



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
20 FEBRUARY 2014
AT 11:00am

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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 20 February 2014, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham declared the Ordinary Meeting open at 11.14am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Adam B Fawkes Cr Stanley K Willock – 11.21am – 12.30pm
STAFF	Sharon Daishe, Chief Executive Officer (CEO) Heather Boyd, Executive Manager Corporate (EMC) Mick Oliver, Acting Executive Manager Works & Infrastructure (EMWI) Pip Parsonson, Community Youth & Development Coordinator (CYDC) Karen Malloch, Administration Coordinator/Executive Assistant (ACEA)
GUESTS	Andrew Whitehead, Top Iron Ltd Karen Godfrey, Top Iron Ltd Travis Bate, RSM Bird Cameron
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Robert W Grinham Cr Stanley K Willock - after 12.30pm

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Item 13.2 CEO Sharon Daishe disclosed a financial interest in this item.

- CEO Sharon Daishe – Item 13.2 pg 74

Item 11.4.3 Cr M Raul Valenzuela, Cr Adam B Fawkes, Pip Parsonson (CYDC) disclosed an impartiality interest in this item.

- Cr M Raul Valenzuela – Item 11.4.3 pg 42
- Cr Adam B Fawkes – Item 11.4.3 pg 42
- Pip Parsonson (CYDC) – Item 11.4.3 pg 42

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

ORDER OF BUSINESS

Voting Requirements

Simple majority

NEW MOTION/COUNCIL DECISION

C2014-0201 Changed Order of Business

That Council agrees to change the order of business to deal with the items under section 14., matters for which the meeting may be closed.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

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.

14.1 (Closed discussion) Proposed Contract for Appointment of Acting CEO

This matter is closed to the public under the provisions of section 5.23 (2) (c) of the Local Government Act 1995, to discuss the proposed contract of employment as prepared by WALGA for an acting CEO. The proposed contract has been provided to councillors under confidential cover.

14.2 (Closed Discussion) Matter Relating to an Audit

This matter is closed to the public under the provisions of section 5.23 (2) (f) (i) of the Local Government Act 1995. Papers will be provided to councillors on the day of the meeting under confidential cover.

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0202 Close Meeting to the Public

That the meeting be closed to the public in accordance with section 5.23 (2) of the *Local Government Act 1995* to discuss the matters listed for 14.1 s5.23 (2) (c) and 14.2. s5.23 (2) (f) (i).

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

The meeting was closed to the public at 11:20am.

ATTENDANCE: 11:20am EMC Heather Boyd, Pip Parsonson (CYDC), Karen Malloch (EA) left the meeting.

ATTENDANCE: 11:21am Cr Stanley K Willock joined the meeting.

ATTENDANCE: 11:23am CEO Sharon Daishe and Travis Bate, RSM Bird Cameron left the meeting.

Remaining in the meeting were:

- Cr Neil A Grinham
- Cr M Raul Valenzuela
- Cr Stanley K Willock
- Cr Adam B Fawkes

ATTENDANCE: 11:40am CEO Sharon Daishe rejoined the meeting.

ATTENDANCE: 11:51am CEO Sharon Daishe left the meeting.

ATTENDANCE: 11:52am Travis Bate, RSM Bird Cameron rejoined the meeting.

ATTENDANCE: 12:16pm Travis Bate, RSM Bird Cameron left the meeting.

ATTENDANCE: 12:20pm CEO Sharon Daishe rejoined the meeting.

ATTENDANCE: 12:25pm Travis Bate, RSM Bird Cameron rejoined the meeting.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION
C2014-0203 Open Meeting to the Public
That the meeting be re-opened to the public.
Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried 4/0

The meeting was reopened to the public at 12:27pm.

ATTENDANCE: 12:28pm Pip Parsonson (CYDC) rejoined the meeting.

RECORD DECISION MADE DURING CLOSED MEETING

14.1 Appointment of Acting CEO LGA s5.36

Voting Requirements

Absolute majority LGA s5.36 (2) (b)

OFFICER RECOMMENDATION/COUNCIL DECISION
C2014-0204 Appointment of Acting CEO
That Council appoints Bruce G Walker, being a suitably qualified person, to the position of Acting Chief Executive Officer commencing on Monday 17 March 2014 and in accordance with the provisions of the proposed employment contract as prepared by WALGA and discussed during the closed meeting.
Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 4/0

14.2 Matter Relating to an Audit

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0205 Engagement of Forensic Auditor

That Council engages RSM Bird Cameron, effective immediately, to carry out a forensic audit in accordance with the proposal submitted involving council business.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 4/0

ADJOURNMENT

The meeting adjourned for lunch break at 12.30pm.

RESUMPTION

The meeting resumed at 2:17pm.

In attendance were:

- Cr NA Grinham
- Cr MR Valenzuela
- Cr AB Fawkes
- CEO Sharon Daishe
- Heather Boyd (EMC)
- Pip Parsonson (CYDC)
- Karen Malloch (EA)
- Mick Oliver, (Acting EMWI)

ORDER OF BUSINESS

2:18pm the order of business resumed.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom
14/2/14	GUNDAWA meeting - Dalwallinu	Neil Grinham

7.2 COUNCILLORS

Date	Details	Councillors
14/2/14	GUNDAWA meeting - Dalwallinu	Cr Raul Valenzuela

Attendance: 2:20pm Mick Oliver, (Acting EMWI) left the meeting.

Attendance: 2:23pm Mick Oliver, (Acting EMWI) rejoined the meeting.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Following circulation, staff identified errors in the numbering of decisions of council. These have been corrected as follows:

- The decision that related to item 11.2.2 had not been numbered. This decision has now been numbered C2013-1206.
- Each subsequent decision up to item 11.4.4 has been incremented.
- The first decision relating to item 11.4.4 had not been numbered. This decision has now been numbered C2013-1211, and each subsequent decision number has been incremented.

The formal copy of the minutes, which is presented for confirmation and signature, has been corrected.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0206 Minutes of the Ordinary Council Meeting, Thursday 5 December 2014

That the Minutes of the Ordinary Council Meeting held on Thursday 5 December 2014 with corrections as noted above, be confirmed.

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried 3/0

OFFICER RECOMMENDATION/COUNCIL DECISION #9**C2014-0215** **S (FEB) Minutes of the Special Meeting Monday 3 February 2014, 11:00am****That the Minutes of the Special Council Meeting held at 11:00am on Monday 3 February 2014 be confirmed.****Moved: Cr MR Valenzuela****Seconded: Cr AB Fawkes****Motion put and carried en bloc 3/0****8.3 ELECTORS' GENERAL MEETING**

Minutes of the Electors' General Meeting have previously been circulated to all Councillors and made available for members of the public (LGA s5.32).

Where electors vote on a matter at the electors' meeting then the decision is considered at the next ordinary council meeting. If the council makes a decision in response to a decision made at an electors' meeting, the reason for the decision must be recorded in the council minutes.

The following decisions were made at the electors' general meeting held on 05 December 2013:

E2013-1201: That the minutes of the Electors' General Meeting held on 22 November 2012 be confirmed.

E2013-1202: That the Annual Report for the financial year ended 30 June 2013, as adopted by Council on 25 October 2013, be received.

The decisions are administrative in nature and require no consideration for further decision.

OFFICER RECOMMENDATION/COUNCIL DECISION**C2014-0216** **Minutes of the Electors' General Meeting, Thursday 5 December 2014****That the Minutes of the Electors' General Meeting held at 9:00am on Thursday 5 December 2014 be confirmed with no requirement for further decisions to be made.****Moved: Cr MR Valenzuela****Seconded: Cr AB Fawkes****Motion put and carried 3/0****9. MINUTES OF COMMITTEE MEETINGS****10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters****10.0 INFORMATION ITEMS**

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

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Service Personnel Memorial and Community Park Development Project

File:	ADM487
Author:	Pip Parsonson, Community and Youth Development Coordinator
Interest Declared:	No interest to disclose
Date:	15 October 2013
Attachments (yellow)	P1 Sketch of draft design for war memorial P3 Draft list of servicemen/women connected to Yalgoo and other wordage recommended being included on the memorial plaques.

Matter for Consideration

To consider various recommendations relating to the 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 make 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 modestly enhanced by a \$4,000 external grant from the Department of Veterans Affairs 'Saluting Their Service grants program.

The cost of the plaque(s) is dependent on their size and the amount of lettering and this in turn will be determined by Council's decision on who to include on the Memorial. An Honour Roll that only includes the names of 19 personnel killed as a result of their service will cost approximately \$2,900 while a series of plaques commemorating all 216 service men and women documented by Sandra Playle will cost approximately \$5,000.

The cost of the flagpoles, commemoration wall and paving/landscaping is also dependent on the final determination of size.

Consultation

- CEO, Sharon Daishe
- Researcher Sandra Playle
- Acting EMWI, Mick Oliver
- Department of Veterans Affairs (Perth Office)
- Department of Veterans Affairs – Office of War Graves (Canberra)
- Australian War Memorial (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, one died as a POW, one died as a result of his wounds and one died through suicide (but is officially recognised as by the Australian War Graves Commission. 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 to the area. At least two had no known connection to Yalgoo until after their service/discharge and in one of those cases, that person is buried at the Yalgoo cemetery. 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 during war time.

Council’s January 2010 resolution, **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.*). Council needs to make final determination as to who of the 216 listed personnel are ultimately included on the Memorial. If Council resolves to only include those killed in action, as POWs or as a result of their wounds then the memorial would officially be an ‘Honour Roll’ and would contain the names of 19 people, 15 from WWI and four from WWII. Otherwise Council may determine to include all 216 service men and women making the memorial a commemoration of all who have been in the armed services in time of war, from the Boer War to the Vietnam War. (There are no known Yalgoo enlistments for the Iraq or Afghanistan wars).

It is worth noting that news of this Memorial project has spread outside of Yalgoo to interested parties and there have been two requests made to the Shire by relatives of service men/women that their now deceased forbears are included in the Memorial. It is understood that neither of these service men/women were killed in action.

As previously reported, Sandra Playle’s research project did not include scope for measuring or quantifying individual service men or women’s connection to Yalgoo. It can be assumed, given the nature of employment in the mining and pastoral industries over the years 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. Therefore ‘extent of connection to Yalgoo’ cannot be practically used as criteria to determine who should or should not be included in the memorial.

Consultation with the Department of Veterans Affairs has identified that the process of developing honour rolls or memorials 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 memorial sites throughout regions and indeed 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 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 surname 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 also needs to be given to how Jim Gordon, a Victoria Cross recipient residing in Yalgoo at time of his enlistment 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 Gin Gin, that town was

quick to 'claim him' and there stands a special plaque in his honour. (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.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0217 Service Personnel Memorial, Community Park

That Council:

- 1. Approve for inclusion on the proposed war memorial, without further qualification, all 216 service personnel identified by Sandra Playle; and**
- 2. Approve the title and other words, including special mention of VC recipient Jim Gordon, to be presented on the plaques as attached; and**
- 3. Approve in principle the proposed design for the war memorial as attached.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2014-0218 Construction of the War Memorial

That Council prefer that the war memorial is constructed before 25 April 2014 being the centenary of ANZAC.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

11.2.2 Sale of Land, Piesse and Campbell Streets

File:	ASS 512,511,593
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	13 February 2014
Attachments (yellow)	<p>P4 Extract from council minutes:</p> <ul style="list-style-type: none"> ▪ 20 June 2013 - Item 11.2.1 ▪ 18 July 2013 – Item 11.4.3 ▪ 19 September 2013 – 11.2.2 <p>P13 Correspondence from the Shire’s lawyer, Greg Mohen, Principal, Civic Legal dated 11 February 2014 with attachments:</p> <ul style="list-style-type: none"> ▪ Offer and Acceptance 2011 ▪ 2011 Joint Form of Special Conditions <p>P37 Annexure A – Special Conditions, Version 4 (as supplied 13 February 2014, Civic Legal)</p> <p>P42 Letter from Ross Western to CEO withdrawing offer to purchase</p>

Matter for Consideration

To consider matters relating to the offer from Western Bros to purchase land, Piesse and Campbell Streets.

Background

In June 2013 the Shire received an offer from Ross Western of Western Bros Earthmoving and Haulage to purchase three blocks of land for the purpose of developing business premises in Yalgoo. The Shire accepted the proposal and satisfied the requirements of s3.58 of the Local Government Act 1995 regarding disposal of property.

The following decisions of Council document the history of this matter (refer also attached extracts from the minutes of the meetings):

C2013-0604 *Offer to Purchase and Develop Lots 37 and 39 Piesse and 3 Campbell Streets, Western Bros Earthmoving and Haulage*

That Council

1. *Indicates intention in principle to dispose of Lots 37 and 39 Piesse Street and 3 Campbell Street Yalgoo to Western Bros Earthmoving; and*
2. *Requests the CEO to:*
 - *Purchase a valuation of the land; and*
 - *Purchase and present to Council legal advice regarding imposition of a condition of sale that will require the buyer to develop the block within two years; and*
 - *Present a further recommendation to Council for the necessary advertising of disposal of the land under s 3.58 (3) of the Local Government Act.*
 - *Include a figure of \$10,000 in the draft 2013-14 budget for vacant land development to facilitate future development enquiries in the interest of economic development.*

C2013-0710 *Advertising Proposed Disposal of Lots 37 and 39 Piesse Street and 3 Campbell Street, Yalgoo to Western Bros Earthmoving*

That Council:

1. Request the CEO to give local public notice of the proposed disposition in accordance with section 3.58 (3) of the Local Government Act 1995 as follows:
 - (a) Local public notice to be by way of advertisement in the Shire of Yalgoo Bulldust and the Geraldton Guardian on or before Tuesday 13 August 2013 inviting submissions to the Local Government by close of business Friday, 30 August 2013;
 - (b) The names of the parties concerned are the Shire of Yalgoo and Western Bros Earthmoving;
 - (c) The consideration to be received by the local government for the disposition is \$15,000 inclusive of GST;
 - (d) The market value of the disposition, as ascertained by a valuation carried out by Landgate on 9 July 2013, is \$13,750 inclusive of GST;
 - (e) The Local Government will consider any submissions received at the Ordinary Council Meeting to be held on 19 September 2013; and
2. Pending the outcome of any submissions received, and final agreement between the Shire and Western Bros Earthmoving on the terms of the Sale, Council will make the necessary arrangements to enter into the Sale on or before 1 November 2013.

C2013-0905 Sale of Lot 37 and 39 Piesse Street, and 3 Campbell Street, Yalgoo to Western Bros Earthmoving and Haulage

That Council:

1. In accordance with and having satisfied the provisions of s.3.58 of the Local Government Act 1995 agree to dispose of Lots 37 and 39 Piesse Street, and 3 Campbell Street, to Western Bros Earthmoving and Haulage for the consideration of \$15,000 inclusive of GST; and
2. Require that the contract for the sale of land is to include Annexure A – Special Conditions (as included in the attachments to this item) in order to achieve the intent of decision C2013-0604 relating to development of the land within two years; and
3. Request the CEO to make the appropriate arrangements to effect the sale of the land on or before 1 November 2013; and
4. Authorise the President and CEO to affix the Common Seal to the Transfer of Land and/or any other document required to affect the transfer in accordance with this decision.

Once the provisions of s3.58 of the *Local Government Act* were satisfied and confirmed by council decision C2013-0905, arrangements were made to affect the sale. Ross Western then informed the CEO that he wished the land to be in his personal name rather than the company name that was advertised. The CEO advised council verbally, and sought legal advice.

The Shire’s lawyers confirmed that the proposed sale would need to be readvertised (s3.58 (4) (a)) however it would be possible to enter into a conditional contract before readvertising.

Ross Western then informed the CEO verbally on 12 February 2014 that he does not intend to proceed with the purchase, and confirmed this in a letter emailed to the CEO on 13 February 2014 (as attached).

Note that under the original Special Conditions set by council, the purchaser was required to develop the land within two years therefore even if the initial transfer had proceeded; the sale would have lapsed if the development condition was not 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.

s.3.58 Disposing of Property

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Business Implications

Strategic Community Plan	3.1.1 Economic Development
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	The Shire has incurred costs (valuation, advertising, legal advice) that will not be recouped if Western Bros do not proceed to purchase the land.

Consultation

- Greg Mohen, Principal, Civic Legal
- Ross Western, Western Bros Earthmoving and Haulage

Comment

It is recommended that Council makes a decision that would enable the sale to proceed if the applicant changes their mind in the short term, subject to satisfying the conditions of s3.58 which will include readvertising.

The officer recommendation is based on further legal advice sought from Civic Legal. The intent is to minimise the number of times the matter has to be returned to council, but still give council control over the purchase.

The new Special Conditions annexure (version 4 as attached) incorporates the requirement for Council to approve the contract. By doing this the purchaser is locked into an enforceable contract once Council approves the contract and complies with s3.58 by advertising (and depending on the timing possibly getting a fresh valuation). Council retains final control over the sale.

With regard to the development condition in the Annexure, the conditions do not void the contract if the development does not proceed. It simply gives the Shire the right to repurchase at a discount if it wants to sell the property on to someone else who might be willing and able to buy it and develop it. If in 2 years' time the properties have not been developed the Shire can decide to extend the time for development or even waive the requirement completely if that is what it wants to do at that time.

ATTENDANCE: 2:20pm Mick Oliver, (Acting EMWI) left the meeting

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0219 Proposed Disposal of Lots 37 and 39 Piesse Street and 3 Campbell Street, Yalgoo

That Council, with reference to:

- Decisions C2013-0604, C2013-0710 and C2013-0905 proposed disposal of Lots 37 and 39 Piesse Street and 3 Campbell Streets; and
- The subsequent verbal advice to the Chief Executive Officer from Ross Western on behalf of the proposed purchaser that the proposed purchaser company no longer wanted to purchase the properties, and if a contract was to be entered into the purchase of the properties would be in his own name and not the company name;

makes the following Resolutions:

Council Resolves that:

1. With reference to decisions C2013-0604, C2013-0710 and C2013-0905 proposed disposal of Lots 37 and 39 Piesse Street and 3 Campbell Streets ("the Properties"), delegates authority to the Chief Executive Officer to:

- a. negotiate with Ross Western and Western Bros. Pty Ltd (ACN 157 929 363) trading as "Western Bros Earthmoving & Haulage" and any other prospective purchasers to sell the Properties for the consideration of not less than \$15,000 inclusive of GST;
- b. agree to a conditional contract of sale for the Properties on terms including that the sale is subject to:
 - i. the sale being approved by resolution of the Council;
 - ii. the Shire satisfying the provisions of s.3.58 of the Local Government Act 1995; and
 - iii. the Annexure A – Special Conditions (as included in the attachments to this item) in order to achieve the intent of decision C2013-0604 relating to development of the Properties within two years.
- c. obtain such legal advice and services as the Chief Executive Officer considers necessary to implement the sale of the Properties and compliance with s.3.58 of the Local Government Act 1995;

(Note that if the proposed purchaser elects to proceed this matter will need to be presented for further decisions of council to satisfy s3.58, which in turn will generate a requirement to re-advertise.)

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of November and December 2013.

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	5/1/14
Attachments (White)	P1 Financial Activity Statements - R34 November 2013 (1) P27 Schedule of Payments - R13 November 2013(1) P29 Financial Activity Statements - R34 December 2013(1) P56 Major Project Progress Reports - 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 P59 Schedule of Payments - R13 December 2013(1)

Matter for Consideration

Adoption of the monthly financial statements, major project progress report and schedule of payments for the months of November and December 2013.

Background

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

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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

Regulation 34 states:

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

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

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

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

Strategic Implications

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

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

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

Consultation

Shire accountants UHY Haines Norton.

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice. After the reports were received from UHY Haines Norton Shire of Yalgoo staff made some alterations to better reflect the Council position with regards to the Morawa Rd and with POC and PWOH over expenditure.

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0220 R34 (1) - Financial Activity Statements for the Month of November and December 2013

That Council adopts the financial activity statements for the period ending 30 November 2013 and 31 December 2013, as attached.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 3/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0221 R13 (1) - List of Accounts Paid for the Month of November and December 2013

That Council receives the Schedule of Payments for accounts paid in the month of November and December 2013.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 3/0

11.3.2 Adoption of CA07 Fees

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	5/1/14
Attachments (yellow)	P43 CA07 Advert - (yellow) *P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page)

Matter for Consideration

For Council to adopt the new fees for processing applications for CA07 letters 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.

At the meeting on 25 October 2013 the Council resolved C2013-1021 to consider the setting of a fee for processing applications for CA07 letters of authority from the Local Government to operate a RAV (Restricted Access Vehicle) on Shire roads.

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.

s6.19 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.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	13.4 Assessment of A07 Applications (Restricted access Vehicles on Shire roads) 13.5 Road Use (RAV Haulage) Agreements
Financial (short term/ annual budget)	Recovery of costs associated with processing CA07 letters of authority.

Consultation

Sharon Daishe, CEO

Comment

The Council considered the proposed fees at the meeting on 25 October 2013 and resolved C2013-1021 to set the fees 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

The advertising of the fees was undertaken in the Geraldton Guardian on Friday 1 November 2013. A period of 1 month was allowed and no objections were received. The advert stated that the fees would come into effect from 1 January 2014.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0222 Adoption of Fees for CA07 Applications (Authority for Restricted Access Vehicle (RAV) on Shire Roads)

That Council, having satisfied the provisions of s6.19 of the Local Government Act 1995, adopts the fees proposed 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 AB Fawkes Motion put and carried by * absolute majority 3/0

*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page).

11.3.3 Quote for Audit Services

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	12 February 2013
Attachments	P44 Shire of Yalgoo Audit Quote
(yellow)	P68 RSM Bird Cameron Capability Statement 2014

Matter for Consideration

That Council accepts the quote from RSM Bird Cameron for audit services for the three financial years 2013/14, 2014/15 and 2015/16.

Background

RSM Bird Cameron was awarded the contract in 2010 to provide the external audit for the Shire for three financial years. That contract has now been completed and Shire needs to either tender for a new external audit or accept an additional three year contract with RSM Bird Cameron.

The quote the previous three year term was:

2010/11 - \$10,925:

2011/12 - \$11,361:

2012/13 - \$11,811

The Audit Committee of the Shire of Yalgoo resolved A2013-1104 that the Audit Committee recommends to Council that a quote be obtained from Simon Cubitt of RSM Bird Cameron for audit services for a three year period for the financial years ending 30 June 2014 through to 30 June 2016. A proposal was sought from RSM Bird Cameron to continue with their services for an additional 3 year term and this has been attached for reference.

The proposed fee schedule provided by RSM Bird Cameron for the audit of the Council is for:

2013/14 - \$17,183

2014/15 - \$18,035

2015/16 - \$18,953 (all exclusive of GST).

Comments by Travis Bate on the increase in costs are:

Fair Value Accounting

Financial Management Regulation 17A requires all local governments to move to fair value accounting over a three year period which commenced in 2013 with plant and equipment. For the years ended 30 June 2014 and 2015 local governments must adopt fair value for land and buildings and infrastructure.

This requires further audit work than the cost basis of accounting, as auditing standards require us to gain an understanding of the process used to calculate fair value, and obtain assurance that the valuation is not materially misstated.

Reporting Asset Ratios

Amendments to Audit Regulation 10(3) require the audit report to include:

The opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions:

- i) The asset consumption ratio; and
- ii) The asset renewal funding ratio.

These amendments require us to perform further work in relation to reviewing the supporting documents (such as integrated plans) and calculations of these ratios which did not previously need to be performed.

Analysis of actual hours spent on the audit over the last 3 financial years.

The original quote submitted for 2010 – 2013 allowed for 49 hours to complete the audit. This has been increased to 70 in the current quote based on the actual hours we have spent on the audit each year, plus the anticipated time required to complete procedures in compliance with the Fair Value and Ratio issues discussed above.

This quote does not include services provided separately to the external audit, including financial statement assistance and audits of government grants.

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.7.9. Audit to be conducted
 - (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president; and
 - (b) the CEO of the local government; and
 - (c) the Minister.
 - (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit; or
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
 - (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.

Local Government (Audit) Regulations 1996

- s7. Agreements with auditors, contents of an agreement between a local government and an auditor is to include —
 - (a) the objectives of the audit; and

- (b) the scope of the audit; and
- (c) a plan for the audit; and
- (d) details of the remuneration and expenses to be paid to the auditor; and
- (e) the method to be used by the local government to communicate with, and supply information to, the auditor.

Business Implications

Strategic Community Plan	4.3.2 Ensure compliance with all relevant legislation relating to local government and its activities.
Corporate Business Plan	4.3.2 Ensure compliance with all relevant legislation relating to local government and its activities.
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Ensure compliance with all relevant legislation relating to local government and its activities.

Consultation

Travis Bate, RSM Bird Cameron

Comment

As RSM Bird Cameron has audited the Shire for the past three years, they have an extensive knowledge of the Shire of Yalgoo’s operations as they have been actively engaged in the completion of the financial management review as well as assisting with the completion of the Forward Capital Works Plan. RSM Bird Cameron has also provided audit services for grant funded projects.

As per their proposal, RSM Bird Cameron have extensive audit experience with Local Government providing audit services to a number of other Councils in the Murchison and Midwest region and private companies.

Travis Bate of RSM Bird Cameron is immediately responsive to any queries from the Shire and where possible is prepared to attend Council meetings when requested.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Quote for Audit Services for the Three Financial Years 2013/14, 2014/15 and 2015/16.

That Council accepts the quote from RSM Bird Cameron for audit services for the financial years 2013/14, 2014/15 and 2015/16.

Moved:

Seconded:

Recommendation not moved

NOTE: *The officer recommendation above was not moved because the item needs to be considered by the Audit Committee to comply with LGA s7.3 (copied below). An alternative officer recommendation was proposed. This was moved, seconded and carried.*

7.3. Appointment of auditors

(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor.*

** Absolute majority required.*

NEW OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0223 Refer Item 11.3.3 Quote for Audit Services to Audit Committee

That Council refers item 11.3.3 Quote for Audit Services to the Shire of Yalgoo Audit Committee to consider in the first instance, in accordance with section 7.3 of the Local Government Act 1995.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

11.3.4 Caravan Park Budget

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	13 February 2013
Attachments	*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page)

Matter for Consideration

For Council to approve a budget amendment for the internal fit out at the caravan park accommodation units.

Background

The caravan park redevelopment was funded with a TIRF grant with matching funds to come from CLGF 2012/13. 6 units, for short term accommodation, were included with the redevelopment although the furnishing of the units fell outside the grant funding guidelines and a budget item was not allocated at the start of the financial year as an assessment of requirements could not be completed until the building was close to completion. It is proposed that these units are to be furnished from both operating and capital funds.

Kerry Grieve, Caravan Park manager has sought three quotes associated with the furnishing of the units which have been broken down into individual components including furniture, wardrobe, linen, curtains and blinds, appliances and outdoor furniture.

The beds and curtains would be considered capital purchases while the remainder of the goods will be purchased from the operational budget.

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.

s6.8. 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	

Business Implications

Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Reallocation of current funding within the existing budget.

Consultation

- Sharon Daishe, CEO
- Kerry Grieve, Caravan Park and Tourism Development Manager
- Michael Oliver, Acting EMWI

Comment

The quotes received for furniture are – beds and bedside tables:

Harvey Norman	\$12,701.00
5 th St Furniture	\$ 9,484.00
Batavia Furniture	\$ 9,270.00

The quotes were based on a configuration of 2 twin rooms, 2 family rooms each having a queen bed with adjoining rooms having a single bed and bunk beds. It is suggested that Shire accepts the quote from 5th St Furniture as, while they are not the cheapest, they represent the 1920 period that is to be portrayed. Total Costs for beds and bedside tables will be \$9,484.00.

The quotes for wardrobes are:

J&L Oliveri	\$5,544.00
Bunnings	\$1,320.00
Howards	\$1,314.00

It is suggested that the quote for Howards be accepted as most cost effective choice. Total cost of the wardrobes will be \$1,314.00.

The quotes for linen are:

Harvey Norman	\$10,879.85
Batavia	\$ 9,594.00
Spotlight	\$ 5,444.37

It is suggested that the quote for Spotlight be accepted as most cost effective choice. Total cost of the linen will be \$5,444.37.

The quotes for curtains and blinds are:

Geraldton Curtains	\$4,032.00
Bennetts	\$2,181.18
Spotlight	\$2,057.76

It is suggested that the quote from Geraldton Curtains is accepted. While this option is the more expensive option the quality of the goods is of a higher standard and will therefore last longer. Total cost for curtains and blinds will be \$4,032.00.

The appliances to be purchased are, for each room, a bar fridge, 24 inch TV, TV arm mount and stainless steel kettle. The quotes are:

Good Guys	\$4,061.70
Harvey Norman	\$3,066.00
Mitchell & Brown	\$2,850.00

As the items are all similar it is suggested to accept the quote from Mitchell and Brown. Total cost of the appliances will be \$2,850.00.

The quotes for outdoor furniture which is for 2 outdoor settings of tables and chairs are:

BBQ Galore	\$796.00
Bunnings	\$598.00
BBQ Galore	\$187.00

It is suggested that the quote from Bunnings be accepted as these items are in keeping with the 1920's style to be portrayed. Total cost for outdoor furniture is \$598.00.

The total cost for all the items to be purchased plus contingencies comes to \$23,800. It is recommended that this is to be funded by \$13,516.00 capital funds previously allocated to the renovation of the Administration building and \$10,284 budget adjustment from an under expenditure in tourism promotion. The expenditure for the renovation/extension of the Shire Administration Building has been delayed due to a vacancy in a staff position while another staff vacancy has resulted in under expenditure on tourism promotion.

The items considered essential to allow the units to become operational are the furniture, linen and curtains. The units could become useable without the other items but the intention is for the units to be fully furnished when operational.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0224 Caravan Park Budget

That council approves a budget allocation of \$23,800 for the furnishing of the Yalgoo Caravan Park short term accommodation units as follows:

- That a capital budget amendment of \$13,516 is transferred from the renovation of the administration building to a new capital project to be used for furnishing the Caravan Park units.
- That an operational budget amendment of \$ 10,284 is transferred from the under expenditure in E132007 Tourism Promotion to E132005 Caravan Park Expenditure.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried by * absolute majority 3/0

*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page)

11.4 ADMINISTRATION

11.4.1 Top Iron – CA07 Applications Ya004, Ya005 and Ya006 Network 10 Restricted Access Vehicles, Mount Gibson Road and Yalgoo Ninghan Road

File:	ADM 511,512
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	12 February 2014
Attachments	P79 CA07 applications Ya004, Ya005 and Ya006
(yellow)	P100 Extract of minutes of ordinary council meeting held 25 October 2013, item 11.1.2 Yalgoo Ninghan Road – Changes to Top Iron’s Haulage Proposal, pgs 16-20

Matter for Consideration

To consider applications received from Top Iron Pty Ltd to operate restricted access vehicles (RAV – network 10, concessional loading) to haul ore on roads in the Shire of Yalgoo.

Background

Top Iron Pty Ltd has lodged three separate CA07 applications.

CA07 no. Ya004: one day duration, to operate one (1) RAV 10 vehicle from the Mummaloo Mine Site to the Port of Geraldton via the Mount Gibson Road (9kms), Great Northern Highway and Geraldton Mount Magnet Road as a live trial for Top Iron to test the design of trucking mechanisms.

Main Roads have declined to approve this movement due to the inadequacy of the Mt Gibson Road for RAV10, as per the following email communication:

From: Heavy Vehicle Access Planning Section [<mailto:hvoaccessplanning@mainroads.wa.gov.au>]

Sent: Friday, 7 February 2014 9:30 AM

Subject: TRIM: Mt Gibson Rd - Live trial to Geraldton Port

Good morning Andrew

Thank you for your email of 24 January 2014 requesting a live trial from Mt Gibson to Geraldton for Tri Drive network 4 access (53.5m)

I have discussed your request with senior management who have advised that all roads need to be approved RAV network 10 and Tri Drive network 4 access before travel is permitted.

I can confirm that Great Northern Hwy (North of Wubin), Yalgoo Ninghan Rd, Geraldton Mt Magnet Rd, John Wilcock Link, Portway and Marine Tce is already RAV 10 and Tri Drive network 4 approved.

Mt Gibson Rd however is not RAV approved and can advise that a route determination was carried out in October 2013 to assess for RAV network 10 suitability. The assessment was found unsuitable for RAV 10 accesses due to inadequate road width, non-compliant swept path analysis at the intersection of Great Northern Hwy and poor road alignment.

If works have been undertaken to improve the above deficiencies, Main Roads will be happy to conduct another assessment once approval has been received from Yalgoo shire.

If you wish to discuss this further please do not hesitate to contact me.

Regards

Debbie Ford

A/Heavy Vehicle Access Assessment Supervisor

Heavy Vehicle Operations

Note that the Shire's policy regarding CA07 applications authorises the CEO to determine applications that are less than 50,000 tonnes per annum. This application will be declined however Top Iron will be invited to reapply once Main Roads have assessed and approved the road for RAV network 10 traffic.

CA07 no. Ya005: 14 April 2014 to 31 December 2025, to haul 720,000 tonnes of ore per annum, 18 loaded movements per day using RAV 10 vehicles (CLBPS – concessional loading) from the Mummaloo Mine Site to the Port of Geraldton via the Mount Gibson Road (9kms), Great Northern Highway and Geraldton Mount Magnet Road.

Council has already given in principle and conditional approval to Top Iron for this haulage task by way of the following decision made at the ordinary meeting held on 19 September 2013:

C2013-0902 RAV10 Access to Mt Gibson Road from SLK0 – 10 Top Iron Pty Ltd Mummaloo Mine

That Council:

- 1. Will enter into an agreement for Top Iron Pty Ltd to construct and maintain SLK 0-10 of the Mount Gibson Road, solely at their cost, to a condition that is suitable for their RAV 10 access from Mummaloo Mine to the Great Northern Highway; and*
 - A community benefit condition of the road agreement will be that Top Iron agrees to maintain SLK 10-28 of the Mount Gibson Road (ie: the area of the road that is outside the RAV network) in a safe and trafficable condition including a minimum of one grade per year;*
- 2. Authorises the President and CEO to execute the agreement with Top Iron Pty Ltd by affixing the Common Seal of the Shire of Yalgoo; and*
- 3. Will approve RAV network 10 access to SLK 0-10 of the Mount Gibson Road subject to completion of the required remedial works and a satisfactory MRWA access report; and*
- 4. Will place a CA07 condition on the Mount Gibson Road (this condition requires operators to hold a letter of approval from the local government when operating RAV on the road); and*
- 5. Authorises the CEO to approve an application from Top Iron for CA07 approval to use the Mount Gibson road in accordance with a valid RAV permit once the remedial work is completed and provided that Top Iron construct and continue to maintain the road to a condition that is suitable for the RAV access.*

The CEO has provided a letter of in-principle conditional support for Top Iron's application for a clearing permit which will be necessary to upgrade the road. The Shire's lawyers have been asked to provide a quote to prepare the legal agreement at Top Iron's cost. Top Iron is preparing specifications for construction of the road for approval by Main Roads WA.

Note that point 5. of the council decision authorises the CEO to approve the application once the other stated requirements are achieved. Top Iron will be advised that the application is held pending in accordance with the previously communicated decision C2013-0902.

CA07 no. Ya006: 14 April 2014 to 31 December 2015, to haul 720,000 tonnes of ore per annum, 18 loaded movements per day using RAV 10 vehicles (CLBPS – concessional loading) from the Mummaloo Mine Site to the Port of Geraldton via the Mount Gibson Road (9kms), Great Northern Highway, Yalgoo Ninghan Road and Geraldton Mount Magnet Road.

At a Yalgoo Ninghan Road stakeholder meeting held at the African Reef in Geraldton on 11 October 2013, Peter Gaze of Top Iron verbally informed the CEO that the proposed haulage task would be to haul 1.5M tonnes per annum from around March 2014 to the end of 2015. The CEO reported this information to the

ordinary meeting of council held on 25 October 2013, along with advice from the Shire’s consulting engineers, on the basis of which Council made the following decision:

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.*

Following this decision Top Iron made several informal approaches by email to the CEO. The CEO met with Top Iron and the Shire’s consulting engineers in Geraldton before Christmas, and again with Main Roads WA, Shire staff and Neil Grinham, Shire President, in Yalgoo in January 2014.

Top Iron then lodged the formal proposal for consideration via CA07 no. Ya006. This application is for approval for a volume of 720,000 tonnes per annum. Top Iron also lodged a duplicate application for this haulage task via CA07 no. Ya005 to access the Port via Mount Magnet (ie: excludes Yalgoo Ninghan Rd).

The Yalgoo Ninghan Road runs south for 138 kilometres between the Geraldton Mount Magnet Road and the Great Northern Highway. The first 55 kilometres are sealed to a width of eight (8) metres and currently maintained by MMG Golden Grove for their haulage task of nine loaded RAV10 vehicles per day. Slk 55 to approx. 80 is a single lane 4m seal, and the remainder of the road is unsealed, of formed but not paved construction.

The Shire is in the process of negotiating an agreement with Sino Steel for 36 RAV10 vehicles per day from the Minjar Haul Road intersection to the Port of Geraldton via the Geraldton Mount Magnet Road. Sino Steel will seal to eight (8) metres a further section of approximately seven kilometres between the Golden Grove mine intersection and the Minjar Haul Road.

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

- Michael Keane, consulting engineer, Greenfield’s Technical Services
- Bernie Miller, Mark Salt, Kyran Thorpe and Rod Gillis, Main Roads WA
- Neil Grinham, Shire President

Comment

CA07 no. Ya004 – the CEO is authorised to determine this application therefore a recommendation to council is not required.

CA07 no. Ya005 – Council decision *C2013-0902* deals with the haulage task that is the subject of this application and authorises the CEO to determine the application when the matters outlined in the decision are achieved. This application does not require a further recommendation to council.

CA07 no. Ya006 – this application duplicates the haulage task applied for in Ya005, using a different route, being the Yalgoo Ninghan Road. The Yalgoo Ninghan Road needs extensive upgrades to support a haulage task of this volume and duration.

It is recommended that Council requests that Top Iron provide at their cost the following further information to enable an informed decision to be made:

- an engineering survey and design specification for the upgrade of the Yalgoo Ninghan Road suitable for the task proposed in the application; and
- Top Iron to provide funding for update of 2011 ARRB pavement report Ninghan Yalgoo Road (50 km northern section)
- include feedback from Yalgoo Ninghan Road stakeholders being MMG Golden Grove and Sino Steel; and
- written approval of Main Roads for the above specification; and
- the above to be submitted to the Shire’s consulting engineers, Greenfield’s Technical Services for a report and recommendation to council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0225 CA07 Application no Ya006, RAV 10 CLBPS, Top Iron - 720,000 t/pa from the Mummaloo Mine to the Port of Geraldton via Mt Gibson and Yalgoo Ninghan Roads

That Council:

- 1. Request that Top Iron provide at their cost the following information to enable council to make an informed decision:**
 - an engineering survey and design specification for the upgrade of the Yalgoo Ninghan Road suitable for the task proposed in the application; and
 - Top Iron to provide funding for update of 2011 ARRB pavement report Ninghan Yalgoo Road (50 km northern section)
 - Top Iron to seek and provide feedback from Yalgoo Ninghan Road stakeholders being MMG Golden Grove and Sino Steel; and
 - Top Iron to provide written approval of Main Roads for the above specification; and
 - the above to be submitted to the Shire’s consulting engineers, Greenfield’s Technical Services for a report and recommendation to council.
- 2. Request the CEO to present the information above to council with a recommendation regarding the CA07 application and the preconditions and legal agreement/s required; and**
- 3. Inform Top Iron that the Shire will be pleased to consider CA07 application no. Ya006 for RAV10 haulage on the Yalgoo Ninghan Road once the matters within are resolved.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

11.4.2 Poll Provisions

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	26 January 2014
Attachments (yellow)	P105 Email dated 20 January 2014 from Stephen Tindale, CEO, City of Subiaco P108 Letter dated 12 November 2013 from McLeods Barristers & Solicitors to Stephen Tindale, CEO, City of Subiaco containing legal advice regarding the poll provisions of the Local Government Act 1995

Matter for Consideration

To consider requesting WALGA to lobby for changes to the Local Government Act to give electors of a local government the right to demand a poll if the Local Government Advisory Board (LGAB) makes a recommendation to abolish **one (1)** district.

Background

Stuart Tindale, CEO, City of Subiaco, has emailed all CEOs with detailed information and legal advice relating to the poll provisions in the Local Government Act 1995 (cl.8 of Schedule 2.1 Poll Provisions). Refer attachments.

In summary, the poll provisions entitle electors to demand a poll on a recommended amalgamation. However, if the LGAB made a recommendation to the minister to abolish only **one (1)** local government, the electors of that local government would not be entitled to demand a poll under clause 8 of Schedule 2.1.

Statutory Environment

Local Government Act 1995

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

8. Electors may demand poll on a recommended amalgamation

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the districts) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).
- (3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.
- (4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

Business Implications

Strategic Community Plan	4.1 An informed and participatory community
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

Consultation

Stephen Tindale, CEO, City of Subiaco

Comment

Clause 8 of Schedule 2.1 of the Local Government Act 1995 as currently worded does not provide for electors to demand a poll if the LGAB recommend that only one district be abolished.

For instance, if the LGAB recommended abolishing Yalgoo and apportioning parts of the district to neighbouring local governments, Yalgoo electors would not have any right to demand a poll.

It is recommended that Council request WALGA to lobby to change the wording of the Act and any relevant regulation/s to give electors of a local government the right to request a poll if a recommendation is made to abolish **one (1)** district.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0226 Amend Poll Provisions Local Government Act 1995, Clause 8 of Schedule 2.1

That Council request the Murchison Country Zone of WALGA to lobby for an amendment to clause 8 of Schedule 2.1 of the Local Government Act 1995, and any relevant subsidiary legislation, to give electors of a local government the right to request a poll if the Local Government Advisory Board makes a recommendation to abolish any **one (1) or more districts.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

ADJOURNMENT

4:17pm the meeting adjourned for a break.

RESUMED

4:38pm the meeting resumed with all who were in attendance before the adjournment being present at the resumption.

11.4.3 Yalgoo Jockey Club / Yalgoo Race Day

File:	
Author:	Pip Parsonson CYDC
Interest Declared:	Yes: I was elected as President of the Yalgoo Jockey Club on Saturday 8 February 2014 (Impartiality)
Date:	10/02/2014
Attachments	Nil

Councillors who are Yalgoo Jockey Club committee members need to declare an impartiality interest.

Pip Parsonson CYDC, Crs Raul Valenzuela and Adam Fawkes declared a financial interest in this item.

Matter for Consideration

To consider approving a donation of \$10,000 to the Yalgoo Jockey Club as a contribution to the costs of staging Yalgoo Race Day on Saturday 5 April 2014

Background

The annual races are an important social, historical, cultural and tourism event for the town and local government area as they engage the participation of a large proportion of our entire population along with attracting new and reoccurring visitors from outside the area.

Due to a range of circumstances, the Yalgoo Jockey Club is struggling to proceed with the organisation and funding of the 2014 race day. Contributing factors impacting on Jockey Club volunteers include natural attrition of committee members due to the declining number of people residing on pastoral properties, the arrival of new babies for two of the current committee members, increased time constraint pressures associated with running stations and so on. The volunteers by which the Jockey Club is made have achieved a huge amount throughout the club's history, and have managed to hold successful race day events despite the event growing in size while local community and committee sizes have naturally declined.

A detailed audit of the Jockey Club's income and expenditure accounts has not been undertaken. Accordingly there remains a lack of understanding as to why the club finances are in such a poor state. After existing creditors are paid the sole bank account of the club will be approximately \$1,000. Without significant up front financial support of approximately \$20,000 the Jockey Club cannot fund race day 2014. MMG Golden Grove has been asked to increase their level of support to \$10,000. Ferrowest has verbally confirmed a contribution of \$5,000 and numerous other requests are currently being processed.

A new Jockey Club Committee has been elected effective from Saturday 8 February 2014. The new Committee is comprised of,

President: Pip Parsonson

Vice President: Des Hodder

Treasurer: Adam Fawkes

Secretary: Melissa Evans

Ordinary Committee Members: Stan Willock, Jason Morrissey, Raul Valenzuela, Tim Zubin, Kerry Grieve, Albert Grieve, Dasher Morrissey, Ruth Rowe.

The AGM and Ordinary meeting held on Saturday 8 February were both well attended and the new committee is confident that the races can be successfully organised.

It should be noted that under WA laws only not-for-profit, incorporated associations can run race days with any profits returned to the association to fulfil its constitutional objectives. Accordingly, the financial support sought will actually be granted to a reinvigorated Yalgoo Jockey Club.

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 proposal to support the Yalgoo races is consistent with the Shire of Yalgoo Strategic Community Plan 2013-2018 particularly as it relates to Section 1.3.1 Run or facilitate regular sport and recreation activities for all ages and Section 3.3.5 Continue to support existing events and create new ones.

Policy Implications

Nil

Financial Implications

There are minimal financial implications. In this budget year, underspends are likely in both the HCP Community Development and Education Activities (GL Code – 132118) and Celebrations (GL Code – E116110). \$5,000 can be reallocated from both of these areas without any adverse impact on each program and diverted as a donation to the Yalgoo Jockey Club as a contribution to the race day costs.

Consultation

- CEO, Sharon Daishe
- Yalgoo Jockey Club Committee
- Racing and Wagering Western Australia

Comment

In recent years the Shire has donated a modest amount (\$2,000 in 2013/14) to the Jockey Club as a contribution to their race day costs. For the 2014 race it is proposed that the Shire make a substantially larger donation of \$10,000 to assist with the club's financial recovery.

It is anticipated that the new and invigorated Jockey Club Committee will oversee an increase in sponsorships and other income and possibly a reduction in costs.

The loss of Yalgoo Race day would be a considerable disappointment to many stakeholders and given the historical significance of the day their loss would leave a huge cultural gap. Even if the races were only cancelled for this year it would run the risk of RWWA permanently withdrawing the Yalgoo races licence as has been indicated in the past.

The Yalgoo Jockey Club cannot guarantee the financial viability of the race day in 2014 and beyond but it does know that without at least an initial injection of approximately \$20,000 it cannot run the races this year. The request for a \$10,000 donation from the Shire is pivotal to the capacity to run the races in 2014.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0227 \$10,000 Donation to the Yalgoo Jockey Club

That the Council approve a donation of \$10,000 to the Yalgoo Jockey Club funded from the existing HCP expenditure budget.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

11.4.4 Emu Cup Proposed date and Draft Budget Allocation

File:	ADM043
Author:	Pip Parsonson CYDC
Interest Declared:	No interest to disclose
Date:	10/02/2014
Attachments	Nil

Matter for Consideration

To consider approving in principle the proposed date and draft budget allocation for the 2014 Yalgoo Emu Cup.

Background

The Yalgoo Emu Cup was 'relaunched' as a major component of the Goo Fest held in early September 2013. Approximately 120 people attended the Emu Cup activities on Saturday 7 September as either, competitors, spectators, entertainers or support crew. Although these numbers are modest there was a sense expressed by most present that the event was a great success with enormous potential for growth. Visitors who attended from Geraldton with no prior connection to Yalgoo expressed how much pleasure they had, both as participants, as spectators and generally during their weekend stay in Yalgoo.

The Emu Cup is essentially a novelty family fun day of irreverence that successfully mimicked the hilarious absurdity of the Henley on Todd River Regatta in Alice Springs where competitors 'sail' boat down a course of the dry bed of the Todd River. The Yalgoo Emu Cup has already established itself historically in Yalgoo with modest and successful events run in 2006 and 2007 and again last year. The event evenly lends itself to local family and children participation, and as it turned out, individual adults as well, but also it clearly has the capacity to attract a wider audience as was demonstrated by the attendance of Geraldton residents and tourists travelling in caravans.

In 2014 it is proposed to run the Yalgoo Emu Cup on Saturday 11 October. This is the final Saturday of the October school holidays and will provide the opportunity for the Morawa based Yalgoo high school students to participate without putting any extra travel burden on families. The 11 October is also clear of the AFL and GNFL grand finals and other research indicates it does not clash with any other events in our vicinity that would likely diminish attendance at the Emu Cup.

Establishing an in-principle budget allocation early, before the 2014/15 budget process is needed to support preliminary planning and also to boost leverage for funding applications that seek information on confirmed host organisation financial contributions. The capacity to state substantial financial and in-kind support as a host organisation makes applications to external bodies stronger.

In 2013 the Shire approved an initial allocation of \$8,000 (GL Code - E116110). This was boosted considerably when the Shire was approached by Centacare with the suggestion that they would not invoice the Shire for the MMG Community Benefit Fund annual allocation of \$32,000 as their previous year's allocation had not been spent. This \$32,000 was then redirected to Goo Fest/Emu Cup. Although it is hoped that Centacare will again contribute financially to the Emu Cup it is unlikely that it will be to such a large extent.

In this budget year, underspends are likely in both the HCP Community Development and Education Activities (GL Code – 132118) and Celebrations (GL Code – E116110). Accordingly I will be recommending that in the 2014/15 financial year these budgets are reduced by \$5,000 each from \$20,000 to \$15,000. The 'saved' \$10,000 is then recommended to be redirected to the Emu Cup. The additional \$10,000 added to the anticipated \$8,000 recurrent funding for the Emu Cup would then total \$18,000 direct financial contribution to the event.

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 Emu Cup is consistent with the Shire of Yalgoo Strategic Community Plan 2013-2018 particularly as it relates to Section 1.3.1 Run or facilitate regular sport and recreation activities for all ages, Section 1.3.2 Run a range of social activities and events to suit all ages, Section 3.3.5 Continue to support existing events and create new ones.

Policy Implications

Nil

Financial Implications

There are minimal financial implications. CL Codes 132118 and E116110 are recommended to be reduced by \$5,000 each to \$15,000 which is considered readily affordable based on current and foreseeable account expenditure in the current financial year.

Consultation

- CEO, Sharon Daishe
- Centacare, Aboriginal Parenting Coordinator, Mata TeHiini

Comment

Without the Emu Cup relying on considerable income from an Events Corp grant or the availability of a substantial Centacare underspend, the capacity to run the Emu Cup as a high quality regional event without further cash injection is unachievable.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0228 2014 Emu Cup and Provisional 2014/15 Budget Allocation

That Council:

1. Approve in principle the proposed date of Saturday 11 October 2014 to hold the Yalgoo Emu Cup.
2. Approve in principle a 2014/15 provisional budget allocation of \$18,000 for the 2014 Yalgoo Emu Cup.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 3/0

11.4.5 Delegation Pursuant to the New Building Act 2011 – Replace Delegation 3.4

File:	
Author:	Prepared by Samantha Tarling, Consultant, on behalf of Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	February 2014
Attachments (yellow)	P113 Former Delegation 3.4 Building Control P115 Amended (new) delegation 3.4 Building Control *P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page).

Matter for Consideration

The purpose of this report is to enable Council to make necessary delegations pursuant to the new *Building Act 2011*.

Background

The new *Building Act 2011* (the new Act) formally came into effect on 2 April 2012. The new Act substantially replaces those provisions in the *Local Government (Miscellaneous Provisions) Act 1960* which are concerned with the regulation of building and associated activities. When the new Act came into effect, those provisions in the *Local Government Miscellaneous Provisions Act* ceased to have effect. Accordingly, the delegations currently in place in line with the *Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989* need to be replaced with new delegations made under the new Act and *Building Regulations 2012*.

The new Act is part of the State Government's Building Regulation Reform Package which replaces the existing building approvals process which was established under the *Local Government Act 1960* and the *Building Regulations 1989*.

Statutory Environment

Local Government Act 1995
 Building Act 2011
 Building Regulations 2012
 Building Surveyors of the Building Services (Registration) Regulations 2011
 Local Government (Building Surveyors) Regulations 2008 *repealed*
Local Government (Miscellaneous Provisions) Act 1960 Part XV – Building repealed
Building Regulations 1989 repealed

Comment

Historically, Western Australian building control has been administered wholly by local government. The new Building Act allows this function (in part) to be undertaken by private organisations and practitioners.

The changes to the old building legislation was aimed at bringing WA building control in line with national reforms, to increase efficiency in the WA building system and to improve the standard of construction of buildings within the state.

The key elements of the new legislation include:

- All buildings are to be legislated, including those owned by the Crown;
- Competitive building assessment service is offered by the private sector;

- Mandatory inspections of all classes of buildings are required (either by the local government or the certifier);
- Owners will take prima facia responsibility for the design, construction and operations of buildings;
- Nominated Licence Issuing Authorities (local authorities, state government or special authorities) will manage risk, audit processes, and issue building permits and occupancy approvals;
- A risk-based approach will be applied to assessment of applications and inspection requirements;
- Requirements for obtaining compliance certification for all types of buildings prior to occupancy will be introduced;
- Registration requirements for a range of industry practitioners will be introduced;
- A nationally agreed accreditation framework for building surveyors will be introduced; and
- A process for the assessment and approval of building works carried out without approval will be introduced.

The new Act reforms the building approval process and will introduce significant changes for local governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification will be introduced, removing the sole role of local government as the building licence assessor. The provisions of the *Building Act 2011* allow local governments to provide a building certification service that is essentially a continuation of the building assessment role that has traditionally been undertaken by local governments.

Pursuant to section 3.18 of the *Local Government Act 1995*, a local government may provide services and facilities. In providing those services, a local government is to satisfy itself that services and facilities that it provides integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body, do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and are managed efficiently and effectively.

The provision of a building certification service by the Shire under the *Building Act 2011* will be a continuation of the current service that the Shire provides in assessing building applications and issuing approval for construction of, or occupation of buildings.

It is proposed that applicants will be able to engage the Shire to provide the certification services of Certificates of Design Compliance.

It is recommended that Council delegates its powers under the new Act to ensure the administrative efficacy of the Shire as a permit authority under the Act. Pursuant to Section 127 of the new Act, a local government may delegate its powers under the new Act to employees of the local government who are appropriately qualified to exercise those powers.

It is proposed that Principal Environmental Health and Building Surveyor, William Atyeo have unrestricted powers under the Act. The proposed delegations under the provisions of the *Building Act 2011* are no different to the existing delegations previously confirmed by Council when the same delegations were in the *Local Government (Miscellaneous Provisions) Act 1960*.

Building Surveyors must hold the appropriate qualifications as set out under part 3A – Building Surveyors of the Building Services (Registration) Regulations 2011. Bill Atyeo is a registered building practitioner Registration Number 125.

The instrument of delegation is shown as Attachment 1.

Note: Delegation Schedule 3.4 – Issue of Building Licences – Rescinded Delegation Schedule. These are now irrelevant and are not shown in the new instrument of delegation. They are all contained within the new legislation and specific standards under the legislation which references the

Building Code of Australia (BCA). The Certificate of Design Compliance (CDC) handles all Planning consents and the application for a Building Permit in the required paperwork.

Consultation

Principal Environmental Health and Building Surveyor, William Atyeo

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2014-0229 Delegation Pursuant to the Building Act 2011

That Council:

1. In accordance with Section 127 of the Building Act 2011 DELEGATES the local government's functions as a permit authority under the Building Act 2011 to Principal Environmental Health and Building Surveyor, William Atyeo and the Chief Executive Officer, retrospectively to 2 April 2012; and
2. Rescinds the previous instrument of delegation, 3.4 Building Control in the Shire of Yalgoo Delegation Register written in accordance with the now decommissioned Part XV — Buildings - Local Government (Miscellaneous Provisions) Act 1960; and
3. Adopts the new instrument of delegation, 3.4 Building Control written in accordance with the Building Act 2011 shown as Attachment 1; and be inserted in the Shire of Yalgoo Delegation Register; and
4. Supports the Shire providing a building certification service, in addition to its required role as a permit authority in accordance with the Building Act 2011.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried by * absolute majority 3/0

*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION #2/AMENDED

Appointment of Authorised Officers Pursuant to the Building Act 2011

That Council:

Pursuant to section 96(3) of the Building Act 2011 appoints Principal Environmental Health and Building Surveyor, William Atyeo and the Chief Executive Officer as Authorised Officers.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion Amended

Note: Councillors wished to remove the CEO from the delegation, due to the impending changeover of the CEO.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2 AS AMENDED

C2014-0230 Appointment of Authorised Officers Pursuant to the Building Act 2011

That Council:

Pursuant to section 96(3) of the Building Act 2011 appoints Principal Environmental Health and Building Surveyor, William Atyeo as Authorised Officer.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion as Amended put and carried 3/0

11.4.6 Annual Review of Delegations 2013/14

File:	Delegations Register (Section 1 of Councillor’s Manual 2)
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	10 February 2014
Attachments:	P117-130
	The attachments show each delegation statement before amendment, and the proposed amended delegation, for the following delegations where an amendment is recommended:
	<ul style="list-style-type: none"> ▪ 2.2 Tenders ▪ 2.4 Creditor Payments ▪ 2.8 and 5.0 Appointment of Authorised Officers ▪ 2.8 (proposed new) Close Thoroughfare to Vehicles (ie: Close Roads ▪ 2.10 (proposed new) Agreement to pay rates and service charges ▪ 3.2 Environmental Health
	*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page)

Matter for Consideration

To review delegations made by Council to committees and the CEO.

Background

The Act requires Council to review delegation of its powers under the Local Government Act 1995 at least once per financial year.

The Shire of Yalgoo Delegations Register was adopted on 17 April 2008 and last reviewed on 21 June 2012, in the 2011/12 financial year.

In August of 2013 the CEO reported to council that the annual review of delegations for 2012/13, which was due to be presented in June 2013, had been partially prepared but not completed due to, ‘significant extra workload that is additional to regular business’. Council acknowledged the report of the CEO regarding the delayed annual review of delegations by way of decision C2013-0819.

The review has now been prepared as documented in this agenda item.

Note that this is a desktop review to ensure that the current delegations are not materially inaccurate. It is strongly recommended that delegations are comprehensively reviewed (refer further comments under point 5. of Comments, Future Review) as a discrete project.

Statutory Environment

Local Government Act 1995

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Strategic Implications

To ensure legislative compliance and provide for the efficient discharge of the functions of the local government.

Policy Implications

None

Financial Implications

None

Consultation

Comment

1. Delegations Register

After the meeting the Delegations Register will be updated and a copy will be provided in due course to all councillors for inclusion in the Yalgoo Councillor’s Manual.

2. Delegations from CEO to other employees

The CEO reviewed delegations from the CEO to other officers on 10 February 2014. A council decision is not required for delegations from the CEO. The updated Register of Delegations will include all delegations issued by Council or the CEO. Job titles have been corrected where relevant (refer workforce review May 2013).

3. Delegations from Council to CEO

Following is a list of recommended changes:

Delegation	Recommendation	Reason
2.2 Tenders	Add reference to the legislation and a clarifying statement under point 1 of the delegation, ‘In the context of this delegation, ‘call tenders’ means that council delegates to the CEO its powers under Functions and General regulations 11 (1) and 14 (2a):’	Clarifies that the intent of the delegation is to enable the CEO to prepare specifications (r14 2a) and call tenders over \$100,000 (r11) under the circumstances prescribed by the local government in the delegation statement.
2.4 Creditor payments	Point 4. Authorised Signatories <ul style="list-style-type: none"> ▪ Remove DCEO and project executive ▪ Add Executive Managers 	Positions of DCEO and Project Executive were replaced with Executive Managers in the workforce restructure of May 2013.

Delegation	Recommendation	Reason
<p>2.8 Appointment of Authorised Officers</p> <p>And</p> <p>5. Appointment of Authorised Officers</p>	<p>Remove from delegations register.</p> <p>This item should be reviewed for accuracy and clarity, and included if relevant in the Shire policy manual.</p> <p>Request CEO to review and prepare a recommendation to council regarding authorised officers.</p>	<p>Appointment of authorised officers is not a delegation.</p> <p>For instance the local government appoints the Chief Bushfire Control Officer by a decision of council, and may delegate functions to the CBFCO.</p> <p>The statement is out of date and contains inaccurate information; however the information is pertinent and should be recorded in a more appropriate manner.</p>
<p>2.8 Close Thoroughfare to Vehicles (ie: close roads)</p>	<p>Insert new delegation statement:</p> <ol style="list-style-type: none"> 1. That under section 5.42 of the <i>Local Government Act 1995</i> the Chief Executive Officer is delegated to exercise the powers under subdivision 5 – Certain Provisions about thoroughfares, sections 3.50 (1) and 3.50A: 2. That under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise LIMITED powers under subdivision 5 – Certain Provisions about thoroughfares, s3.50 (1a) to the extent that the CEO must prepare an agenda item for consideration by council as soon as possible if it is proposed that a thoroughfare be closed for more than 4 weeks. In the interim, if the CEO deems that the road closure for more than 4 weeks is crucial and urgent, the CEO is delegated authority to commence any of the actions prescribed by the Act relating to closure for more than 4 weeks. 	<p>Currently the CEO and officers close roads that are unsafe, impassable, wet, or for maintenance purposes.</p> <p>To date this has occurred as ‘acting through’ however as it involves discretion, it meets the requirement for a delegated authority (refer Department of Local Government Operational Guideline no.17, Delegations).</p> <p>This new delegation provides clarity to officers, and ensures that roads can be closed in a timely manner for safety, asset preservation, and maintenance.</p> <p>The CEO will delegate the authority to relevant officers.</p>

Delegation	Recommendation	Reason
2.10 Agreement to pay rates and service charges	Insert new delegation statement: 1. That under section 5.42 of the <i>Local Government Act 1995</i> the Chief Executive Officer is delegated to exercise the powers under s6.49:	Currently officers accept To date this has occurred as ‘acting through’ however as it involves discretion, it meets the requirement for a delegated authority (refer Department of Local Government Operational Guideline no.17, Delegations). This new delegation provides clarity to officers, and ensures that roads can be closed in a timely manner for safety, asset preservation, and maintenance. The CEO will delegate the authority to relevant officers.

4. Delegations under Other Legislation

Delegation	Recommendation	Reason
3.2 Environmental Health	Add full text of s26 of the Health Act under Statutory context. Replace ‘The EHO is appointed and authorised’ with, ‘The local government appoints the person engaged as the Shire’s Environmental Health Officer as its deputy under s26 of the Health Act 1911’.	The Shire has engaged a consulting EHO since 2009. This amendment is administrative in nature for clarification, and does not affect any change to the delegation. Clarifies that the intent of the delegation is to enable the CEO to prepare specifications (r14 2a) and call tenders over \$100,000 (r11) under the circumstances prescribed by the local government in the delegation statement.
3.4 Building Control	Refer separate agenda item.	This delegation has been rewritten to recognise that the provisions of the Local Government (Miscellaneous Provisions) Act 1960 have been repealed and replaced by the new Building Act 2011.

5. Future Review – Delegations Manual and Policy Manual

It is recommended that a comprehensive review of the Policy Manual and Delegations Manual is carried out as part of the risk management and internal controls review that will be completed by November 2014.

The quality, accuracy and effectiveness of the Shire’s delegations and policies can be increased in the following areas:

- Separate strategic council policy from operational policy that is by nature under the jurisdiction of the CEO

- Cross reference or combine policy/delegations that refer to the same area. For instance, currently officers must refer to several separate policies and delegations on the same matter, such as purchasing, that are not necessarily cross referenced which can lead to inadvertent breaches.
- Make a distinction between a delegation statement, which delegates a legislated function of the local government under the Act, and policy/procedure/conditions that guides officers on how to execute the delegation, or how the delegation is limited. For instance, points 2 to 4 of delegation statement 2.2 Tenders are instructions and not delegations of functions. This could be achieved by listing the section of the Act in (or adjacent to) the sentence rather than at the top of the page and using a separate heading to identify limitations, conditions or policy/guidelines.

A review should consider relevance, accuracy and useability. It is recommended that a cross check be made against the Department of Local Government guideline for delegations.

It is also recommended that the format of the manuals are reviewed and simplified.

Note that such a review requires expertise and time. If the process is rushed, consultation inadequate or expertise is insufficient; the result will not achieve the aim. A full review could take one person several full weeks including design, research, consultation, drafting and proofing. A budget allocation may be required.

Voting Requirements

Absolute Majority

*P1 Department of Local Government correspondence, Ref: YA1-7#02; E1404955, LG Act 1995 s5.7(2) approved 20/2/14, reduces number of officers required for absolute majority. Refer attachment (blue page)

OFFICER RECOMMENDATION #1

Annual Review of Delegations by Council 2013/14 Financial Year

That Council adopts the reviewed delegations of the functions of the local government as detailed in Comments above, included in the attachments to the agenda, and summarised below:

1. 2.2 Tenders

- Add a clarifying statement under point 1 of the delegation, 'In the context of this delegation, 'call tenders' means that council delegates to the CEO its powers under Functions and General regulations 11 (1) and 14 (2a):'
- Add the text of r11 (1) and r14 (2a).

2. 2.4 Creditor payments - Point 4. Authorised Signatories

- Remove DCEO and project executive
- Add Executive Managers

3. 2.8 Appointment of Authorised Officers, and 5. Appointment of Authorised Officers - remove from delegations register.

4. Add new delegation statement 2.8 Close Thoroughfare to Vehicles (ie: Close Roads):

1. That under section 5.42 of the Local Government Act 1995 the Chief Executive Officer is delegated to exercise the powers under subdivision 5 – Certain Provisions about thoroughfares, sections 3.50 (1) and 3.50A:

3.50. Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure –

(a) is for the purpose of carrying out repairs or maintenance; and

(b) is unlikely to have a significant adverse effect on users of the thoroughfare.

2. That under section 5.42 of the Local Government Act 1995, the Chief Executive Officer is delegated to exercise LIMITED powers under subdivision 5 – Certain Provisions about thoroughfares, s3.50 (1a) to the extent that the CEO must prepare an agenda item for consideration by council as soon as possible if it is proposed that a thoroughfare be closed for more than 4 weeks. In the interim, if the CEO deems that the road closure for more than 4 weeks is crucial and urgent, the CEO is delegated authority to commence any of the actions prescribed by the Act relating to closure for more than 4 weeks.

5. Add new delegation statement 2.10 Agreement to pay rates and service charges

1. That under section 5.42 of the Local Government Act 1995 the Chief Executive Officer is delegated to exercise the powers under s6.49:

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person

6. 3.2 Environmental Health

- Add full text of s26 of the Health Act under Statutory context.**
- Replace ‘The EHO is appointed and authorised’ with, ‘The local government appoints the person engaged as the Shire’s Environmental Health Officer as its deputy under s26 of the Health Act 1911’.**

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion lay on the table

NEW MOTION/COUNCIL DECISION

C2014-0231 Annual Review of Delegations by Council 2013/14 Financial Year- Lay on the Table

That Council requires more information before a decision can be made regarding the Annual Review of Delegations. The item is to be included In the Agenda of the Ordinary Council Meeting 20 March 2014. Therefore the officer recommendations be laid on the table.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

Lays the matter on the table until the Ordinary Council Meeting 20 March 2014.

11.4.7 Adoption of Asset Management Plan 2013-2028, Asset Management Policy and Asset Management Strategy

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	13 February 2014
Attachments (yellow)	P131 Draft Policy (new) 2.8 Integrated Planning: Asset Management P134 Draft Strategy (new, as schedule to above policy 2.8)
Attachment (white paper colour print – separate cover)	Draft Shire of Yalgoo Final Asset Management Plan 2013-2028 (councillor copies are punched ready to insert into your copy of the Councillor Manual after adoption by Council)

Matter for Consideration

To consider adopting:

1. New policy 2.8 Integrated Planning: Asset Management; and
2. Draft Asset Management Strategy; and
3. Draft inaugural Shire of Yalgoo Asset Management Plan 2013-2028

Background

The Asset Management Plan is one component of a number of integrated strategic planning practices the Shire has developed, or is developing, in response to the Department of Local Government’s Integrated Planning and Reporting Framework.

This plan includes, and influences, other strategic planning activities as a mechanism to action the strategies contained in the Strategic Community Plan.

The inaugural draft Shire of Yalgoo Asset Management Plan 2013-2028 has been prepared by the Shire’s consulting accountants UHY Haines Norton, and is attached.

The plan was prepared in consultation with executive staff and elected members and is integrated with the Strategic Community Plan, Corporate Business Plan, Workforce Plan and Long Term Financial Plan.

The final draft was developed in a workshop with elected members and councillors in August 2013.

A draft policy and strategy has also been prepared to provide clear direction on expectations for asset management for elected members, employees and contractors/consultants engaged by the Shire.

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 management of the local government’s assets.

Policy Implications

New Policy and Strategy 2.8 (draft) Integrated Planning: Asset Management

Financial Implications

The Asset Management Plan demonstrates the planned management of Shire assets and their associated services over a fifteen year period. It should be read in conjunction with the Asset Management Policy, Asset Management Strategy, Strategic Community Plan and Long Term Financial Plan.

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 and strategy 2.8 and the Asset Management Plan 2013-2028 as drafted by the Shire’s consulting accountants UHY Haines Norton.

11.4.8 Dalgaranga Tantalite Mine Closure Plan

File:	ADM407
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	13 February 2014
Attachments (yellow)	P142 Aerial inspection photos P143 Stability Report
	The Dalgaranga Tantalite Mine Closure Plan is available for inspection at the Shire office

Matter for Consideration

To consider the mine closure plan for the Dalgaranga Tantalite Mine that is located on the Mount Farmer (Uanna Hills) Road in the Shire of Yalgoo.

Background

The Dalgaranga Tantalite Mine open pit is located in close proximity to the Mount Farmer (Uanna Hills) Road. The Shire is a key stakeholder in the closure plan, due to the proximity to the road

The CEO attended an aerial inspection on 04 December 2013 and took the photograph that is included in the attachment showing the edge of the pit next to the road.

Botanica Consulting have provided a mine closure plan and stability report for the pit. The stability report concludes with the statement, 'In conclusion, the rock slope in the south west corner of the open pit has an acceptable FoS against failure and therefore does not require any stabilisation works. The remainder of the rock slopes are too far from the road to pose any risk.'

The following text is copied from the mine closure plan:

2 SITE LOCATION AND DESCRIPTION

The site is located approximately 100 km west north west of Mount Magnet, WA at approximate GDA grid coordinates 0521250E 6934750N.

The site is an abandoned open pit Tantalite mine situated to the north and south of Mt Farmer Road. The open pit is situated to the north of the road and the mine infrastructure and tailings dams are to the south of the road. Mining ceased at the site in 2003.

The open pit is the focus of this study and is roughly rectangular in shape with some rounding of the southern portion. The pit is aligned with its long axis in a north east - south west direction. The south west corner is the nearest to Mt Farmer Road. The depth of the pit varies from approximately 5 m at the north east end (where there is an access ramp) to 25 m depth at the south west end, the central part of the pit is approximately 10-15 m deep. There is no evidence of groundwater in the pit.

Mt Farmer Road is aligned in an east west direction and passes to the south of the pit. It is a single carriageway gravel road approximately 6 m wide.

A bund 1.5 m high and 9 m wide has been constructed from soil and rock fill around the top of the pit. There is approximately 2 m of level shoulder between the outside edge of the bund and Mt Farmer Road at its nearest point.

In general the pit has rough sides sloping at 70° to 85° and comprises exposed rock with surficial gravel and cobbles. The depth of excavation varies from approximately 10 - 15 m at the northern end to 25 – 30 m at the southern end. Approximate natural ground level is 468 m AHD. The site is shown on **Figure 1**. A complete description of the rock face is given in **Section 4**.

The south west corner of the pit is the area of concern where the edge of the pit is closest to the road (approximately 14 m) and the pit excavation is at its deepest (approximately 25 m). This report

therefore focuses upon this area of the slope. Other areas of the pit are shallower and at least 30 m from the road and are therefore not considered to be of concern from the point of view of a collapse threatening the stability of the road.

6 DISCUSSION AND CONCLUSIONS

The minimum factor of safety affecting the slope is 1.49 this is well in excess of the generally accepted minimum recommended value for low risk earthworks of 1.2. The FoS values for the bund, verge and road of 1.98, 2.15 and 2.34 respectively are considerably in excess of the generally accepted minimum recommended value for medium risk earthworks of 1.3.

As can be seen in **Table 2** the application of surcharges makes little difference to the FoS. This is likely because of the distance of the road and verge from the edge of the slope and the relatively low intensity of the surcharges compared to the height of the rock slope (10 kPa is equivalent to 0.45 m of the bedrock).

In conclusion, the rock slope in the south west corner of the open pit has an acceptable FoS against failure and therefore does not require any stabilisation works. The remainder of the rock slopes are too far from the road to pose any risk.

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	Preservation of road asset
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Nil

Consultation

- Lauren Pick, Environmental Consultant, Botanica Consulting

Comment

The Shire has previously accessed surplus gravel from the mine for roadwork, from the site shown in the aerial photograph.

It is recommended that there is no objection to the proposal to develop a fence/bund around the open pit to prevent access without impeding on the boundary of the road, with the following conditions:

- The Shire does not wish for the road to be moved, provided that the pit is secure and stable and there is no impact on the Shire road asset;
- The Shire will not incur any costs related to the mine closure;
- The Shire would like to retain access, if possible, to surplus gravel

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0237 Mine Closure Plan, Dalgara Tantalite Mine, Mount Farmer (Uanna Hills) Road

That Council confirm that the Shire's position regarding the Mine Closure Plan prepared by Botanica Consulting for the Dalgara Tantalite Mine-Tenement M59/106 is as follows:

- There is no objection to the proposal to develop a bund/fence around the open pit to prevent access without impeding on the boundary of the Shire road asset;
- Provided that the pit is secure and stable and there is no impact on the Shire road asset the Shire does not wish for the road to be moved/realigned;
- The Shire will not incur any costs related to the mine closure; and
- The Shire would like to retain access, if possible, to surplus gravel.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 3/0

11.4.9 Shire of Yalgoo Policy Manual Review

File:	
Author:	Heather Boyd, EMC and Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	13 February 2014
Attachments (yellow)	<p>P154 The attachments show each policy statement before amendment or deletion, and the proposed amended or new policy, for the following policies for which a recommendation is made within:</p> <ul style="list-style-type: none"> ▪ 1.3 Authorised Meetings ▪ 7.1 Purchase orders – authorised signatories ▪ 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads) ▪ 13.5 Road Use (RAV Haulage) Agreements Policy13.4 ▪ 2.1 – Capitalisation of Assets ▪ 2.3 – Goods and Services Tax ▪ 2.4 – Material Variances ▪ 2.6 - Reserve Accounts <p>P171 Template Road Use (Restricted Access Vehicle Haulage) Agreement</p>

Matter for Consideration

To consider a review of various policies.

Background

A full review of the Shire of Yalgoo policy manual was last undertaken in 2009. In 2010 when I commenced as CEO I attempted to commence a full review. However this was never completed as the last four years have been characterised by a consuming workload with back to back natural disasters, staff turnover, an ambitious and successful capital works program, reintroduction of a community development program, and achievement of inaugural integrated strategic planning.

Policy has been reviewed on an urgent/as needs basis. A number of strategic new policies have been introduced, notably policies guiding the Shire’s management of approvals for haulage of ore using restricted access vehicles on Shire roads.

Staff performed a brief desktop review of policies in January to check for material inaccuracies, and this item presents a number of reviewed policies. There are several other policies that require review in the short term.

It is strongly recommended that the policy manual is comprehensively reviewed, as per the comments below that are included in the Annual Review of Delegations presented to this meeting:

It is recommended that a comprehensive review of the Policy Manual and Delegations Manual is carried out as part of the risk management and internal controls review that will be completed by November 2014.

The quality, accuracy and effectiveness of the Shire’s delegations and policies can be increased in the following areas:

- *Separate strategic council policy from operational policy that is by nature under the jurisdiction of the CEO*
- *Cross reference or combine policy/delegations that refer to the same area. For instance, currently officers must refer to several separate policies and delegations on the same matter,*

such as purchasing, that are not necessarily cross referenced which can lead to inadvertent breaches.

- Make a distinction between a delegation statement, which delegates a legislated function of the local government under the Act, and policy/procedure/conditions that guides officers on how to execute the delegation, or how the delegation is limited. For instance, points 2 to 4 of delegation statement 2.2 Tenders are instructions and not delegations of functions. This could be achieved by listing the section of the Act in (or adjacent to) the sentence rather than at the top of the page and using a separate heading to identify limitations, conditions or policy/guidelines.

A review should consider relevance, accuracy and useability. It is recommended that a cross check be made against the Department of Local Government guideline for delegations.

It is also recommended that the format of the manuals are reviewed and simplified.

Note that such a review requires expertise and time. If the process is rushed, consultation inadequate or expertise is insufficient; the result will not achieve the aim. A full review could take one person several full weeks including design, research, consultation, drafting and proofing. A budget allocation may be required.

A recommendation regarding the proposed comprehensive review is also made under the Annual Review of Delegations item.

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	This item contains various updates to Shire policies.
Financial (short term/ annual budget)	

Consultation

- Executive staff
- Travis Bate, RSM Bird Cameron, External Auditor

Comment

1. Changes are recommended to the following policies:

Policy	Recommendation	Reason
1.3 Authorised Meetings	Replace wording of point 1. of the policy statement with, 'Council will reimburse travel and other expenses where Members of Council have been appointed as delegates by resolution of Council as well as where there is a requirement for a Councillor to attend interviews for senior staff or CEO positions'	External committees and Shire delegates are reviewed when there is a vacancy on Council and after the Council elections every two years. The former policy listed specific committees – this change allows flexibility to respond if council makes a nomination to a new committee.
7.1 Purchase orders – authorised signatories	Replace existing policy with new policy that provides stronger internal controls.	<p>The existing policy does not include governance/ internal controls with regard to proper authorisation for incurring expenditure.</p> <p>The policy that is proposed provides for tighter controls and complies with the requirements of r5 (1) (e) and r11 (2) of the <i>Local Government (Financial Management) Regulations 1996</i>. This regulation is listed as suitable for 'acting through' in DLG Guideline No. 17.</p>
13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads)	Add, 'and pay the CA07 processing fee' at the end of the first sentence under point 2. of the policy statement.	Council has advertised and adopted fees to recover the costs associated with processing CA07 applications.
13.5 Road Use (RAV Haulage) Agreements Policy	<p>Add dot point after point 4. of the statement:</p> <ul style="list-style-type: none"> • Council approval is required if the applicant makes any material modification to the standard agreement 	The CEO engaged Civic Legal to prepare a standard agreement which meets the requirements of the Shire policy and the Shire's insurers. The standard agreement is included in the attachments.

2. The following policies are recommended for deletion from the manual:

Policy	Recommendation	Reason
2.1 – Capitalisation of Assets	That the policy be revoked and removed from the policy manual as the asset capitalisation threshold is contained within the significant accounting policies in the annual budget.	This policy is not required as the threshold for capitalisation of assets is assessed during the annual budget process and forms part of the annual budget. The threshold is contained in “Significant Accounting Policies, section k Fixed Assets” and therefore if the budget capitalisation threshold is changed it may be contra to the current policy.
2.3 – Goods and Services Tax	That the policy be revoked and removed from the policy manual as GST is governed under federal legislation and accounting standards.	<p>GST is governed under the federal legislation, <i>A New Tax System (Goods and Services Tax) Act 1999</i>, and therefore any policy that Council may have on GST is unable to be enforced.</p> <p>The Shire’s external auditor, Travis Bate commented that “As discussed, the below policy is simply a restatement of the treatment of these items under accounting standards and is dealt with in note 1 to the Financial Statements.</p> <p>If the policy were to be altered, the Shire would not be complying with accounting standards.”</p>
2.4 – Material Variances	That the policy be revoked and removed from the policy manual as the material variances must be adopted each year in accordance with r34 (5).	<p>R34 (5) of the <i>Local Government Act (Financial Management) Regulations 1996</i> prescribes that, ‘Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.</p> <p>The policy for material variances routinely contradicts the variation adopted during preparation of the annual budget.</p>

Policy	Recommendation	Reason
2.6 Reserve Accounts	That the policy be revoked and removed from the policy manual as section 6.11 of the <i>Local Government Act 1995</i> make provision about establishing a reserve account and the <i>(Financial Management) Regulations 1996</i> make provisions about the title of a reserve account and reporting of reserve accounts in the annual budget and annual financial statements.	Refer s6.11 <i>Local Government Act 1995</i> and r17, 18, 27, 36, 38 <i>Local Government Act (Financial Management) Regulations 1996</i> . The council policy on reserve accounts frequently contradicts the annual report and annual budget that are prepared in accordance with the legislation.

3. The following policies have not been updated, but staff have identified them as requiring review in the short term:

- 1.7 External Organisations, Council Representatives (policy is out of date)
- 2.2 Valuation of Non Current Assets (requires major review to recognise fair valuation of assets)
- 3.2 Conference and Training – Attendance and Expenses (complex policy – simplify)
- 7.5 Annual Budget - Rates Calculation (policy is out of date and needs to be aligned with the long term financial plan that council adopted in September 2013)
- 7.6 Annual Budget – Preparation Timetable (policy is important; but is out of date and needs to be reconsidered by the new finance committee to align with the requirements of integrated planning and reporting)
- 7.9 Shire of Yalgoo Education Scholarships and Donations (policy is out of date and has not been enacted for some years)
- New policies – adopt grievance procedure and harassment policy that staff have engaged in consultation and training to develop (note – this is an operational HR policy and in due course such policies should be removed from strategic council policy).
- 10.4 Fitness for Work – both WALGA (who drafted the original policy) and the Shire’s HR consultant, Marg Hemsley of Risk ID, have advised that this policy is obsolete due to case law and modern HR practices. Marg Hemsley has been engaged to consult with staff to develop an appropriate new policy. Marg has been unavailable for personal reasons but the visit will be arranged in due course.
- 11.3 Staff Housing Subsidies – requires extensive review to simplify, correct out of date matters and provide rewards to staff that are in their own home.
- 11.5 Superannuation – requires review.
- 11.11 Emergency Services – Call Outs During Work Hours (cross check against DFES policies for fatigue management)
- 12.1 Shire Plant, Equipment and Vehicles (this policy is inadequate to provide policy guidelines for use of plant, equipment and vehicles. Requires comprehensive review and consultation with staff. Suggest that CEO seeks to obtain a suitable draft policy from another Shire to start with).
- 12.4 Plant Replacement Cycles – requires comprehensive review and alignment with integrated plans. Suggest this is driven by the EMWI in consultation with the new Shire finance committee.
- 13.2 Airstrip Grades – A/EMWI Mick Oliver and EA Karen Malloch sought feedback Jan 2014 from pastoralists to update this policy but did not receive sufficient replies in time for the 20 February 2014 review.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION # 1

C2014-0238 Revocation of Policies

That the following policies be revoked and removed from the policy manual:

2.1 – Capitalisation of Assets

2.3 – Goods and Services Tax

2.4 – Material Variances

2.6 - Reserve Accounts

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2014-0239 Policy Amendments

That the following policies be amended:

1.3 Authorised Meetings

Replace wording of point 1. of the policy statement with, ‘Council will reimburse travel and other expenses where Members of Council have been appointed as delegates by resolution of Council as well as where there is a requirement for a Councillor to attend interviews for senior staff or CEO positions’

7.1 Purchase orders – authorised signatories

Replace existing policy with new policy that provides stronger internal controls, 7.1 Purchasing – to commit funds / incur expenditure within Budget

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

Add, ‘and pay the CA07 processing fee’ at the end of the first sentence under point 2. of the policy statement

13.5 Road Use (RAV Haulage) Agreements Policy

Add dot point after point 4. of the statement: ‘Council approval is required if the applicant makes any material modification to the standard agreement’

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 3/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #3**C2014-0240 Future Policy Amendments**

That Council notes the requirement for the following policies to be amended in the short term and requests the CEO to prepare a recommendation to council in a timely manner:

- 1.7 External Organisations, Council Representatives (policy is out of date)
- 2.2 Valuation of Non Current Assets (requires major review to recognise fair valuation of assets)
- Conference and Training – Attendance and Expenses (complex policy – simplify)
- 7.5 Annual Budget - Rates Calculation (policy is out of date and needs to be aligned with the long term financial plan that council adopted in September 2013)
- 7.6 Annual Budget – Preparation Timetable (policy is important; but is out of date and needs to be reconsidered by the new finance committee to align with the requirements of integrated planning and reporting)
- 7.9 Shire of Yalgoo Education Scholarships and Donations (policy is out of date and has not been enacted for some years)
- New policies – adopt grievance procedure and harassment policy that staff have engaged in consultation and training to develop (note – this is an operational HR policy and in due course such policies should be removed from strategic council policy).
- 10.4 Fitness for Work – both WALGA (who drafted the original policy) and the Shire’s HR consultant, Marg Hemsley of Risk ID, have advised that this policy is obsolete due to case law and modern HR practices. Marg Hemsley has been engaged to consult with staff to develop an appropriate new policy. Marg has been unavailable for personal reasons but the visit will be arranged in due course.
- 11.3 Staff Housing Subsidies – requires extensive review to simplify, correct out of date matters and provide reward to staff who are in their own home.
- 11.5 Superannuation – requires review.
- 11.11 Emergency Services – Call Outs During Work Hours (cross check against DFES policies for fatigue management)
- 12.1 Shire Plant, Equipment and Vehicles (this policy is inadequate to provide policy guidelines for use of plant, equipment and vehicles. Requires comprehensive review and consultation with staff. Suggest that CEO seeks to obtain a suitable draft policy from another Shire to start with).
- 12.4 Plant Replacement Cycles – requires comprehensive review and alignment with integrated plans. Suggest this is driven by the EMWI in consultation with the new Shire finance committee.
- 13.2 Airstrip Grades – A/EMWI Mick Oliver and EA Karen Malloch sought feedback Jan 2014 from pastoralists to update this policy but did not receive sufficient replies in time for the 20 February 2014 review.

Moved: Cr AB Fawkes**Seconded: Cr MR Valenzuela****Motion put and carried 3/0**

ATTENDANCE: 5:45pm Mick Oliver, (Acting EMWI) rejoined the meeting.

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

13.0 ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0241 Admit Urgent Business

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

13.1 Change Date of the Extraordinary Election.

13.2 CEO Laptop and Mobile Phone.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 3/0

13.1 Change the Date of the Extraordinary Election

File:	ADM530
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	19 February 2014
Attachments (purple)	Electoral timeframe for proposed new date

Matter for Consideration

1. To consider changing the date of the extraordinary election of council from 12 April 2014 to 03 May 2014; and
2. To seek approval from the West Australian Electoral Commissioner under s4.9 (2) of the *Local Government Act 1995* to hold an election on a day that is more than four months from the date that the vacancy occurred.

Background

Following the resignation without notice of Terry Iturbide on 15 December 2013, Council called an extraordinary election to be held on Saturday 12 April 2014 by way of the following decision:

OFFICER RECOMMENDATION/COUNCIL DECISION (special meeting held 22 December 2013)

Sd2013-1201 Extraordinary Election Saturday 12 April 2014

That an extraordinary election is held on Saturday 12 April 2014 to fill one (1) vacancy in the office of councillor created by the resignation of Terry Iturbide and that the manner of voting shall be in person.

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

An administration/advertising error has subsequently occurred and the compliance dates for advertising the “Close of Enrolments” have not been adhered to. Two advertisements were prepared and lodged in accordance with the requirement to advertise for *enrolments*, and for *nominations*. Whilst the advertisements were correct, and the dates were correct, the two advertisements were inadvertently swapped. Hence the first advertisement placed was for *nominations*, whereas it should have been for *enrolments*.

To resolve this matter and comply with the legislative provisions council can change the date of the election to a later date which would need to be at least one week later. This places the timeframe outside the allowable four months, which requires approval from the West Australian Electoral Commissioner.

Statutory Environment

Local Government Act 1995

s4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an *extraordinary election*.

[Section 4.8 amended by No. 2 of 2012 s. 10.]

s4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

s4.10. Extraordinary election can be held before resignation has taken effect

If a member resigns —

- (a) the vacancy is to be regarded for the purposes of sections 4.8(1) and 4.9 as occurring when the CEO receives the notice of resignation even if the resignation takes effect on a later day; but
- (b) the election day fixed for the extraordinary election cannot be earlier than one month before the resignation actually takes effect.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Additional cost of one advertisement.

Consultation

- Matt Hayes, Department of Local Government
- Phillip Richards, Project Manager, Local Government Elections, West Australian Electoral Commission (WAEC)
- Sharon Daishe, CEO

Comment

It is recommended that Council changes the date of the election to Saturday 03 May 2014, pending approval from the WAEC to hold an election on a date that is more than four months from the date that the vacancy occurred. Consultation with WAEC indicates that they will be able to process an application promptly; and they are expecting our application on the day after the council meeting.

The proposed date of 03 May takes into consideration Easter, Anzac Day, and a potential federal senate election that could be held in April.

The change of date of 03 May 2014 will have little impact on the business of council, as there were no meetings scheduled between 12 April 2014 and 03 May 2014 in recognition of Easter and Anzac Day.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2014-0242 S4.9 (2) Seek WAEC Approval to Change Date of Extraordinary Election from 12 April to 03 May 2014

That Council:

- 1. Apply for approval from the West Australian Electoral Commissioner to hold an extraordinary election on 03 May 2014, being a date that is more than four months from the when the vacancy occurred on 15 December 2013; and**
- 2. Pending receipt of the above approval, the election that was due to be held on Saturday 12 April 2014 will be held on the new date of Saturday 03 May 2014 to fill one (1) vacancy in the office of councillor created by the resignation of Terry Iturbide and that the manner of voting shall be in person.**

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 3/0

13.2 CEO Laptop and Mobile Phone

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	Financial interest
Date:	19 February 2014
Attachments (purple)	<ul style="list-style-type: none"> • Extract from the Shire’s asset register • Advice received by email from Vern McKay, DLGC

CEO Sharon Daishe declared a financial interest in this item.

Please note that advice from the Department of Local Government and Communities is that this matter should not need to be closed to the public.

Matter for Consideration

To consider a request from the CEO to retain a laptop and mobile phone when employment with the local government ceases.

Background

The laptop provided for my private use was purchased in 2010 and was due to be replaced in 2013. The laptop has a written down value of \$0 in the Shire’s asset register. When old computers are replaced, the Shire pays for them to be wiped and reprogrammed therefore the laptop effectively is an expense to the Shire if retained by the Shire.

The laptop was provided for my private use therefore it contains personal information such as account passwords, taxation, university files etc. Over the years I have configured it with shortcuts and favourites relating to my university studies and other personal matters. The laptop is therefore of significant convenience to me, rather than financial value.

When using the laptop for work purposes I either work on a USB stick or directly onto the Shire server via a virtual private network connection. Therefore, the laptop does not contain records of the local government.

There is a new tablet that is set up and ready for the new CEO, and a new laptop. This was a planned purchase made before I resigned, in line with the scheduled changeover of computers.

The mobile phone that I have been using since 2011 is a basic model that was purchased outright. It is not a smart phone, is not on a contract and has little to no residual value. It is however convenient to me because of the phone number that has been mine for four years, and my personal contacts that are loaded into it.

There is also a brand new I-phone that is ready for the new CEO which has a new phone number. This was also purchased for my use, before I resigned.

Statutory Environment

Local Government Act 1995

s5.50. Payments to employees in addition to contract or award

- (1) A local government is to prepare a policy in relation to employees, whose employment with the local government is finishing, setting out —
 - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
 - (b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).
- (2) A local government may make a payment —
 - (a) to an employee whose employment with the local government is finishing; and
 - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,
 - but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

Local Government (Administration) Regulations 1996

r19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) the value of the person’s final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
 - or
 - (b) in all other cases, \$5 000.
- (2) In this regulation —

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person’s employment with the local government finished.

R30(3) function and

Local Government (Functions and General) Regulations 1996

- 30. Dispositions of property excluded from Act s. 3.58
 - (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
 - (3) A disposition of property other than land is an exempt disposition if —
 - (a) its market value is less than \$20 000; or

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	

Business Implications

<p>Policy</p>	<p>Policy 11.9 Gratuitous Payments to Employees was adopted and advertised in 2007 as follows:</p> <p>Policy Statement</p> <ol style="list-style-type: none"> 1. That for the purpose of section 5.50 (1) of the Act, and on the recommendation of the CEO, the following approximate amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service – <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 100px;">5 – 10 years \$200</td> <td>15 – 20 years \$600</td> </tr> <tr> <td>10 – 15 years \$400</td> <td>20 years plus \$1,000</td> </tr> </table> 2. The CEO may at his/her discretion make a presentation gift where an employee leaves prior to 5 years service, at a value not exceeding \$25 for each year of service. 3. The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice will be given. 	5 – 10 years \$200	15 – 20 years \$600	10 – 15 years \$400	20 years plus \$1,000
5 – 10 years \$200	15 – 20 years \$600				
10 – 15 years \$400	20 years plus \$1,000				
<p>Financial (short term/ annual budget)</p>	<p>Nil</p>				

Consultation

- RL (Bob) Thompson, Local Government Senior Advisory Officer, Department of Local Government and Communities
- Vern McKay, Principal Project Officer, Advice and Support, Department of Local Government and Communities

Comment

I request Council permission to retain the 2010 Dell laptop and 2011 Nokia mobile phone that I have had for my private use whilst CEO of the Shire of Yalgoo. I will make arrangements to have the phone number transferred from the Shire account into my name on and from 15 March 2014.

The legislative provisions and Shire policy 11.9 allow for Council to give the old laptop and mobile phone, which have no residual value, to the outgoing CEO without any requirement to advertise.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Dispose of 2010 Laptop and 2011 Mobile Phone to Outgoing CEO Sharon Daishe

That Council:

1. Agree to give to Sharon Daishe the 2010 laptop and 2011 mobile phone that were provided for her private use in the position of CEO;
2. Provided that arrangements are made to transfer the mobile phone number from the Shire account to Sharon Daishe on and from 15 March 2014.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion Lay on the Table

14. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 20 March 2014 commencing at 11.00 am.

15. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 6:20pm.

DECLARATION

These minutes were confirmed by Council at the Special Meeting held on _____.

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

Common Acronyms

Acronym	Detail
AA	Administration Assistant
ACEA	Admin Coordinator Executive Assistant
AFAC	Australasian Fire Authorities Council
AGDRP	Australian Government Disaster Recovery Payment
AGM	Annual General Meeting
AIIMS	<i>Australasian Inter-Service Incident Management System</i>
AMMS	<i>Accredited Mass Management Scheme</i>
ASKAP	<i>Australian Square Kilometre Array Pathfinder</i>
ATU	Aerobic Transfer Unit
BA	Broadcast Australia
BCA	<i>Building Code Australia</i>
BCITF	<i>Building and Construction Industry Training Fund</i>
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
CDC	Certificate of Design Compliance
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

Acronym	Detail
DLGC	Dept of Local Government & Communities
DoHA	Department of Health & Ageing
DON	Director of Nursing
DOT	Department of Transport
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
ICPAWA Inc	Isolated Children’s Parents’ Association of WA
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
LGGC	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

Acronym	Detail
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
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

Acronym	Detail
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	<i>State Land Information Capture Program</i>
SLK	Straight line kilometres
SMUG	Shires of Murchison & Upper Gascoyne
SOP	Standard Operating Procedure
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