

Comment

It is recommended that Council adopts draft policy 2.7 as drafted by the Shire’s consulting accountants UHY Haines Norton.

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2013-1004 To Return to the Table - Adoption of New Policy 2.7 - Integrated Planning: Long Term Financial Planning.

That item Adoption of the New Policy 2.7 Integrated Planning: Long Term Financial Plan be returned to the table.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1005 Adoption of New Policy 2.7 Integrated Planning: Long Term Financial Planning

That Council adopt new Policy 2.7 Integrated Planning: Long Term Financial Planning.

Moved: Cr MR Valenzuela

Seconded: Cr RW Grinham

Motion put and carried 5/0

11.1 WORKS AND SERVICES

11.1.1 Yalgoo Ninghan Road Legal Agreement between Sinosteel Midwest Corporation (SMC) and the Shire of Yalgoo for Road Construction and Restricted Access Vehicle (RAV) Use

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	18 October 2013
Attachments	Refer separate envelope marked Confidential

Matter for Consideration

To consider entering into a legal agreement with SMC (Sinosteel Mid West) to haul ore on the Yalgoo Ninghan Road based on recovery of costs for the Shire to maintain the road, and provided that Sinosteel widen the seal to eight metres on the section of the road between the Minjar Haul Road intersection and the Golden Grove mine intersection.

Background

Council has previously granted in principle approval for the haulage agreement and direct approval for the construction agreement as per the decisions copied below. SMC has arranged for the two elements to be combined into one agreement that covers the pre-construction, and the haulage task.

C2013-0203 Sino Steel Blue Hills Mining Operations and Use of the Yalgoo-Ninghan Rd

That Council:

1. *Approve in principle that, pending entering into a formal road agreement, Sino Steel will have access to the Yalgoo Ninghan Road for haulage purposes; and*
2. *Authorise the CEO to enter into negotiations with Sino Steel and MRWA to develop a draft road agreement between the parties that will be presented to Council for final determination.*

Moved: Cr MR Valenzuela Seconded: Cr NA Grinham Motion put and carried 6/0

C2013-0924 Negotiate agreement with Sino Steel to construct Yalgoo Ninghan Road between Minjar Haul Road and Golden Grove intersections for their proposed RAV haulage from Blue Hills Mine

That Council:

1. *Request the CEO to negotiate an agreement for Sino Steel to construct the section of the Yalgoo Ninghan Road that is between the Minjar Haul Road intersection and the Golden Grove mine site to a standard sufficient for their proposed RAV haulage task and in accordance with the following minimum conditions:*
 - *Sino Steel is to bear all costs associated with the project including any direct or indirect costs incurred by the Shire of Yalgoo. To alleviate doubt, this means that the Shire will not bear any costs and will invoice Sino Steel for any costs including indirect costs incurred; and*
 - *Sino Steel will engage Greenfield's Technical Services to prepare engineering specifications to construct the road to a condition suitable for their proposed RAV haulage task with a minimum widening to 8m seal; and*
 - *Sino Steel will present the specifications for consideration by the Shire's technical staff; and*
 - *Sino Steel will not proceed with any construction until the Shire's technical staff have approved the engineering specifications and the legal agreement is executed; and*

2. Authorise the President and the CEO to execute the agreement by affixing the Common Seal to the contract between the Shire of Yalgoo and Sino Steel.

Moved: Cr MR Valenzuela Seconded: Cr S Willock Motion put and carried 4/0

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.

Road Traffic Act 1974

84. Damage to road etc. by vehicle, liability for

- (1) Each responsible person for a vehicle shall be jointly and severally liable in damages to a road authority for any expense or loss incurred by that road authority because of damage or injury to a road caused by, or happening as a result of —
 - (a) the use of the vehicle on the road; or
 - (b) the passage along the road of the vehicle or of anything carried, drawn, or propelled by the vehicle,

85. Damage to road by heavy traffic, local government may recover extraordinary expenses of repairing

- (1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.
- (2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

Business Implications	
Strategic Community Plan	Economy: 3.4.1 transport infrastructure
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	Preservation of the Shire’s road asset
Workforce Plan	Nil impact as Sinosteel are carrying out the work
Policy	Policy 13.5 Road Use (RAV) Haulage Agreements Delegation 2.1 Use of Common Seal
Financial (short term/ annual budget)	The principal of the legal agreement is cost neutrality to the Shire

Consultation

- Stuart Griffiths and Scott Whitehead, SMC
- Matt Barnes and Michael Keane, Greenfields Technical Services
- Bernie Miller, Mark Salt and Rod Gillis, Main Roads WA

- Scott Young, MMG Golden Grove
- Civic Legal

Comment

The Shire’s lawyers have drafted up an agreement in line with the Shire’s new policy for RAV access to Shire roads. I have reviewed several drafts of the document, and was satisfied with the version that has been presented in confidence to council.

Sinosteel’s lawyers have recommended a number of changes, our lawyers have countered a number of these, and I am also seeking comment from our insurers (LGIS) and engineers (GTS). Hence Shire lawyers and SMC lawyers are in a phase of negotiation over the finer detail of insurances and clauses to protect the interests of their clients.

In order to meet haulage timelines, Sinosteel need to start construction on the road as soon as possible.

I recommend that Council approves the arrangements in principle and authorises the CEO and President to sign and execute the legal deed once the Shire’s lawyers, insurers and engineers have reached agreement and are satisfied that the Shire’s interests are properly protected.

Should agreement not be reached regarding the construction and the RAV access, the decision below is worded to enable these agreements to be split into two separate agreements.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1006 Agreement between the Shire and Sinosteel Mid West Corporation (SMC) to Operate RAV (Restricted Access Vehicles) on the Yalgoo Ninghan Road from the Minjar Haul Road Intersection to the Geraldton Mount Magnet Highway

That Council:

- 1. Confirm in principle approval for Sinosteel Mid West Corporation (SMC) to haul ore on the Yalgoo Ninghan Road from the Minjar Haul Road intersection and the Geraldton Mount Magnet Road on the following conditions:**
 - a. The provisions of council decision C2013-0924 are met with regard to SMC widening the road at their cost; and**
 - b. SMC must enter into a legal agreement with the Shire that complies with Shire Policy 13.5 Road Use (RAV) Haulage agreement; and**
 - c. The legal agreement is to be based on the draft agreement that has been provided to SMC and was copied to councillors in confidence for this meeting; and**
- 2. Require that the amount of the Community Benefit to be paid by SMC under the agreement will be a minimum of \$50,000 per annum; and**
- 3. Agree that the Shire may enter into one legal agreement covering both the RAV use and the construction task, or, may enter into two separate agreements one of which is to cover the construction task and the other to cover the RAV access; and**
- 4. Require that before execution of any legal agreement, the Shire’s lawyers, insurers and engineers must be satisfied that the legal agreement protects the Shire’s interests and is in accordance with the Shire’s RAV policy; and**
- 5. Authorise the President and the CEO to execute the duly negotiated agreement/s by affixing the Common Seal to the contract between the Shire of Yalgoo and SMC.**

Moved: Cr AB Fawkes

Seconded: Cr RW Grinham

Motion put and carried 5/0

ATTENDANCE: 1:52pm Karen Malloch, ACEA left the meeting.

ATTENDANCE: 1:59pm Karen Malloch, ACEA rejoined the meeting.

11.1.2 Yalgoo Ninghan Road – Changes to Top Iron’s Haulage Proposal

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	18 October 2013
Attachments	Nil

Matter for Consideration

To consider matters relating to Top Iron Pty Ltd’s proposal to haul ore on the Yalgoo Ninghan Road, and including rescinding decision S2013-0801.

Background

On 8 May 2013 I convened a Yalgoo Ninghan Road stakeholder meeting at Yalgoo. At this meeting Top Iron’s representative advised that their haulage proposal would be for 750,000 tonnes per annum, for a six month period, which equates to 375,000 tonnes in total. They advised that they would then move to rail.

Due to the short duration and low tonnage it was discussed that the works required to upgrade the road for this haulage task would include sealing to eight metres of all crests and bends, suppressing dust and improving edges on the four metre seal section, and widening, sheeting and suppressing dust on the gravel section.

In good faith on this basis Shire staff prepared a cost estimate to engage contractors to carry out this work under the supervision of Shire staff. As the task was only to be for six months it was estimated that the Shire would be able to manage the maintenance for this short duration, funded under a RAV agreement.

In order to assist Top Iron Pty Ltd to pursue this matter with expediency to meet their desired timeframe, a special meeting of council was held on Tuesday 13 August 2013 at which Council made the following decision:

S2013-0801 Private Capital Works Agreement for Widening of Yalgoo Ninghan Road

That Council:

- 1. Authorises the CEO to negotiate an agreement for Top Iron to pay the Shire to carry out a project to widen and seal sections of the Yalgoo Ninghan Road that is between the Great Northern Hwy and Minjar Haulage Road; and*
- 2. Authorises the President and the CEO to execute the agreement by affixing the Common Seal to the contract between the Shire of Yalgoo and Top Iron; and*
- 3. Authorises income of \$5.5M and expenditure of \$5.5M to be included in the 2013-14 Annual Budget.*

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

I subsequently discovered that Top Iron intended to increase the duration of their haulage task, and I called a further stakeholder meeting in Geraldton following the regional road group meeting on Friday 11 October 2013.

At this meeting Top Iron revealed that their proposed haulage task would be to haul 1.5M tonnes per annum from around March 2014 to the end of 2015, conservatively at least a total of 2M tonnes which is at least five times more than they initially disclosed.

This generates a minimum requirement to seal the road under Main Roads WA guidelines, and on the advice of the Shire's engineers, I advised Top Iron that they would need to seal the full length of the road to eight metres to support this haulage task.

Peter Gaze from Top Iron indicated at this meeting that they would still proceed, provided that the work could be timed and staged in a way that would allow them to commence hauling before the work was completed. I advised Top Iron that on their written agreement to cover costs, I would engage Matt Barnes to inspect the road and draw up the technical specifications with an estimated cost. Top Iron also asked whether it would be possible to use the Paynes Find Thundelarra Road instead, to which I replied that this would be significantly more costly if it is even possible. The PF Thundelarra Road is in poor condition, is not on the RAV network and has bends and inclines that are steep and narrow making upgrade to network 10 more difficult. It would also significantly increase the distance of the haulage task for Top Iron however they expressed interest in receiving a costing for this exercise as well.

On Monday 14 October Peter Gaze of Top Iron emailed me stating that they had no interest in any further assessment of the road, do not accept that the road needs a complete seal, and wish to proceed with the original offer.

Main Roads WA has confirmed that the transport task proposed by Top Iron falls into the 0-150 vpd for RAV Category 10 which requires a minimum road requirement of 8.6m carriageway and 3.9m seal width.

Further, the Shire's engineers have made the following comments to me by email in response to this matter:

(Matt Barnes): Sharon,

Further to Bernie's email it is worth pointing out that a 3.9m is the minimum requirement.

Our experience has been that a 7m wide seal is the required for 36.5m long road trains and that this increases to 8m wide for 53.5m long road trains due to the extra edge wear from the longer trailers.

For 53.5m long road trains, an 8m seal is much safer than a 3.9m seal when considering the situation of a passenger vehicle having to pass a road train heading in the opposite direction.

An 8m seal would definitely be the shire preference.

Regards,

Matt Barnes | Civil Engineer

Greenfield Technical Services

Consulting Engineers

(Michael Keane): Hi Sharon,

I totally concur with the Shire's requirement for 8.0m wide for the same reasons put forward by Matt.

The 3.9m width nominated in MRWA Guidelines is just that – the minimum width. The Shire is certainly entitled to call for more than the minimum.

Reference comments by Bernie Miller, I believe that the on-going maintenance of unsealed shoulders could prove an enormous task and would be a nightmare to maintain under that level of truck traffic.

We have been involved in many road train agreements since 2004;

Mt Gibson at Mullewa – 1.2M tonnes per annum initially over 10 years

Mt Gibson widened 8 kms of existing narrow seal prior to start-up. Started trucking on 20 km unsealed section but decided to seal 8m width within 6 months of start-up.

On handback to the shire, this road will have approx 40 vehs per day and the shire is most likely going to retain and maintain the seal.

Sinosteel at Morawa – 1.2M tonnes per annum initially over 7 years

Sinosteel constructed and sealed 18kms of road to 7.0m width and this was for just 27.5m road trains.

On handback to the shire, this road will continue to service Karara and the shire is most likely going to retain and maintain the seal.

Crosslands Resources at Cue-Murchison – 1.8M tonnes per annum over 5 years

Crosslands constructed 180 kms of sand-sealed road to 8.0m width but within 6 months of start-up they decided to upgrade to conventional chip-seal x 8m width.

On handback to the shire, this road will have approx 2-3 vehs per day and the shire is considering the option to return the road to unsealed standard. In my view, there is nothing unwise or undesirable about such an eventuality – the upgrade was a one-off born of necessity. That necessity is no longer required now.

Vanadium Resources at Mt Magnet – currently trucking trial shipments not exceeding 200,000 tonnes per annum.

Vanadium has entered into an agreement with the Shire of Mt Magnet to upgrade and maintain the unsealed road. The road standard will be reviewed if and when Vanadium proposes to exceed the 200,000 tonnes per annum.

regards

Michael Keane | Principal

Greenfield Technical Services

Consulting Engineers

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.

Road Traffic Act 1974

84. Damage to road etc. by vehicle, liability for

- (1) Each responsible person for a vehicle shall be jointly and severally liable in damages to a road authority for any expense or loss incurred by that road authority because of damage or injury to a road caused by, or happening as a result of —
 - (a) the use of the vehicle on the road; or
 - (b) the passage along the road of the vehicle or of anything carried, drawn, or propelled by the vehicle,

85. Damage to road by heavy traffic, local government may recover extraordinary expenses of repairing

- (1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.
- (2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

Business Implications	
Strategic Community Plan	3.4.1 transport infrastructure
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	Protection of the Shire’s road asset
Workforce Plan	
Policy	
Financial (short term/ annual budget)	<p>The work that the Shire would have carried out for Top Iron was to have been funded by Top Iron and is therefore cost neutral.</p> <p>The budget will be reviewed during the statutory midyear review to remove the income and expenditure that had been included.</p>

Consultation

- Peter Gaze, Top Iron Pty Ltd
- Matt Barnes and Michael Keane, Greenfields Technical Services
- Bernie Miller, Mark Salt and Rod Gillis, Main Roads WA

Comment

It is recommended that the Shire rescind S2013-0801 and inform Top Iron that the minimum requirement for their proposed haulage task of 1.5m per annum on the Yalgoo Ninghan Road is that they seal the road to a minimum of eight metres.

Further, that the Shire requires Top Iron to present a fully detailed written proposal for consideration by Council should they wish to proceed with any haulage task on roads in the Shire.

Note that this does not impact on the decision to allow Top Iron to enter into a construct and maintain agreement for the Mount Gibson Road (decision C2013-0902). If Top Iron use rail, they will need to prepare this road.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2013-1007 Rescind Decision S2013-0801 - Private Capital Works Agreement for Widening of Yalgoo Ninghan Road

That Council rescind decision S2013-0801 Private Capital Works Agreement for Widening of Yalgoo Ninghan Road.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-1008 Top Iron Pty Ltd RAV Access, Yalgoo Ninghan Road

That Council:

- 1. Advise Top Iron Pty Ltd that they will need to prepare a fully detailed application for consideration by council should they wish to haul ore on the Yalgoo Ninghan Road; and**
- 2. For the avoidance of any doubt, informs Top Iron Pty Ltd that if they wish to haul 1.5m tonne per annum on the Yalgoo Ninghan Road they would need to seal the road to eight metres.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.1.3 Delegate Authority to CEO to Determine Tenders for Bitumen and Aggregates for the Morawa Road Program

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	18 October 2013
Attachments	Nil

Matter for Consideration

To consider authorising the CEO upon receiving a report and recommendation from the Shire’s engineers to determine the outcome of tenders for sealing works on the Morawa Road funded under the Regional Road Group 2013-14.

Background

Delegation statement 2.2 authorises the CEO to call tenders for supply of goods or services where the consideration is more than the \$100,000 threshold, at the appropriate time, subject to the intended transaction being disclosed in the budget.

In accordance with standard practice I have authorised Greenfield’s Technical Services to prepare technically detailed tenders for bitumen and aggregates for the approved 2013-14 regional roads group funded project for sealing on the Yalgoo Morawa Road.

The tender will close on 12 November 2013 and as is customary, GTS will assess the tenders and provide a recommendation for approval. In order to complete the works before Christmas it is prudent to authorise the CEO to approve the recommendation presented by GTS.

If this authority is not granted the timeframe will be affected and the Shire may incur further costs for rework if the work is to be carried out next year.

Statutory Environment

Local Government Act 1995

- s.3.57 – Tenders for providing goods or services

Strategic Implications

Ensure that the road that has been prepared is sealed in a timely manner to avoid deterioration of the prepared surface.

Policy Implications

Council Policy 7.2 - Purchasing and Tenders – Model Purchasing Policy
 Council Delegation Statement 2.2 Tenders

Financial Implications

This project is approved for funding under the Regional Road Group 2013-14 round and disclosed in the budget as follows:

- Income Regional Road Group 2013-14: \$152,092
- Expenditure: \$228,138 (Shire 1/3rd, RRG 2/3rd)

Consultation

- Nigel Goode, Greenfield Technical Services
- Cliff Hodder, Specialist Road Technician

Comment

It is recommended that Council authorises the CEO, upon receiving a report from the Shire’s engineers and in consultation with the specialist road technician, to determine the outcome of tenders for sealing works on the Morawa Road funded under the Regional Road Group 2013-14.

This will improve the likelihood of being able to seal the work in a timely manner to avoid the additional cost of rework.

This request is administrative in nature to ensure that tenders are awarded in a timely manner to complete the sealing project following preparation of the road.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1009 Authorise CEO to Determine Result of Bitumen & Aggregate Tender, RRG Morawa Road Program 2013-14

That Council authorise the CEO to determine the result of the following tenders upon receipt of a report and recommendation from the Shire’s consulting engineers, Greenfield Technical Services:

- RFT GTS YA 2013-01 Supply, Spray & Cover Bituminous Products
- RFT GTS YA 2013-02 Supply and Deliver Sealing Aggregates

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried by 5/0

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Proposed Local Planning Scheme Amendment No.1

File:	
Author:	Presented by Sharon Daishe, Chief Executive Officer (report prepared by consultant Megan Gammon of Urbis Planning and reviewed by Shire of Yalgoo Environmental Health and Building Officer Bill Atyeo)
Interest Declared:	No interest to disclose
Date:	4 October 2013
Attachments	P3 Scheme Amendment Report and Maps (yellow)

Matter for Consideration

For Council to consider initiating an Amendment to the Shire of Yalgoo Local Planning Scheme No.2 (LPS 2), to reclassify several portions of land within the Yalgoo town site and Paynes Find settlement to facilitate additional civic and community uses in Yalgoo as well as additional service commercial and tourist uses at Paynes Find.

The Amendment aims to more accurately reflect the development existing and proposed on site, whilst providing flexibility for the future development of the land. The Amendment is being progressed by the Shire, with the assistance of its consultant planners, Urbis.

The proposed Scheme Amendment shall be known as Amendment No.1.

Background

Site Description

Yalgoo Community Precinct

The Yalgoo subject site is 6,550sqm in area and is bound by Campbell Street to the east and Gibbons Street to the west, with vacant land located to the north and low density residential development to the south. There is 1 Unallocated Crown Land lot subject to the rezoning relating to the Yalgoo Scheme Amendment Area. This lot was recently subject to a Crown Land Amalgamation, which amalgamated Lots 49, 50 and 51 (to the east) and the central portion of right-of-way into Lot 207 (Reserve 35346), resulting in a new Unallocated Crown Land Lot 500.

The western portion of the Yalgoo Community Precinct site currently comprises a water park which is located to the north-west of the precinct that was built in 2011, as well as a 'rage cage' sports facility, to accommodate approximately 10 different sports facilities; including soccer, hockey, netball and basketball. The water park consists of a themed playground which incorporates local children's artwork and elements of local flora and various other water activities.

The eastern portion of the Scheme Amendment area is proposed to accommodate a Community Centre, comprising a hall, youth centre, TAFE area, community arts and sewing room, kitchen, offices and a gallery.

Land within the eastern portion of the Scheme Amendment area is currently vacant, comprising some informal access tracks and scattered vegetation. A road closure application has recently been approved by the Department of Lands to close the portion of right-of-way which currently separates the eastern and western portions of the precinct.

Paynes Find Commercial Precinct

The Paynes Find subject site comprises 3 fragmented portions of land, including 2 lots (Lots 4234 and 4315) located on the truck layover road, approximately 120m north of Great Northern Highway, and 2 portions of 1 lot (Lot 305) which straddle the Great Northern Highway.

The northern lots currently comprise the Tavern/Roadhouse facility, which provides a small emergency stop for caravans, with some existing accommodation provided. The lot to the west (Lot 4315) provides storage for larger machinery and vehicles and comprises a sewerage pond to the west of the northern portion of the Scheme Amendment area, which handles all effluent disposal generated within the developed areas.

Given the location of the sewerage pond, there will likely be a need for Council to place a condition on any future proposal for sensitive development within the area (such as tourist accommodation), requiring the landowner to remove and remediate the sewerage ponds and replace with an on-site effluent disposal system, constructed to Water Corporations standards. This will be key consideration for Council at the development application stage.

It is understood the owner of Lots 4234 and 4315 proposes to amalgamate the 2 lots to facilitate additional development, including a licensed caravan park and the relocation of existing accommodation units. It is anticipated that a separate application to the WAPC will be progressed by the landowner in the future.

Discussion

Proposal

The proposal involves several amendments to LPS 2, including:

1. Reclassify Unallocated Crown Land (Lot 500 – Plan 65697, Reserve 35346) from a ‘Residential R10’ zone, ‘No Zone’ and ‘Local Reserve Recreation’ to a ‘Local Reserve Civic and Cultural Purpose’, as indicated on the Scheme Amendment Map.
2. Reclassify Lot 305 (Reserve 38039), Lot 4234 (Plan 185840) and Lot 4315 (Plan 190649) from a ‘Local Reserve Recreation’ to a ‘Commercial’ Zone, as indicated on the Scheme Amendment Map.
3. Amend Schedule 2 to include an Additional Use designation (No.3) over Lots 4315 and 4234, for the purposes of ‘short stay accommodation’ and a ‘caravan park’, as follows:

NO	DESCRIPTION OF LAND	ZONE	ADDITIONAL USE	CONDITIONS
3	Lot 4315 and Lot 4234 Great Northern Highway, Paynes Find	Commercial	Short Stay Accommodation Caravan Park	Nil.

4. Delete Clause 4.6 of the Scheme and replace with the following text:

4.6 Restricted Uses

4.6.1 *Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.*

Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

5. Amend Schedule 3 – Restricted Uses by including a Restricted Use designation applicable to Lot 305 Great Northern Highway, Paynes Find, as follows:

NO	DESCRIPTION OF LAND	ZONE	RESTRICTED USE	CONDITIONS
1	Lot 305 Great Northern Highway, Paynes Find (Reserve 38039)	Commercial	Service Station Motor Vehicle Repair	Nil.

A copy of the LPS Amendment Maps is attached.

Appropriateness of Proposed Zoning and Reservation

Yalgoo Community Precinct

The western portion of the Yalgoo subject site is currently reserved under LPS 2 for ‘Recreation’ purposes, with the eastern portion contained within a ‘Residential’ zone, with a zoning of R10. The portion of ‘No Zone’ between the eastern and western portion of the Precinct, accommodating an existing right-of-way, has recently been closed in order to facilitate the remainder of the Community Precinct.

LPS 2 stipulates that a key objective of the ‘Residential’ zone is that the zone shall be for predominantly residential purposes. Clearly, this objective is not entirely consistent with the existing and proposed Yalgoo Community Precinct. Whilst technically, in accordance with the provisions of LPS 2, this development can be undertaken by Council, given the community service function of the proposal, a Local ‘Civic and Cultural Purpose’ Reserve is considered to be a more appropriate land use classification.

Accordingly, this Amendment proposes to reclassify the entire Lot 500 from a Local ‘Recreation’ Reserve, ‘Residential’ zone and ‘No Zone’ to a Local ‘Civic and Cultural Purpose’ Reserve, in order to appropriately facilitate the Yalgoo Community Precinct.

Paynes Find Commercial Precinct

The Paynes Find subject site is currently reserved under LPS 2 for Local ‘Recreation’ purposes. Again, whilst Council can technically approve any development within this reserve, given the current and proposed service commercial and tourist uses proposed within the site, a reclassification to a ‘Commercial’ zone is considered appropriate.

However, given the uniqueness of Paynes Find as a service centre compared to other commercial areas within the Shire, a number of additional and restricted uses are proposed to be incorporated into the Scheme, in order to frame the planning framework to respond specifically to the Paynes Find area.

Accordingly, the Amendment proposes to designate 2 Additional Uses to Lots 4234 and 4315 to facilitate the potential future development of a caravan park and to facilitate the proposed relocation and potential expansion of short stay accommodation. These uses are currently prohibited ‘X’ uses within the Commercial zone of LPS 2. This specific Amendment will provide flexibility for the landowner to develop appropriate tourist uses in this location, as opposed to the Shire amending the broader Scheme land use permissibility of the ‘Commercial’ zone, which may not be appropriate in other commercial zoned areas of the Shire. Tourist uses are not considered appropriate for Lot 305, given the sites immediate interface with Great Northern Highway. Accordingly, the additional use provisions do not apply to Lot 305.

Further, to ensure future development within Lot 305 is restricted to commercial uses appropriate for this location on Great Northern Highway, the Scheme Amendment also proposes to restrict uses on the site to a ‘Service Station’ and ‘Motor Vehicle Repair’ only (currently discretionary uses within the Scheme). As such, no other uses that would typically be able to be contemplated within the ‘Commercial’ zone will be permitted on this site.

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.

Planning and Development Act 2005 (Part 5, Section 75) and Town Planning Regulations 1967 (Regulation 25 and 25AA)

Should initiation be granted to the proposal, the prior consideration by the Environmental Protection Authority (EPA) is required. Where the EPA advises that the proposed amendment need not be assessed on environmental grounds, the amendment would then be advertised for a period of not less than 42 days for agency and public comment. Following advertising, Council will be required to reconsider the proposal as well as any submissions received.

State Planning Framework

The proposed Amendment is generally consistent with the relevant State planning framework. Specifically, any future development applications relating to the Paynes Find area proposing tourist (including caravan park) uses will need to have due regard to Planning Bulletin No.49 (Caravan Parks) and Planning Bulletin No.83 (Planning for Tourism).

Regional Planning Framework

The proposed Amendment is generally consistent with the Mid West regional planning framework, as summarised below:

- Draft Mid-West Regional Planning and Infrastructure Framework (2011) - the Framework states that it is important that all communities to have access to adequate social infrastructure and services, as it has the potential to make a significant contribution to the liveability and attractiveness of a local community. Yalgoo is identified within the Framework as a 'local centre' and identifies Paynes Find as a 'service centre'.

The reclassification of land within Yalgoo and Paynes Find is consistent with the aims of this Framework in that it will facilitate further civic and community activity in Yalgoo, and will allow Paynes Find to expand to include additional service uses and accommodation.

Shire of Yalgoo Local Planning Framework

A summary of the key local planning considerations is provided below:

- Shire of Yalgoo Local Planning Strategy - the proposed Amendment is generally aligned with the key objectives of the Shire's Local Planning Strategy. The reclassification of the Yalgoo Community Precinct to a Local 'Civic and Cultural' Reserve will deliver an accessible and high quality community facility available for use by the local community, particularly youth.

The reclassification of the Paynes Find Commercial Area will ensure land is appropriately zoned to facilitate the minor expansion of Paynes Find as an important commercial/service centre for passing traffic, including freight vehicle drivers and tourists, providing essential services and accommodation.

- Local Planning Scheme No.2 – the Amendment seeks to reclassify both the Yalgoo and Paynes Find areas in order for the Scheme to more accurately reflect the development existing and proposed on the ground, whilst providing flexibility for the future development of the land. Both reclassifications are considered to be generally in accordance with the overall aims of the Scheme, in particular to provide for future land use needs and town site expansion, encourage tourism opportunities and preserve, protect and enhance the natural and built environments.

It is also noted that future development applications within each Amendment area will need to have due regard to the specific provisions of the Scheme.

- Shire of Yalgoo Municipal Heritage Inventory – the Paynes Find Tavern is included within the Municipal Heritage Inventory. Accordingly, any future applications relating to the Paynes Find area should have due regard to the protection and enhancement of the Paynes Find Tavern heritage site, given its historical significance.

Strategic Implications

This amendment supports development of the Yalgoo Community Hub, and economic development in the town of Paynes Find.

Policy Implications

Nil

Financial Implications

All costs associated with the preparation and advertising of this amendment have been borne by the Shire.

Consultation

Following Council's resolution to initiate the Amendment, advertising of the Amendment will be undertaken.

Voting Requirements

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1010 Proposed Local Planning Scheme Amendment No 1 – Paynes Find and Yalgoo Community Hub

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)*, resolve to adopt Scheme Amendment No.1 to Town Planning Scheme No.2 for the purpose of advertising: by:

- i. Reclassify Unallocated Crown Land (Lot 500 – Plan 65697, Reserve 35346) from a ‘Residential R10’ zone, ‘No Zone’ and ‘Local Reserve Recreation’ to a ‘Local Reserve Civic and Cultural Purpose’, as indicated on the Scheme Amendment Map.**
- ii. Reclassify Lot 305 (Reserve 38039), Lot 4234 (Plan 185840) and Lot 4315 (Plan 190649) from a ‘Local Reserve Recreation’ to a ‘Commercial’ Zone, as indicated on the Scheme Amendment Map.**
- iii. Amend Schedule 2 to include an Additional Use designation (No.3) over Lots 4315 and 4234, for the purposes of ‘short stay accommodation’ and a ‘caravan park’, as follows:**

NO	DESCRIPTION OF LAND	ZONE	ADDITIONAL USE	CONDITIONS
3	Lot 4315 and Lot 4234 Great Northern Highway, Paynes Find	Commercial	Short Stay Accommodation Caravan Park	Nil.

iv. Delete Clause 4.6 of the Scheme and replace with the following text:

4.6 Restricted Uses

4.6.1 Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

v. Amend Schedule 3 – Restricted Uses by including a Restricted Use designation applicable to Lot 305 Great Northern Highway, Paynes Find, as follows:

NO	DESCRIPTION OF LAND	ZONE	RESTRICTED USE	CONDITIONS
1	Lot 305 Great Northern Highway, Paynes Find (Reserve 38039)	Commercial	Service Station Motor Vehicle Repair	Nil.

2. Forward Scheme Amendment No.1 to:

- i. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the *Planning and Development Act 2005*.**
- ii. The Western Australian Planning Commission for information.**

3. Pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)*, subject to no objections being received from the EPA, advertise the amendment for public comment for a period of 42 days to the satisfaction of the Chief Executive Officer.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

11.2.2 Closure of Right of Way Adjoining the Yalgoo Hotel

Disclosure of interest: As the proprietor of the Yalgoo Hotel, Councillor Stanley Willock declared a financial interest in this item.

ATTENDANCE: 2:07pm Cr Stan Willock left the meeting.

File:		
Author:	Sharon Daishe, CEO	
Interest Declared:	No interest to disclose	
Date:	16 October 2013	
Attachments (yellow)	P43	Emails between Shire of Yalgoo (CEO) and Stan Willock, owner and publican, Yalgoo Hotel
	P44	Copy of letter from Department of Lands to Stan Willock
	P45	Map of the area

Matter for Consideration

To consider a request from a landholder for the local government to close the Right of Way adjoining freehold lots 47 and 62 on Deposited Plan 223238, Yalgoo, Shire of Yalgoo, so as to enable the landholder to purchase the land.

Background

In 2009 the Shire applied to close part of the lane (Right of Way) that ran behind the water playground and former tennis courts. This has now been closed and amalgamated for the Yalgoo Community Hub precinct and the former lane is no longer a thoroughfare.

Stan Willock of Valarie Investments, publican and owner of the Yalgoo Hotel, has written to the Department of Lands to enquire whether he can purchase that part of the disused former lane that runs behind the hotel, to amalgamate into his freehold land.

The Department of Lands has provided the Shire with a copy of their reply to Stan Willock, regarding this request to purchase part of the Right of Way that adjoins freehold lots 47 and 62 on Deposited Plan 223238. Lands have confirmed that they will proceed to action the request if the Shire of Yalgoo confirms that obligations under s.58 of the Land Administration Act 1997 have been met.

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.

Land Administration Act 1997

- s.58 closing roads

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Business Implications	
Strategic Community Plan	ECONOMY: 3.1.1 Ensure land is available to suit a variety of residential and business purposes.
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	s.58 of the Land Administration Act 1997 requires the local government to advertise before applying to close a road and to consider any objections raised. The landholder who has requested that the road be closed will need to meet the Shire’s costs including advertising.

Consultation

- Stan Willock, proprietor and owner, Yalgoo Hotel.
- Bill Atyeo, Environmental Health and Building Officer

Comment

The land behind the Yalgoo Hotel is no longer useable as a thoroughfare, and the landholder is interested in purchasing the land for the commercial development of his business which is to the economic advantage of Yalgoo.

It is recommended that Council agrees to instigate the process, on the basis of cost neutrality to the Shire, to close that part of the Right of Way that adjoins freehold lots 47 and 62 on Deposited Plan 223238, Yalgoo, and Shire of Yalgoo.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1011 Notice of Motion: Closure of Part of Right of Way Adjoining Freehold Lots 47 and 62 on Deposited Plan 223238 in Yalgoo

That Council, in accordance with s.58 of the Land Administration Act 1997:

1. Will by way of advertisement in the Geraldton Guardian give notice of intent to request the Minister to close that part of the of Right of Way that adjoins freehold lots 47 and 62 on Deposited Plan 223238 in Yalgoo, on receipt of pre-payment for the advertisement from Mr Stan Willock who has made a request to purchase the land; and
2. Pending consideration of objections following the statutory period of 35 days after publication, intend to make application to close the above Right of Way, on the basis of cost neutrality to the Shire of Yalgoo.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 4/0

ATTENDANCE: 2:12pm Cr Stan Willock rejoined the meeting.

Voting Requirements

Simple majority

NOTICE OF MOTION FROM THE FLOOR

Cr Terry Iturbide proposed a notice of motion to protect the right of way between Lots 52, 53, 54 and Lots 55, 56, 57 on Deposited Plan 223238 to remain open for emergency access to the Community Hub.

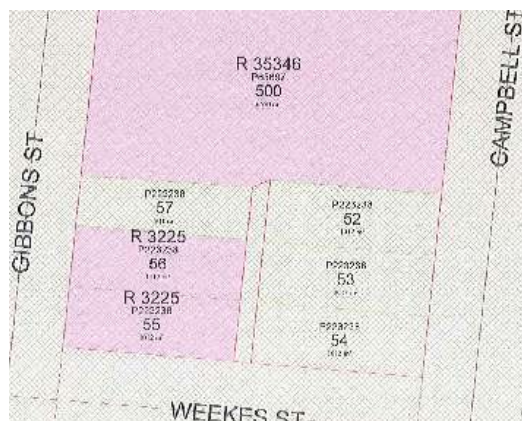
MOTION FROM THE FLOOR/COUNCIL DECISION

C2013-1012 Right of Way between Lots 52, 53, 54 and Lots 55, 56, 57 on Deposited Plan 223238 to Remain Open

That Council:

1. Require the right of way between Lots 52, 53, 54 and Lots 55, 56, 57 on Deposited Plan 223238 remains open in order to access the Community precinct in case of emergencies; and
2. Request the CEO to investigate how to legally protect the lane from future closure.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0



ATTENDANCE: 2:18pm Cr Raul Valenzuela left the meeting.

ATTENDANCE: 2:20pm Cr Raul Valenzuela rejoined the meeting.

11.2.3 Service Personnel Memorial and Community Park Development Project

File:	
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	15 October 2013
Attachments (yellow)	P48 Sketch of draft design for war memorial

Matter for Consideration

To consider providing in principle support for the continuation of various activities to establish a Service Personnel Memorial in Community Park, Yalgoo.

Background

At its January 2010 meeting Council adopted three recommendations relating to the development of a Service Personnel Memorial in Community Park, Yalgoo. Although carried as separate motions, the three recommendations are closely linked. They were,

C2010-0137 Memorial to Service Personnel

That-

- *The concept of a memorial to service personnel from the Yalgoo and Paynes Find communities be endorsed,*
- *The names to be engraved on a plaque affixed to a rock and placed near the Community Park flagpole.*

C2010-0138 Service Personnel Research

That Ms Sandra Playle be engaged to research all service personnel having a connection with Yalgoo or Paynes Find, at a rate of \$20 per hour plus out of pocket expenses, to a maximum of \$1,000 subject to review if necessary, with the personnel to be identified by-

- *Conflict*
- *Whether returned or killed while in service*
- *Place of enlistment*
- *Other criteria considered relevant*

C2010-0139 Inclusion on the Memorial

That following the report of Ms Playle, Council makes a final determination as to the criteria for inclusion on the memorial (all personnel, killed while serving, active service etc), style of plaque etc.

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

There are no specific strategic implications in undertaking this project although it is reasonable to assume that by having a service personnel memorial Yalgoo will be seen to be 'more in step' with most other communities around Australia, where such memorials are commonplace and maintained with high regard and solemnity.

Policy Implications

Nil

Financial Implications

It is anticipated that all costs associated with the development of the Service personnel Memorial will be through the existing Community Park refurbishment budget and through existing external grant programs.

Consultation

- CEO, Sharon Daishe
- Researcher Sandra Playle
- Department of Veterans Affairs (Perth Office)
- Department of Veterans Affairs – Office of War Graves (Canberra)
- Office of Melissa Price MP, Member for Durack

Comment

Through her research project Sandra Playle has identified 216 service personnel who have a connection with Yalgoo. One served in the Boer War, 66 in WWI, 146 in WWII, two in the Korean War and one in the Vietnam War. 16 were killed in action, 1 died as a POW and 1 died as a result of his wounds. Notably, one of the 216 was awarded the Victoria Cross (Jim Gordon 1941). "Connection" to Yalgoo was identified primarily through one of two means. Most were either born in Yalgoo and enlisted/lived elsewhere or they were born elsewhere but provided a Yalgoo address at the time of their enlistment. A small but significant proportion of the 216 individuals, perhaps 20%, fitted neither category but rather, simply enlisted in either Yalgoo or Paynes Find with no known other connection. It should also be noted that many did not see 'active service' and some in fact were not even in the regular army but rather land army volunteers who stayed in the region to fulfil broad local support roles.

Sandra Playle's research project did not include scope for measuring or quantifying the connection to Yalgoo. It can be assumed, given the nature of employment in the mining and pastoral industries that some of the 216 may have only had a fleeting connection while others had a substantive connection and the remainder somewhere in between. The extent of the relationship between the shire and each of the 216 documented individuals cannot be known without onerous and resource intensive research.

Consultation with the Department of Veterans Affairs has identified that the process of developing honour rolls across the country have tended to take an inclusive approach when determining criteria for whom to include on the respective rolls/memorials. It has been clearly stated by a number of people that many service personnel will have their name duplicated on a number of honour roles throughout regions and indeed possibly throughout the country. Through the consultation process it was strongly indicated that exclusion from an honour roll/memorial tends to be more problematic than inclusion duplicated on more than one roll. Accordingly the Council may consider, for the purposes of the Yalgoo Memorial 'inclusion without further qualification' of all 216 service personnel identified by Sandra Playle.

A draft sketch is attached that plots the proposed new flagpole and memorial area in Community Park. The area, symmetrical in design, will include provision for the National, State and Aboriginal flags with a curved wall set centrally behind being built to accommodate the engraved plaques carrying the names of the selected service personnel.

Based on advice from the Office of War Graves (Canberra), It will be recommended that the names are documented in the following way, by conflict (Namely, Boer War, WWI, WWII, Korean War and Vietnam War, then alphabetically by sir name with full initials. Those killed in action will have a star engraved at the end of their name with this being identified as meaning killed in action at the bottom of the plaque. In this instance, Council may like to consider including their age at the time of their death on the battle field, next to the star.

Consideration needs to be given to how Jim Gordon, the Victoria Cross recipient should be documented on the memorial. As with all living VC recipient's, Jim was a national hero at the time (1941). As he grew up near Moora and went to school in Gingin, that town was quick to 'claim him' and there stands a special memorial to him. (A portrait painting of Jim went on to win the Archibald prize in 1942 which of course further enhanced his fame around the country). Unfortunately, information is not available to hand on how extensive Jim's connection to Yalgoo was. He gave a Yalgoo address as his place of residence at the time of enlistment. It is understood that he worked in a gold battery in the area.

Council will receive a report at its December meeting that makes final detailed recommendations on the memorial structure and on who is included in the memorial and the art work specifying its presentation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1013 Service Personnel Memorial, Community Park

That Council:

- 1. Provide in principle support for inclusion on the proposed war memorial, without further qualification, of all 216 service personnel identified by Sandra Playle; and**
- 2. Approve in principle the proposed design for the war memorial as attached; and**
- 3. Authorise staff to continue to prepare this project to establish a Service Personnel Memorial in Community Park, Yalgoo.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Months of August and September 2013.

File:	
Author:	Heather Boyd, Executive Manager, Corporate
Interest Declared:	No interest to disclose
Date:	14 October 2013
Attachments (White)	P1 Financial Activity Statements - R34 (1) August 2013 P27 Schedule of Payments - R13(1) August 2013 P29 Financial Activity Statements - R34 (1) September 2013 P54 Major Project Progress Reports for September 2013 - C2012-0320 <ul style="list-style-type: none"> • BD008 Staff Housing: Weekes St • CA002: Caravan Park: Major Upgrade • RC003 Yalgoo Community Hub: Community and Youth Centre • RC003 Yalgoo Covered Sports P58 Schedule of Payments - R13(1) September 2013

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.

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.

11.3.2 Set Dates for Audit Committee, Special and Electors Meetings (Annual Report 2012/13)

File:	
Author:	Heather Boyd, Executive Manager Corporate
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil
(yellow)	

Matter for Consideration

To set the dates for the Audit Committee to review the Annual Financial Report, for a special meeting for Council to receive the Annual Report and for an Electors Meeting to be held.

Background

The Shire of Yalgoo Audit committee is convened under s7.1A of the Local Government Act. The Council has not delegated any powers or duties to the audit committee so the audit committee makes recommendations to the Council.

The audit committee generally reviews the audited financial statements to report to Council.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.27. Electors’ general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors’ meetings are to be those prescribed.

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

- Travis Bate, Auditor, RSM Bird Cameron (Auditors for the Shire of Yalgoo)
- Sharon Daishe, CEO

Comment

The Shire of Yalgoo audit committee meet to examine the audited financial statements, independent report and audited management report. The committee then make recommendations on the adoption of these reports by Council. It is proposed that a meeting for this purpose is held at 9am on Thursday 14 November 2013.

Once the audit committee has recommended adoption of the report it is presented to Council for adoption. It is therefore proposed that a special meeting of Council be held at 11am on Thursday 14 of November 2013.

It is a requirement of the Local Government Act that an electors meeting be held within 56 days of the Council adopting the Annual Report. The date of the electors meeting must be advertised at least 14 days prior to the meeting date. It is proposed to hold the electors meeting on 5 December 2013 at 9.00 am.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION #1

Set Date for Audit Committee Meeting

That the Shire of Yalgoo Audit Committee will meet at 9am on Thursday 14 November 2013 in the Council Chambers.

Moved:

Seconded:

Motion not put

The officer Recommendation was not put because this matter was decided at the Audit Committee meeting held on 17 October 2013, therefore it was no longer required.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-1016 Set Date for Special Meeting to Consider the Annual Report for the Year Ended 30 June 2013

That a Special Meeting of Council will be held at 11am on Thursday 14 November to receive the Annual Report for the year ended 30 June 2013.

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried 5/0

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION #3

C2013-1017 Set Date for Annual Electors' Meeting

That the Annual Electors' meeting will be held at 9:00am on Thursday 05 December 2013 (being the date of the December Ordinary Meeting of Council).

Moved: Cr SK Willock Seconded: Cr MR Valenzuela Motion put and carried 5/0

11.3.3 Country Local Government Fund 11-12 and 12-13 Projects – Variation to Funding Agreements

File:	
Author:	Christine Harvey, Finance Consultant
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To consider the re-allocation of projects within Country Local Government Funds 2011-12 and 2012-13 for the purpose of enabling the completion and acquittal CLGF 2011-12.

Background

Council has received CLGF funding for 2011-12 (round 4) and 2012-13 (round 5) with projects allocated as per the table below:

FCWP #	Project	CLGF 11-12	CLGF 12-13	Comments
BD008	Staff Housing – Weekes St	267,307		Progressing, approx \$225k spent
OS003	Payne's Find Beautification/Rest Area	31,000		Not yet commenced
OP005	Yalgoo Community Park	30,000		Not yet commenced
OP006	Yalgoo Cemetery Shelter	15,000		Completed
RC003	Yalgoo Community Hub: Covered Sports Facility	78,217		Completed
CA002	Caravan Park Redevelopment		250,000	Progressing, approx \$20k
BD011	Yalgoo Community Hub: Community and Youth Centre		171,524	Progressing, approx \$115k spent
		421,524	421,524	

More than \$421,524 has been spent on a mix of the projects and it is prudent to reallocate the amounts in order to fully acquit the 2011-12 round of funding.

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 allocation of funds against projects matches the Shire’s construction timeline.

Policy Implications

NA

Financial Implications

Nil

The recommendation that is the subject of this agenda item does NOT alter income, expenditure, budget allocation or projects. The recommendation is administrative in nature to reallocate funding from one CLGF funding agreement to another to recognise actual expenditure and enable the finalisation and acquittal of CLGF 11-12.

Consultation

- Christine Harvey, Finance Consultant
- Linda Leonards, Manager Reporting and Evaluations, Department of Regional Development and Lands

Comment

The Shire received CLGF funds of \$421,524 in each of the 2011-12 and 2012-13 funding rounds and has now spent more than \$421,524 in total on a mix of the funded projects.

It is prudent to reallocate projects to finalise and acquit CLGF 2011-12. There is NO CHANGE to any projects or overall income and expenditure.

The Shires CLGF application process has improved, with large projects now being identified for funding (ie CLGF 2012-13 is only funding the Yalgoo Caravan Park (in conjunction with TIRF) and Yalgoo Hub – Community and Youth Centre (architect and head works)). Prior year CLGF applications contained many small projects, which has proven difficult to finalise and administer.

There is no requirement to make alterations to the Shire budget as the incomplete projects are correctly included in the Shire's 2013-14 (ie: current year) budget.

This is an administrative recommendation to enable the finalisation and acquittal of CLGF 11-12.

The following changes are recommended:

OS003 Payne's Find	Move \$31,000 from CLGF 11-12 to 12-13. Shire is expecting to begin in November 2013.
OP005 Yalgoo Community Park	Move \$30,000 from CLGF 11-12 to 12-13. Shire is expecting to complete prior to ANZAC Day 2014.
BD011 Hub: Community and Youth Centre	Move \$61,000 from CLGF 12-13 to 11-12. Shire has currently spent \$115,000 on this project. The architect has been engaged and head works have commenced.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1018 Country Local Government Fund Individual Component 2011-12 and 2012-13

That Council authorises the CEO to apply to the Department of Regional Development and Lands for a variation of the Financial Assistance Agreements for Country Local Government Fund 2011-12 and 2012-13 projects as follows:

- Move expenditure of \$31,000, OS003 Paynes’ Find from CLGF 2011-12 to CLGF 2012-13
- Move expenditure of \$30,000, OP005 Yalgoo Community Park, from CLGF 2011-12 to CLGF 2012-13
- Move expenditure of \$61,000, BD011 Community & Youth Centre, from CLGF 2012-13 to 2011-12

FCWP	Project	CLGF 11-12	CLGF 12-13
BD008	Staff Housing – Weekes St	267,307	
OS003	Payne's Find Beautification/Rest Area		31,000
OP005	Yalgoo Community Park		30,000
OP006	Yalgoo Cemetery Shelter	15,000	
RC003	Yalgoo Community Hub: Covered Sports Facility	78,217	
CA002	Caravan Park Redevelopment		250,000
BD011	Yalgoo Community Hub: Community and Youth Centre	61,000	110,524
		421,524	421,524

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.3.4 Cat Act Fees and Charges

File:			
Author:	Heather Boyd, Executive Manager, Corporate		
Interest Declared:	No interest to disclose		
Date:	7 October 2013		
Attachments (yellow)	P50	Circular 18-2013 Registration Fees for Cats and Dogs	
	P54	Cat Regulations 2012	

Matter for Consideration

To consider the fees and charges for cat registration under the Cat Act 2011.

Background

The Cat Act 2011 comes into full operation on 1 November 2013 and this is when all cats will be required to be registered, microchipped and sterilised. Dog registrations fall due on 1 November and the Cat Act 2011 has been timed to align with the Dog Act 1976.

The Department of Local Government and Communities has released circular no 18-2013 which recommend fees and charges. These are as follows:

	1 Year	3 Years	Lifetime	Breeders annual fee
Dogs - Sterilised	20.00	42.50	100.00	
Dogs - Unsterilised	50.00	120.00	250.00	100.00
Cats - Sterilised	20.00	42.50	100.00	
Cats - Unsterilised	20.00	42.50		100.00

- Rebate for pensioners = 50%
- Dog used for droving or tending stock – 25% of fee otherwise payable

The Dog registration fees were set as part of the fees and charges adopted at the Council meeting in August 2013 (C2013-0811) and are as set by the regulations.

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.6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Dog Act 1976

Cat Act 2011

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Income from the registrations contributes to ranger services within the district.

Consultation

Nil

Comment

While the Cat Act 2011 came into effect in 2011 the setting of fees for animal registration was to be phased in on 1 November 2013. This gave time for animal owners to have their animals sterilised and microchipped. A successful animal sterilisation program was undertaken in Yalgoo in July 2013 by Murdoch University veterinarians.

The Department of Local Government and Communities have now recommended registration fees in circular 18-2013. These fees are to be gazetted by 1 November 2013. It is recommended that the fees should be set at a level that will encourage the registration of pets to encourage responsible pet ownership and should not be a burden on low income earners. It is recognised that the fee structure does not cover the local government costs but does encourage responsible pet ownership.

The basis behind setting the cat fees is to align the fee with the registration fees for dogs. The base fee proposed for the annual registration of a sterilised cat or dog is \$20.00. The fee for a three year registration for both cats and dogs (sterilised) will be \$42.50. It is also proposed to have a lifetime fee of \$100.00 for sterilised animals and \$250.00 for unsterilized. A discount of 50% will be offered to pensioners.

Fees for cats were set by Cat Regulations 2012 gazetted 24 August 2013.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1019 Registration Fees for Cats

That in accordance with s6.91 of the Local Government Act Council advertises the new regulatory fees and charges for registration of cats under the Cat Act 2011.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

11.3.5 Proposed Fees CA07 Applications

File:	
Author:	Heather Boyd, Executive Manager, Corporate
Interest Declared:	No interest to disclose
Date:	14/10/2013
Attachments (yellow)	Nil

Matter for Consideration

For Council to consider setting a new fee for processing applications for CA07 letter of authority from the Local Government to operate a RAV (Restricted Access Vehicle) on Shire roads.

Background

Main Roads WA issues road network use permits for RAV (restricted access vehicles). Where the road network includes Shire road/s, a local government can impose a CA07 condition for RAVs that requires the operator to carry written approval from the LG authority permitting use of the road.

Where a CA07 condition exists, RAV operators must complete and lodge a CA07 written application to the Shire.

The CEO is authorised to determine the outcome of applications where the tonnage is 50,000 per annum or less with the Council approving applications over this limit. Applications to Council must contain a more detailed proposal.

Currently there is a CA07 condition on the Yalgoo Morawa Road, and a CA07 will also be placed on the Yalgoo North and Yalgoo Ninghan roads in due course. Prior to placing the condition on the Yalgoo Ninghan Road it will be necessary to prepare administrative systems and train staff, as this is expected to generate a reasonable number of applications for one off and low volume haulage tasks relative to service vehicles supplying MMG Golden Grove.

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.6.16 (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

s.6.16 (2) A fee or charge may be imposed for the following —

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Strategic Implications

Nil

Policy Implications

Policy 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads)

Policy 13.5 Road Use (RAV Haulage) Agreements Policy

Financial Implications

Recovery of costs associated with processing CA07 letters of authority.

Consultation

- Sharon Daishe, CEO
- Scott Young, MMG Golden Grove (relative to the fact that MMG have contributed funding to the southern section of the Yalgoo Ninghan Road to ensure that their service vehicles can access this road; and it will primarily be their contractors who make up the bulk of applications when the CA07 is imposed on this road).

Comment

Currently Council does not recover any fee for the time taken on the preparation of CA07 Applications for the use of roads within the shire by restricted access vehicles. Manjimup currently have a Heavy Haulage permit fee of \$186.00, Cue and Kalgoorlie do not charge a fee.

The time undertaken on research for each letter of authority can vary and therefore it is proposed to have a charge that reflects the time required to assess and process the applications as follows:

- \$25 – single journey, less than 50,000 tonnes per annum;
- \$150 – annual authority, less than 50,000 tonnes per annum;
- \$500 plus cost recovery – any application for greater than 50,000 tonnes which is required to go to Council for approval.

The former EMWI commenced development of a comprehensive package for operators wishing to haul more than 50,000, as we are constantly developing knowledge of the significant impact of such requests, and determining systems to reduce the administrative burden on the CEO and senior executives. This package will be finalised (requires training and development of administrative systems) for use in due course.

The new fees and charges cannot be adopted until they have been advertised for comment. They can then be presented to Council at the next Council meeting for adoption.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

C2013-1020 Proposed Fees for CA07 Applications (Authority for Restricted Access Vehicle (RAV) on Shire Roads)

That Council gives local public notice (LGA s.6.19) of its intention to set fees for processing of CA07 applications from 1 January 2014 as follows:

- \$25 – single journey, less than 50,000 tonnes per annum;
- \$150 – annual authority, less than 50,000 tonnes per annum;
- \$500 plus cost recovery – any application for 50,000 tonnes or more per annum.

Moved:

Seconded:

Motion Amended

Amendment to the motion

- The original recommendation was moved, seconded and opened for debate.
During debate, it was suggested that the proposed fees were insufficient to cover the associated processing costs. The CEO also pointed out that the GST status needed to be specified in the decision.
- An amendment was moved and seconded, put and carried.
- The original recommendation, as amended, was then put and carried as the substantive motion.

Voting Requirements

Simple Majority

AMENDMENT

C2013-1021 Proposed Fees for CA07 Applications (Authority for Restricted Access Vehicle (RAV) on Shire Roads) (Amendment)

That Council amends the fees proposed in the above officer recommendation as follows:

- \$50 plus GST – single journey, less than 50,000 tonnes per annum;
- \$200 plus GST – annual authority, less than 50,000 tonnes per annum;
- \$550 plus GST plus cost recovery – any application for 50,000 tonnes or more per annum.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Amendment put and carried 5/0

Voting Requirements

Absolute Majority

ORIGINAL MOTION AS AMENDED

C2013-1022 Proposed Fees for CA07 Applications (Authority for Restricted Access Vehicle (RAV) on Shire Roads)

That Council gives local public notice (LGA s.6.19) of its intention to set fees for processing of CA07 applications from 1 January 2014 as follows:

- \$50 plus GST – single journey, less than 50,000 tonnes per annum;
- \$200 plus GST – annual authority, less than 50,000 tonnes per annum;
- \$550 plus GST plus cost recovery – any application for 50,000 tonnes or more per annum.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Original Motion put and carried by Absolute Majority as Amended 5/0

11.3.6 Write off Bad Debt (Department of Environment and Conservation Re Expired MOU)

File:	ADM 209
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	14 October 2013
Attachments (yellow)	Nil

Matter for Consideration

That Council consider writing off a debt disputed by the Dept of Environment and Conservation.

Background

A five year Memorandum of Understanding (MOU) was established between the Shire of Yalgoo and the Department of Environment and Conservation (DEC) in 2010 backdated to 23 July 2007 where DEC agreed to pay an annual amount of money to the Shire in lieu of rates. In return the Shire managed access roads to the properties acquired by DEC.

An invoice was raised for the ex-gratia rates on 22 May 2013 under the terms of this agreement. However DEC contacted the Shire in July 2013 to advise that the MOU had expired in July 2012 and they would not be continuing with the MOU in future years and would not be paying the outstanding invoice.

Statutory Environment

Local Government Act 1995

- S.6.12. Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,
- which is owed to the local government.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

The proposed debt write off of \$16,101.77 will reduce Net Operating Results and also reduce Receivables – Other to better reflect Councils recoverable debts.

Consultation

- CEO, Sharon Daishe
- Consultant Accountant, Christine Harvey

Comment

As part of its annual schedule of works, the Shire of Yalgoo grades the access roads to DEC properties. The amounts charged as part of the MOU is to cover some of the costs associated with the grading.

DEC (now Department of Parks and Wildlife and Department of Environment Regulation) control seven pastoral stations within the Shire and these properties are not subject to rates. The MOU was in place to assist Councils with the transition to not receiving rates for the properties controlled by DEC.

On advice from the Department of Local Government the Shire has no obligation to maintain access roads on private or crown land.

The Shire will require DEC to pay for private works, prior to work commencing, should DEC wish the Shire to grade these roads in future.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2013-1023 Write off Bad Debt

That \$16,101.77 showing as outstanding from the Department of Environment and Conservation is written off as a bad debt.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried by Absolute Majority 5/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-1024 Grading of DEC Access Roads

That Council will require DEC to pay a fee for service if DEC wish the Shire to grade any access roads.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

11.3.7 Air Conditioner - Shire Office

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	17 October 2013
Attachments (yellow)	Nil

Matter for Consideration

For Council to approve a budget amendment for the purchase of a replacement air-conditioner for the Shire office.

Background

In October Shire office staff noticed that the air-conditioner that services the main office area in the Shire building was not working correctly. The unit could be turned on but would immediately cut out after operating for approximately 2 minutes. An electrician inspected the air-conditioner and advised that the unit was unrepairable. The unit was out of gas and had been damaged. It was recommended by the electrician that the unit needed to be replaced as the office has no natural air flow and with summer reaching temperatures in the high 30's the office would be unbearable to work in.

The unit was installed when the office was first built and compliance plates indicate that the air-conditioning unit dates to 1999.

A quote is currently being sought from air-conditioning supplies, both those on the WALGA preferred supplier list and other organisations for the cost of replacing the unit with the same or similar unit. This would assist with minimising some costs as the unit used needs to be able to utilise existing ducting, pipes and wiring. The first quote received indicated that the cost could be in the range of \$10,000 to \$15,000.

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.

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	Reduction in funds available for future projects
Asset Management Plan	Replacement of major office equipment
Workforce Plan	Occupational Health and Safety issue with regard to working in heat if air-conditioner not replaced. Loss of production in the office.
Policy	10.1 Occupational Safety and Health providing a safe and healthy work environment so far as practicable 10.2 Employees Health and Safety Policy
Financial (short term/ annual budget)	Additional expenditure outside of normal budget scope.

Consultation

Terry Iturbide, Shire President

Sharon Daishe, CEO

Comment

There was no budget for this item in the 2013/14 financial year as it had been anticipated that the office would require a renovation in future years. This item however has become urgent as the air-conditioning unit has failed completely and summer conditions in Yalgoo would make working in an office with no air-conditioning or air flow an occupational safety and health issue.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1025 Budget Amendment Air Conditioner for Shire Office

That Council:

- 1. Authorises a capital budget amendment of \$15,000 for the purchase of a replacement Air-conditioner for the Shire office – administration area.**
- 2. Authorises the purchase to be funded from the Building Reserve.**

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by Absolute Majority 5/0

11.4 ADMINISTRATION

11.4.1 Council Committees and Delegates to Organisations

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To nominate Councillors for internal committees and external organisations.

Background

Council currently has one Committee, being the Audit Committee, which is compulsory under the Act.

Council nominates representatives for a range of regional organisations and nominates delegates to other organisations from time to time.

Statutory Environment

Local Government Act 1995

s.5.9 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc

s.7.1A – appointment of Audit committees

Strategic Implications

Policy Implications

Policy 1.7 – Representatives to Organisations

Financial Implications

Nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses to attend meetings.

Consultation

Nil

Comment

Council has historically nominated all Councillors to be members of the Audit committee. Nominations to the Audit Committee must be by absolute majority.

Current external committees/organisations and previous nominees are as follows:

Committee	Delegate	
Regional Road Group (RRG)	Delegates	Cr Terry Iturbide <i>Note that nominations to this committee are made by the Murchison Sub Group NOT by the local government.</i>
Murchison Sub Group (RRG)	Delegates (2): Deputy Delegate:	Cr Terry Iturbide, Cr Neil Grinham Cr Raul Valenzuela
Murchison Country Zone of WALGA	Delegates (2): Deputy Delegate:	Cr Terry Iturbide, Cr Raul Valenzuela vacant
Murchison Regional Vermin Council (MRVC)	Delegates (2)	Cr Terry Iturbide vacant
Development Assessment Panel	Members: Alternates:	Cr Terry Iturbide Cr R Valenzuela Cr Neil Grinham vacant <i>Note that this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>
Gundawa Conservation Association (formerly Extension Hill Regional Conservation Association)	Delegates (2)	Cr Terry Iturbide Cr Valenzuela
Audit Committee	Members:	Cr T Iturbide Cr R Valenzuela Vacant Cr N Grinham Cr R Grinham Cr S Willock
Yalgoo Land Conservation District Committee <i>NB – is this still a functioning committee?</i>	Delegates (2): Deputy Delegate:	Cr Terry Iturbide, Cr Neil Grinham Cr R Valenzuela
Golden Primary Health Care Service (Goldfields-Midwest Medicare Local)	Representative commenced attending meetings of this group In 2013	Cr Terry Iturbide

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1026 Audit Committee

That Council nominates Cr TK Iturbide, Cr MR Valenzuela, Cr NA Grinham, Cr RW Grinham, Cr SK Willock, and Cr AB Fawkes to comprise the Shire of Yalgoo audit committee in compliance with s7.1A of the Local Government Act 1995 and that the term of office be until the next ordinary elections in October 2015.

Moved: Cr SK Willock Seconded: Cr MR Valenzuela Motion put and carried by Absolute Majority 5/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1027 Nomination of Councillors to External Organisations

That Council makes the nominations to external committees/organisations as listed below:

Committee	Delegate
Murchison Sub Group of the Regional Road Group	Delegates (2): Cr TK Iturbide, Cr NA Grinham Deputy Delegate (1): Cr MR Valenzuela
Murchison Country Zone of WALGA	Delegates (2): Cr TK Iturbide, Cr MR Valenzuela Deputy Delegate (1): Cr AB Fawkes
Murchison Regional Vermin Council (MRVC)	Delegates (2): Cr TK Iturbide, Cr NA Grinham
Gundawa Conservation Association (EGRCA)	Representatives: Cr TK Iturbide, Cr MR Valenzuela
Golden Primary Health Care Service (Goldfields-Midwest Medicare Local)	Representative: Cr TK Iturbide

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried 5/0

ATTENDANCE: 2:52pm Cr Raul Valenzuela left the meeting.

ATTENDANCE: 2:53pm Cr Raul Valenzuela rejoined the meeting.

11.4.2 Establishment of Shire of Yalgoo Community Benefit Fund Working and Advisory Group

File:	
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	15 October 2013
Attachments (yellow)	Nil

Matter for Consideration

To consider supporting the establishment of a Community Benefit Fund Working and Advisory Group.

Note that this group is not a committee of council under the Local Government Act 1995.

Background

The shire currently benefits from community benefit funds derived from MMG (Golden Grove) and Mount Gibson Mining operations. Benefits are seen as the project funds for many of the Council’s community activities such as school holiday program costs and other community development activities and also as a significant contributor to the wage of the Centacare Indigenous Parenting Coordinator.

Community benefit fund contributions from new resources sector activities in the area are set to increase in the immediate future and will be continuing for an estimated three or four years and perhaps longer.

Due to both the increasing funds available for community benefit and what is a normally expected industry standard, it is recommended that a Shire wide Community Benefit Fund Working and Advisory Group be established.

It should be noted for the avoidance of doubt that this Working and Advisory Group is not constituted as a formal Committee of Council. The Working and Advisory Group will have a collaborative method of decision making and potentially a flexible membership that would not be possible under the rigid guidelines of the Local Government Act 1995.

In larger communities such a Working and Advisory Group would normally oversee a grant-giving program. In Yalgoo where there are so few legally constituted not-for-profit associations, a grants program is not considered practical. Alternately, the proposed Community Benefit Fund Working and Advisory Group would make recommendations to Council to assist in disbursing the Community Benefit Fund to both external bodies (the few not-for-profit associations that do exist) and internally, (the shire’s own programs).

It should be noted that due to the small population of Yalgoo and the funds available, ‘underspend’ on yearly program activities is a real possibility depending on the eventual growth of the Community Benefit Fund. A responsibility of the proposed Working and Advisory Group will be to identify infrastructure resource needs and to agree and make recommendations that might include reserving funds for future infrastructure development such as the Yalgoo Community Hub. In this regard the participation of the contributing resources sector companies is business critical.

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

The Community Benefit Fund and its use is at the heart of section 1 of the Strategic Community Plan – Social, particularly,

- 1.1 Maintenance of existing and development of new community infrastructure and resources
- 1.2 Improved opportunities for education and training
- 1.3 Successful facilitation of wide ranging program of community activities

Policy Implications

In time, the proposed Community Benefit Fund Working and Advisory Group will be likely to contribute to policy recommendations relating to the disbursement of funds to community groups.

Financial Implications

There will be a small cost in promoting, establishing and maintaining the Community Benefit Fund Working and Advisory Group.

The total running costs are expected to be relatively modest as the Working and Advisory Group is unlikely to meet more than four times a year and perhaps as few as two times a year.

Note that on the advice of the Department of Local Government it will not be possible to meet any travel costs of the members of the group.

Consultation

- Vern McKay, Principal Project Officer, Advice and Support, Department of Local Government
- Sharon Daishe, CEO

Comment

It is proposed that the Community Benefit Fund Working and Advisory Group have an inaugural membership based on the following categories.

- 1 x Elected Member of the Shire Council
- 2 x Member of the Yalgoo township community
- 1 x Pastoralist
- 1 x member of the Paynes Find Community
- 1 x member of each of the resources/haulage companies contributing more than \$20k per annum to the Community Benefit Fund
- 1 x Shire Community & Youth Development Coordinator

It is further proposed that nominations are publically called for early in 2014 with the first meeting to be held in approximately April of that year. At its first meeting the Working and Advisory Group will establish its Terms of Reference, meeting rules including frequency and reporting requirements.

It is anticipated that the secretariat responsibilities for the Working and Advisory Group will be undertaken by the Shire Community and Youth Development Coordinator.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1028 Community Benefit Fund Working and Advisory Group

That Council:

- 1. Support the concept of establishing a Community Benefit Fund Working and Advisory Group in 2014, which for the avoidance of doubt, is NOT a committee of council constituted under the Local Government Act 1995; and**
- 2. Approve initial publicity through the Yalgoo Bulldust promoting the establishment of the Working and Advisory Group in 2014; and**
- 3. Endorse a call for nominations for membership of the Working and Advisory Group in February 2014 based on capturing broad representation from the Shire community, and from any organisation that is contributing \$20,000 or more per annum to the Shire for community benefit.**

Moved: Cr AB Fawkes

Seconded: Cr RW Grinham

Motion put and carried 5/0

11.4.3 Establish Finance Committee (New)

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To consider establishing a new committee of council to consider matters pertaining to finance.

Background

The Local Government Act 1995 governs the establishment and operation of committees of council.

Currently the Shire of Yalgoo does not have any committees established other than the mandatory audit committee. Council has historically elected all six councillors to be members of the audit committee. The audit committee has statutory functions to consider certain matters for presentation to council including the audited financial statements, recommendation to appoint an auditor, the compliance annual return, and a new function to consider risk management and internal controls.

Local government financial processes are complex and detailed. With the introduction of integrated planning and reporting (IPR), Council recently adopted a long term financial plan (LTFP) based on 2012/13 and 2013/14 annual budget figures and future assumptions that were formulated at a councillor workshop in Yalgoo. Going forward the LTFP will be reviewed annually and will be integrated with the annual budget process.

It is prudent to convene a committee to consider and recommend to council matters relating to the financial affairs of the local government including the annual budget, long term financial plan, asset management plan and related strategic policies.

Having a special purpose committee enables more time to consider complex matters in detail before presentation to Council. During the IPR workshops councillors requested the CEO to prepare a recommendation to establish such a committee.

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.

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.9. Committees, types of

- (1) In this section —
 - other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or

- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
 - the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
 - whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or

- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,
whichever happens first.

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

Business Implications	
Strategic Community Plan	4. Civic leadership – to be a Shire that serves our community with integrity and leadership.
Corporate Business Plan	
Long Term Financial Plan	The finance committee may consider and recommend to council matters pertaining to the long term financial plan.
Asset Management Plan	The finance committee may consider and recommend to council matters pertaining to the asset management plan.
Workforce Plan	
Policy	The finance committee may consider and recommend to council matters of policy pertaining to finance.
Financial (short term/ annual budget)	<p>Sitting fees for committees of council are currently \$113. An annual budget of \$3,500 should cover costs for a committee of three elected members (sitting fees plus travel and administration) to meet up to four times per annum.</p> <p>With reference to the proposed schedule of meetings for 2014 to be considered in a separate agenda item to this meeting, it is likely that the current year’s expense can be absorbed within the 2013/14 budget allocation.</p>

Consultation

- Cr Terry Iturbide and councillors who attended the UHY IPR workshops at Yalgoo.

Comment

It is recommended that Council convene a finance committee under section 5.9 (b) of the Local Government Act comprised of at least three elected members. Council may also wish to appoint employees to this committee and if this is the case, I recommend that the Chief Executive Officer and the Executive Manager Corporate are the appropriate employees to appoint.

Please refer to sections 5.9 and 5.10 of the Local Government Act 1995 governing appointment of committee members (copied within under legislative environment).

Membership of the committee lasts until the next general election, ie October 2015, unless other matters occur (refer s.5.11, tenure).

Note that the committee will elect its presiding member (and may elect a deputy presiding member) at the inaugural meeting.

Please refer to the separate agenda item within for proposed meetings in 2014.

Voting Requirements

Absolute Majority

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

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

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2013-1029 Establish Finance Committee (s5.8)

That Council establish a committee, to be known as the finance committee, for the purpose of considering and recommending to council matters relating to finance. For the avoidance of doubt, in establishing the committee the local government has not made any formal delegation of powers or duties to the committee.

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried by Absolute Majority 5/0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-1030 Appoint Members of Finance Committee (s5.10)

That Council:

1. Appoints the following persons to be members of the finance committee:

- **Heather Boyd, Executive Manager Corporate (EMC)**
- **Cr Terry K Iturbide, Shire President**
- **Cr M Raul Valenzuela, Deputy Shire President**
- **Cr Neil A Grinham**

2. Appoints the following persons to be deputy members:

- **Cr Robert W Grinham**
- **Cr Adam B Fawkes**
- **Cr Stan K Willock**

Moved: Cr MR Valenzuela Seconded: Cr SK Willock Motion put and carried by Absolute Majority 5/0

11.4.4 Ordinary Meetings of Council Dates 2014

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To set dates, times and location of Council and Committee meetings for 2014.

Background

Council is required under the Local Government Act to give local public notice of dates and times of Council meetings and those committee meetings which are open to the public.

Council generally meets on the second last Thursday of the month, in the months of February to October. Meetings are not held in January or November, and the December meeting day/date generally changes each year depending on the Christmas shutdown period and other matters. Meetings in May and September are held at Paynes Find.

Statutory Environment

Local Government Act 1995

s.5.3 – Council meeting not to be more than 3 months apart

Local Government (Administration) Regulations 1996

12. Meetings, public notice of (Act s. 5.25(1)(g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Cost of advertising in accordance with the regulation.

Consultation

- Heather Boyd, EMC

Comment

The following schedule is recommended for meetings in 2014. In proposing this schedule, the following matters have been considered:

- Timing of meetings of the proposed new finance committee (see separate agenda item)
- Timing of Easter and Anzac Day. The ordinary meeting would have fallen on Thursday 17 April, being the day before Good Friday. The following Thursday falls between Easter Monday, the Shire public holiday on Tuesday, and Anzac Day on Friday 25 with major centenary celebrations planned. It is recommended that there be no ordinary meeting held in April. In turn, this will allow staff to concentrate on gathering the comprehensive background information which will be required for the proposed finance meeting 08 May.
- Timing of audit committee meeting to receive the governance review and annual report. This then governs the timing of the electors' general meeting which must be held within 56 days of council adopting the annual report. The executive manager corporate has a month of leave booked Oct/Nov so the timing will enable this to be completed before she enters on leave.
- It is proposed that the annual electors' meeting be held at 2pm on Friday 05 December and that this also be the day of the staff/councillor Christmas dinner.
- It is proposed that the ordinary meeting in December be held on Tuesday 16 December. This will enable Council to consider the matters that were raised at the annual electors' meeting.

Note that in previous years the meeting schedule for the audit committee has been set on an ad hoc basis as it depends upon having other matters completed. The audit committee and the finance committee are not open to the public, by virtue of not having any delegated authority. Hence these meetings do not have to be advertised. It is proposed that the dates be provisionally set to enable councillors to plan to be available, and to guide the work program of staff. If necessary, the dates can be altered later if papers are not ready however this should not be preferred.

There is no recommendation to council at this stage for the electors' general meeting because the Act requires the CEO to call this meeting. In the interest of avoiding any doubt for electors, this will not be called until such time as council has adopted the annual report for the period ended 30 June 2014.

However staff will be working towards the above proposed schedule and the above date should be diarised.

Month	Day / Date	Council	Other Meetings/ Purpose/ Comment	Location
Feb	Thu 20, 11am	Ordinary		Yalgoo
Mar	Thu 06, 10am		Audit: review compliance return and scope review of governance and internal controls (consultant to attend – Marg Hemsley). Note that the contract for audit services is due for renewal. Pending decisions of the audit committee in November 2013, the audit committee may also consider tenders for audit services at the March 2014 meeting.	Yalgoo
Mar	Thu 20, 11am	Ordinary	Includes receive reports of the audit committee including the compliance annual return.	Yalgoo
May	Thu 08, 10am		Finance: consider program budgets for inclusion in draft detailed 2014/15 budget	Yalgoo
May	Thu 22, 11am	Ordinary	Includes receive report of finance committee regarding program budgets.	Paynes Find
Jun	Thu 19, 11am	Ordinary		Yalgoo
Jul	Thu 24, 10am		Finance: draft detailed budget and review long term financial plan (w/ UHY). Note that this is timed to occur before the annual WALGA convention.	Yalgoo
Aug	Thu 21, 11am	Ordinary	Includes adoption of annual budget.	Yalgoo
Sep	Thu 25, 11am	Ordinary		Paynes Find
Oct	Thu 09, 10am		Audit: review annual financial statements and receive review of governance	Yalgoo
Oct	Thu 23, 11am	Ordinary	Includes receive annual report.	Yalgoo
Dec	Fri 05, 3pm		Electors: suggest that the staff & councillors Christmas dinner is held on this evening.	Yalgoo
Dec	Tue 16, 11am	Ordinary		Yalgoo

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2013-1031 Ordinary Council Meeting Dates for 2014

That Ordinary meetings of Council in 2014 be held in the Shire of Yalgoo Council Chambers (with the exception of the two meetings noted below to be held at the Paynes Find Community Centre), commencing at 11.00 am, on the following dates:

- Thursday 20 February
- Thursday 20 March
- Thursday 22 May (Paynes Find)
- Thursday, 19 June
- Thursday 21 August
- Thursday 25 September (Paynes Find)
- Thursday 23 October
- Tuesday 16 December

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

Voting Requirements

Simple Majority

*Note: Councillors were advised of an administrative error in the agenda papers that had occurred incorrectly recording the year of the proposed Audit Committee Meetings on **Thursday 09 October 2013** and **Thursday 24 July 2013** respectively.*

*The correct years are **Thursday 09 October 2014** and **Thursday 24 July 2014**. The President asked Councillors to correct the error in their agenda before calling for a mover and seconder.*

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-1032 Audit Committee Provisional Dates for 2014

That the Audit Committee of Council intends to meet at 10am in the Shire of Yalgoo Council Chambers on the following dates in 2014:

- Thursday 06 March 2014
- Thursday 09 October 2014

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #3

C2013-1033 Finance Committee Provisional Dates for 2014

That the Finance Committee of Council intends to meet at 10am in the Shire of Yalgoo Council Chambers on the following dates in 2014:

- Thursday 08 May 2014
- Thursday 24 July 2014

Moved: Cr SK Willock

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.4.5 End of Year Arrangements and Christmas Shutdown 2013

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To consider arrangements for the annual Christmas function and Christmas business closure.

Background

Christmas Function: Council routinely hosts a Christmas dinner for staff, councillors and heads of agencies in Yalgoo (police, school, nurse, MEEDAC, Centacare etc). In recent years the Yalgoo Hotel has been engaged to provide catering for the function which is held at the railway sporting complex.

Christmas Shutdown: The Shire historically has a shut down period over the Christmas New Year period and staff uses a combination of public holidays, rostered days off/time in lieu and annual leave to cover leave during this period.

The Christmas closure allows for all staff to take a minimum two week break over the hot Christmas period. Most organisations are either closed or on skeleton staff during this period so there is no critical impact on operations.

Executive staff that are not formally on annual leave are considered to be off duty but on call either in person or by phone to cover emergencies which in the past have included flood and bushfire.

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.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	<ul style="list-style-type: none"> Councillors and staff Christmas function budget of \$3,500

Consultation

Nil

Comment

In previous years the staff/councillor Christmas dinner was held on the day of the December council meeting. Last year however councillors pointed out that this made for an overly full day, and was difficult for councillors who do not live in town as their partners either have to spend the whole day in town, or travel in separate vehicles.

The December 2013 meeting is to be held on Thursday 5th, and it is recommended that the staff/councillor function be held on Thursday December 12th.

Councillors please note that your timely RSVP is important as staff need to confirm numbers with the hotel for catering purposes. Invitations will be issued to you in November. It is proposed that the Shire office closes for the Christmas break from noon Friday 21 December 2013, and reopens on Monday 7 January 2014.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2013-1034 End of Year Arrangements and Christmas Shutdown 2013**

That:

- 1. Council hosts a Christmas dinner on Thursday 12 December 2013 6:00-10:00pm at the Railway Sporting Complex and invites current councillors, councillors retired or resigned in the past 12 months, Shire staff and head Yalgoo agency staff to attend with their partner or one other person 18 years of age or over; *and***
- 2. The Shire offices will close for the Christmas/New Year break at noon on Friday 20 December 2013 and re-open at 9am on Monday 6 January 2014.**

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

11.4.7 Councillor Information Request: Anti-Social and Criminal Behaviour

File:	
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	14 October 2013
Attachments	P56 2006 Safety and Crime Prevention Strategy for the Shire of Yalgoo (yellow)

Matter for Consideration

To consider current anti-social and criminal behaviours impacting on Yalgoo township.

Background

Cr Raul Valenzuela has recently made a Councillor Information request on anti-social and criminal behaviour, specifically on,

- A) Offensive and threatening language
- B) Break and enter into private residences
- C) Fear of crime in the community

This report aims to provide objective information, including Police advice, on anti-social and criminal behaviours.

With regard to offensive and threatening behaviour, Yalgoo Police state that there have been no official complaints made to them concerning this type of behaviour. Regrettably, there is overwhelming anecdotal evidence though from the town's service providers and business operators that this behaviour occurs regularly in town, in the public domain. Anecdotal evidence further suggests that this behaviour is perpetrated by a small group of adolescent males residing in town.

With regard to break and enters, Yalgoo Police confirm that there have been four break and enter into premises reports in the past four weeks. They state that charges were laid against two young Yalgoo residents in relation to two of these reports and as a result they have been or are currently engaged within Juvenile Justice Proceedings. In regard to the other two break and enters, insufficient evidence was available for any charges to be laid and the cases are unresolved.

No formal evidence exists that Yalgoo is, in general terms, gripped by a particularly severe or increased fear of crime. Due to the recent break and enters and perhaps also due to the offensive and threatening behaviours, anecdotal evidence certainly suggests that at least some members of the community have a heightened fear of crime at the present time. I understand that any heightened fear of crime is largely specific to threats against property as opposed to threats against the person. To come to a clear understanding on this particular issue though a comprehensive research project would need to be facilitated and this has not emerged as a priority to date.

It should be noted that 2013 does not represent the first time that Yalgoo has undertaken some soul searching with regard to anti-social and criminal activity. The 2006 Safety and Crime Prevention Strategy for the Shire of Yalgoo describe similar issues impacting on the town seven years ago. The strategy goes on to list a number of specific actions, some of which were already successfully operating, that aimed to reduce or rectify some of the stated problems.

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.

Business Implications	
Strategic Community Plan	Unresolved or escalating anti-social and criminal activities in Yalgoo will have an on-going detrimental impact on the adopted vision within the Shire’s Strategic Community Plan for Yalgoo to be “Inclusive and Peaceful, Prosperous and Strong”. Strategy 1.3.8 in the Plan states that the Shire will “run programs that specifically target anti-social/criminal behaviour.
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	Additional task for CYDC with already full workload
Policy	
Financial (short term/ annual budget)	

Consultation

- CEO, Sharon Daishe
- Centacare Indigenous Parenting Coordinator, Mata Te Hiini
- Yalgoo Police, Senior Constable Revis Ryder

Comment

Broadly, anti-social behaviour and crime exists in all communities in Australia. Crime prevention is recognised as a manifestly complex matter and one that requires customisation to fit any local scenario. In Yalgoo, serious crime statistics are relatively low and most issues around crime relate to crime against property and/or through experiencing anti-social behaviour. Many of the strategies as documented in the 2006 Crime Prevention Strategy are in fact, currently occurring or in development, others have slipped and do not exist at present and could be reviewed and possibly reinstated.

Specific issues that present as repeat offences may have some solution through day-to-day management processes. An example might be that the toilets in Community Park are locked at 5.00pm every day and re-opened in the morning. This may have an impact on reducing anti-social behaviour at that location however it may also increase the likelihood of the locks being broken as has happened when the toilets at the railway complex have been locked.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1035 Anti-Social and Criminal Behaviour

That Council, through the Community and Youth Development Coordinator, review and updates the 2006 Safety and Crime Prevention Strategy for the Shire of Yalgoo in consultation with service providers, business operators, the community and other relevant stakeholders.

Moved: Cr SK Willock

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.4.8 Erratum Re Decision Number Prefix, Special Meetings of Council Held on 7 August 2012, 9 August 2012 and 1 July 2013

File:	
Author:	Karen Malloch, ACEA
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments	Nil

Matter for Consideration

To correct a numbering error of the decision number prefix in the previously confirmed minutes of the Special Meetings of Council which were held on 7 August 2012, 9 August 2012 and 1 July 2013.

Background

The administration protocol for number of Special Meetings of Council is for the decision number prefix to be “S”.

More than one Special Meeting of Council per month require the decision number prefix to be “Sa”, or “Sb”, and so forth, for example 2013-09 S9a or 2013-09 S9b.

Ordinary Meetings of Council require the decision number prefix to be “C”, audit committee decisions have a prefix of “A”, and so forth.

This protocol ensures that there is a unique number for every decision of council.

Recently it has been discovered that decisions in the previously confirmed minutes of the Special Meetings of Council that were held on 7 August 2012, 9 August 2012 and 1 July 2013 were each incorrectly prefixed “C” instead of “S”.

The effect of this administrative error is that there are now duplicate decision numbers. For instance the first decision in each of the 7 August Special, the 9 August Special, and the ordinary meeting in August 2012 are all numbered C2013-0801.

Statutory Environment

Local Government Act 1995

s.5.25 (1)

(f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;

Local Government (Administration) Regulations 1996

11. Content of minutes of Council or committee meetings – s.5.25 (1)(f)

(c) details of each motion moved at the meeting, the mover and the outcome of the motion;

(d) details of each decision made at the meeting;

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

Sharon Daishe, CEO

Comment

There is an opportunity to correct this administrative error, as the minutes have not yet been sent to Perth for binding.

The error does not affect the content or intent of any decision and is administrative only in nature.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1036 Erratum Re Decision Number Prefix, Special Meetings of Council Held on 7 August 2012, 9 August 2012 and 1 July 2013

That the decision number prefix be corrected in the minutes of each of the following meetings:

- Replace letter C (incorrect) with Sa (correct) in the decision prefix for the Special Meeting of Council held on 7 August 2012; and
- Replace letter C (incorrect) with Sb (correct) in the decision prefix for the Special Meeting of Council held on 9 August 2012; and
- Replace letter C (incorrect) with S (correct) in the decision prefix for the Special Meeting of Council held on 1 July 2013.

Moved: Cr RW Grinham

Seconded: Cr SK Willock

Motion put and carried 5/0

11.4.9 Shire of Yalgoo Office – Ladies Convenience Room

File:	
Author:	Karen Malloch, ACEA
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments (yellow)	Nil

Matter for Consideration

To consider the change over of the “Ladies convenience room” to the “Men’s” and vice versa.

Background

Due to the Shire office personnel being predominantly female, it would be beneficial for the present employees to be able to enjoy the benefits of the shower and storage facility in the present “Men’s convenience room”.

The present “Men’s convenience room” features a shower and cupboards, in which the female employees could keep their personal items with a modicum of privacy.

An additional benefit to changing the rooms use is the present “ladies convenience room” is better located and more convenient for the cleaner’s to store and access cleaning equipment and the supply cupboard.

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.

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

- CEO, Sharon Daishe
- President, Terry Iturbide

Comment

The changeover of the rooms is not expected to affect or inconvenience male Shire employees or visitors as to date the shower has not been utilised.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Shire of Yalgoo Office – Ladies Convenience Room

That Council approve the changeover of the “Ladies convenience room” to the “Men’s” and vice versa.

Moved:

Seconded:

Motion not put

NOTE: The motion was not put as it was agreed that this was an administration item and unisex toilets may solve the problem.

The matter was declared “Operational” and will be decided by the Shire executive staff.

11.4.10 Children’s Christmas Party

File:	
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	16 October 2013
Attachments (yellow)	Nil

Matter for Consideration

To consider co-hosting the Shire Christmas party for Yalgoo’s children with Yalgoo Primary School.

Background

In recent years the Shire has held a Christmas party for the town’s children. The party is of a modest nature that generally involves an appearance by Santa, the handing out of presents, an afternoon tea and the use of the small water slide.

The Primary school also runs an end of year concert and presentation with a Christmas theme. Due to the congested time of year there have been scheduling clashes between the two events and a perception that they are in competition.

It is proposed that this year the Shire and school join forces to co-host an end of year / Christmas event. This will reduce congestion on the calendar, demonstrate a great cooperative spirit between the two institutions and utilise human and financial resources more efficiently.

It is envisaged that the event is held at the school at 6.00 pm on Tuesday 17 December. The school will responsible for the concert and academic presentations while the shire is responsible for Santa Claus and the purchase of the presents to be given to the kids. School staff will assist with the wrapping of the presents. The Shire will also provide the food (Sausage sizzle/steak sandwiches) and the water slide.

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

The proposed event is consistent with strategies in the Strategic Community Plan that relate to events/community wellbeing and working cooperatively with partners.

Policy Implications

Nil

Financial Implications

The shire contribution is expected to be up to \$800.

Consultation

- CEO, Sharon Daishe
- Principal – Yalgoo Primary School, Tom Hall

Comment

The proposal provides a ‘bigger bang for buck’ by drawing on the resources of both the Shire and the school whilst reducing workload and resource needs for Shire staff.

Voting Requirements

Simple Majority

NOTE: Prior to the recommendation being moved, the CEO requested that councillors strike the date from the Officer Recommendation as it was no longer relevant and was not necessary to determine the intent of the motion.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1037 End of Year Children’s Christmas Function

That Council approve the Shire partnering with Yalgoo Primary School to co-present an end of year Christmas party for the Yalgoo residents’ children that includes a contribution of up to \$800.

Moved: Cr AB Fawkes

Seconded: Cr SK Willock

Motion put and carried 5/0

FORESHADOWED MOTION

President Terry Iturbide foreshadowed a motion to provide the residents of the Paynes Find community funding towards a Christmas party at Paynes Find.

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2013-1038 Funds to be Made Available for the Paynes Find Community Towards a Christmas Party

That Council agree to fund a Christmas party at Paynes Find using funds from the existing budget.

Moved: Cr TK Iturbide

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.0 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

13.0 ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1039 Admit Urgent Business

That Council admits the following additional matters for discussion and decision.

- 13.1 Request to hire chairs for function at Paynes Find**
- 13.2 Regional Tourism Project – withdraw from TIRF and partner with Mid West Tourism Project**

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

13.1 Request to Hire Chairs from Paynes Find Community Centre

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	24 October 2013
Attachments	Nil

Matter for Consideration

To consider allowing the Paynes Find Tavern to hire 20 chairs from the Paynes Find Community Centre for a birthday function.

Background

Lisa Schmidt from the Paynes Find Tavern is holding a birthday function at the Paynes Find Tavern tomorrow (Saturday 26 October).

I received the following email from Lisa on Thursday 24th:

*From: murchison earth moving [mailto:murchisonearthmoving@activ8.net.au]
 Sent: Thursday, 24 October 2013 2:34 PM
 To: ceo@yalgoo.wa.gov.au
 Subject: Chairs for Paynes Find Function*

*Hi Sharon
 Just wondering if we could please hire some chairs (around 20) for Saturday from the community centre here?
 Thanks Lisa*

Council has a long standing policy that states:

1. The tables and chairs at Shire facilities are not generally available for public hire for use off-premises. All applications for private use off-premises are to go to Council for decision, and will be subject to such considerations as considered necessary
2. In exceptional circumstances where the function being held is for the community, and is not a private event, the Chief Executive Officer has the discretion to allow their use off-premises.

Council’s fees and charges for 2013-14 state that no furniture is available for hire except by specific Council approval. There is no fee set, therefore if Council approve the use of the chairs it would need to be at no charge.

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.

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	5.4 Shire Facilities – Tables & Chairs
Financial (short term/ annual budget)	

Consultation

Nil due to the short notice.

Comment

The Paynes Find community is remote, and there are no services in town that hire chairs which is the same situation as Yalgoo however Yalgoo is slightly closer to a regional centre with such facilities.

In choosing whether or not to approve this request council may wish to consider and debate matters such as:

- The request is one-off and unique
- The remoteness of the location and lack of access to hire from anywhere else
- Whether or not approving this application would set a precedent for future requests
- The high level of trust involved because the access would need to be self-serve. Showing trust builds community spirit on one hand, and on the other hand council may consider that allowing self-serve access to the furniture at the community centre may encourage unauthorised borrowing and/or make it difficult to ensure that chairs and tables remain at the location where they are supposed to be
- It will not be possible to charge a fee; however a fee could be introduced in future if this is expected to recur.

Note: Councillors are provided with alternative recommendations and will need to move and second one of these. Please remember that debate cannot occur until one of the recommendations is moved and seconded.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION (Alternative one – *approve* request)

C2013-1040 Request to Hire 20 Chairs from Paynes Find Community Centre

That Council approve the request from Lisa Schmidt to hire 20 chairs from the Paynes Find Community Centre for the weekend of 26/27 October 2013 on the following conditions:

- The shire will not charge a hire fee, as there is no fee set under the 2013-14 fees and charges, however the shire will recover the cost of any loss or damage; and
- The hirer acknowledges that they will be responsible for payment for any loss or damage to the chairs; and
- The chairs are to be returned to the community centre the following day in the same condition as when the hirer took possession of them.

Moved: Cr SK Willock

Seconded: Cr AB Fawkes

Motion put and carried 3/2

See Note on previous page:

OFFICER RECOMMENDATION (Alternative two) was not required.

OFFICER RECOMMENDATION (Alternative two – *decline* request)

Request to Hire 20 Chairs from Paynes Find Community Centre

That Council decline the request from Lisa Schmidt to hire 20 chairs from the Paynes Find Community Centre.

Moved:

Seconded:

Motion not put

13.2 Withdraw from TIRF and Progress Murchison Upper Gascoyne Regional Tourism Strategy in Partnership with Mid West Development Commission Mid West Tourism Development Study

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	25 October 2013
Attachments (purple)	As distributed separately to council before the meeting – emails and Mid West Tourism Development Study

Matter for Consideration

To consider withdrawing the Shire’s application to the Tourism Infrastructure Regional Development Fund (TIRF) in order to progress the Murchison Upper Gascoyne Regional Tourism Strategy. Further, to consider how to gain the maximum benefit by joining with the Mid West Tourism Development Study Scope of Works.

Background

The Shires of Cue, Meekatharra, Mount Magnet, Murchison, Sandstone, Yalgoo and Upper Gascoyne have previously agreed to partner in a regional tourism strategy.

\$70,000 has been secured (\$5,715 per Shire, \$20,000 from the Mid West Development Commission and \$10K from Regional Development Australia Mid West).

The Shire of Yalgoo, as lead agency, applied for a TIRF grant of \$50,000. The outcome of this grant will not be known until well into next year.

The Mid West Development Commission is embarking on a funded project for regional tourism and there is an opportunity to align our process with theirs.

Refer attachments

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.

Business Implications	
Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

- Shires of Cue, Meekatharra, Mount Magnet, Murchison, Sandstone and Upper Gascoyne.
- Mid West Development Commission (Gavin Treasure, Brendin Flanagan)

Comment

Please see the attached document, and email from Gavin Treasure. If we are to tie in with this process we will need to WITHDRAW from the TIRF application. This will mean that we lose any chance of the \$50,000 from TIRF. Please provide comment to me by Monday if possible please (re Gavin’s timeframe).

As I see it, the advantages of withdrawing from TIRF and joining with MWDC are as follows:

- I have been advised that it may be well into next year before we hear about TIRF due to the federal government change
- I assess our chances of success as being on the lower side as the round is highly competitive and our application was borderline in terms of the TIRF guidelines (you will remember that initially we applied to TQual, which would have been a better fit I think but they rejected because at the time the MWDC funds were not confirmed)
- TIRF is very prescriptive, and the funding agreement takes a while to negotiate after approval is received.
- The grants admin and controls process for TIRF is onerous. If we use our own source funds + the \$30K we have from MWDC and RDA we will have far greater control over what we can do with the funds
- If we wait for TIRF, we will be out of sync with what MWDC are doing.

The only disadvantage that I see is that we cut off any opportunity for the extra \$50K if we withdraw from TIRF.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-1041 Murchison Gascoyne Regional Tourism Strategy – Withdraw from TIRF and Negotiate Partnership with MWDC Mid West Tourism Development Study

That Council agree to withdraw the TIRF application of \$50,000 for the Murchison Gascoyne Regional Tourism Blueprint and progress the project with the \$70,000 already secured, on the following principles:

- 1. That the partner Shires of Cue, Meekatharra, Mount Magnet, Murchison, Sandstone and Upper Gascoyne agree;**
- 2. That a project brief be drawn up in consultation with the partner Shires, and to the satisfaction of the partner Shires; and**
- 3. That the group will pursue arrangements to partner with the Mid West Development Commission’s tender process and project for the Mid West Tourism Development Study in the interest of gaining advantage for the broader region, without losing the intent of the Murchison Gascoyne sub regional project and sub regional identity.**

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

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 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 in the Council Chambers in Gibbons Street on Thursday, 5 December 2013 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President Terry Iturbide declared the meeting closed at 3:30pm.

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
AA	Administration Assistant
ACEA	Administration Coordinator Executive Assistant
AFAC	Australasian Fire Authorities Council
AGDRP	Australian Government Disaster Recovery Payment
AGM	Annual General Meeting
AIIIMS	Australasian Inter-Service Incident Management System
ASKAP	Australian Square Kilometre Array Pathfinder
ATU	Aerobic Transfer Unit
BA	Broadcast Australia
BCITF	Building and Construction Industry Training Fund
BFS	Bush Fire Service
BFTA	Bush Fire Threat Analysis
CALD	Culturally and Linguistically Diverse
CANWA	Community Arts Network of WA
CCYP	Commissioner for Children & Young People
CEMO	Community Emergency Management Officer
CEO	Chief Executive Officer
CERM	Community Emergency Risk Management
CLGF	Country Local Government Fund (Royalties for Regions)
CPTDM	Caravan Park & Tourism Development Manager
CRC	Community Resource Centre
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
Das	Development Applications
DAFWA	Department of Agriculture & Food
DAIP	Disability & Access Inclusion Plan
DAP	Development Assessment Panel
DCA	Department for Culture and the Arts
DCD	Department for Communities
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Formerly Department of Environment and Conservation now divided into:
	DER Department of Environmental Regulation
	DPW Department of Parks and Wildlife
DEMC	District Emergency Management Committee
DET	Department of Education
DFES	Department of Fire & Emergency Services - formerly FESA
DHW	Department of Housing
DIA	Department of Indigenous Affairs
DISCEX	Discussion Exercise
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLAG	Drug & Liquor Action Group
DLGC	Dept of Local Government & Communities
DoHA	Department of Health & Ageing
DON	Director of Nursing
DOT	Department of Transport

Acronym	Detail
DoW	Department of Water
DPI	Dept for Planning and Infrastructure
DSR	Department of Sport & Recreation
DTWD	Department of Training & Workforce Development
EA	Executive Assistant
EC	Events Corp
ECC	Emergency Coordination Centre
EMC	Executive Manager Corporate
EMWA	Emergency Management Western Australia
EMWI	Executive Manager Works & Infrastructure
ERM	Emergency Risk management
EWP	Elevated Work Platform
FaHCSIA	Families, Housing, Community Services & Indigenous Affairs
FAG	Financial Assistance Grant
FAO	Finance & Admin Officer
FCWP	Forward Capital Works Plan
FHRO	Finance & HR Officer
FRS	Fire and Rescue Service
GPG	General Purpose Grant
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HCP	Healthy Community Program
HMA	Hazard Management Agency
HSM	Health Services Manager
IAP	Incident Action Plan
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
ILRG	Identified Local Road Grant
IMG	Incident Management Group
IMT	Incident Management Team
IPWEA	Institute of Public Works/Engineering WA
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LC	Landcorp
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGAP	Local Government Assistance Program
LGEEP	Local Government Energy Efficiency Program
LGCC	Local Government Grants Commission
LGMA	Local Government Managers' Association
LMDRF	Lord Mayor's Distress Relief Fund
LRC	Local Recovery Coordinator
LRCG	Local Recovery Coordinating Group
LWA	Lotteries West
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MEITA	Morawa Education, Industry and Training Alliance
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

Acronym	Detail
MOU	Memorandum of Understanding
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
MWIRSA	Mid West Industry Road Safety Alliance
MWRC	Mid West Regional Council – consisting of 7 Shires
NBN	National Broadband Network
NDES	National Digital Economy Strategy
NDCSG	Northern Districts Community Support Group
NRIS	National Register Inquiry System
OASG	Operations Area Management Group
OCM	Ordinary Council Meeting
OMI	Office of Multicultural Interests
OPR	Oakajee Port and Rail
PE	Project Executive
PIA	Post Incidence Analysis
POC	Plant Operating Costs
PSA	Public Service Authority
PSG	Project Steering Committee
PWOC	Public Works Overhead Costs
R-Codes	Residential Design Codes
R2R	Roads to Recovery (Commonwealth)
R4R	Royalties for Regions (State)
RAV	Restricted Access Vehicle
RDA	Regional Development Australia
RDAF	Regional Development Australia Fund
RDAMWG	Regional Development Australia Mid West Grants
RDL	Dept of Regional Development and Lands
REVISE	Retired Educator Volunteers for Isolated Students Education
RFT	Request for Tender
RGS	Regional Grant Scheme
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
RRWA	Remote and Regional Western Australia
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal (Salaries & Allowances)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SEMP	State Emergency Management Policy
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SIDE	Schools In Distance Education
SLICP	State Land Information Capture Program
SLK	Straight line kilometres
SMUG	Shires of Murchison & Upper Gascoyne
SOP	Standard Operating Procedure

Acronym	Detail
SOTA	Schools Of The Air
SoY	Shire of Yalgoo
SWMP	(Regional) Strategic Waste Management Plan
STED	Septic Tank Effluent Disposal System
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
TIRF	Tourism Infrastructure Regional Development Fund
TWA	Tourism WA
VAST	Viewer Access Satellite Television
VESTOC	Volunteer Emergency Services Training & Operations Centre
VET	Vocation, Education & Training
VPD	Vehicles per day
VPN	Virtual Private Network
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
WANDRRA	West Australian Natural Disaster Relief and Recovery Arrangements
WAPC	Western Australian Planning Commission
WARDT	Western Australian Regional Development Trust
WPA	Wool Producers Australia
WWTP	Waste Water Treatment Plan
YPS	Yalgoo Primary School