



AGENDA

For the Ordinary Council Meeting

To be held on the 31st May 2024

Notice of Meeting

The next Ordinary Council Meeting for the Shire of Yalgoo will be held on Friday 31st May 2024 in the Council Chambers, 37 Gibbons Street Yalgoo, commencing at 10:00am.



Ian Holland

CHIEF EXECUTIVE OFFICER

27th May 2024

Disclaimer:

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1 DECLARATION OF OPENING

The Shire President welcomed those in attendance and declared the meeting open at.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

In accordance with section 14 of the Local Government (Administration) Regulations 1996 “Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))”, the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

APOLOGIES

NIL

3 LEAVE OF ABSENCE

4 DISCLOSURE OF INTERESTS

Councillors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

**5 PUBLIC QUESTION TIME
RESPONSES TO QUESTIONS TAKEN ON NOTICE**

NIL

QUESTIONS TAKEN WITHOUT NOTICE

6 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Jake Nelson – Principal Yalgoo Primary School
Playground funding request

7 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS

17.1 AGRN962 and AGRN1021 Flood Damage Tenders

8 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Date	Location	Meeting	Attendance

9 CONFIRMATION OF MINUTES

9.1 MINUTES OF THE ORDINARY COUNCIL MEETING – 26th April 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on the 26th April 2024 as attached be confirmed as a true and correct record.

COUNCIL RESOLUTION –

Moved: Seconded:

That the minutes of the Ordinary Council Meeting held on the 26th April 2023 as attached be confirmed as a true and correct record.

CARRIED:

9.2 MINUTES OF THE AUDIT COMMITTEE MEETING – 31st May 2024

RECOMMENDATION

That the minutes of the Audit Committee Meeting held on the 31st May 2024 as attached be confirmed as a true and correct record.

COUNCIL RESOLUTION –

Moved: Cr Seconded: Cr

That the minutes of the Audit Committee Meeting held on the 31st May 2024 as attached be confirmed as a true and correct record.

CARRIED:

10 REPORTS OF COMMITTEE MEETINGS

10.1 APPOINTMENTS TO ORGANISATIONS OR COMMITTEES

Governance Policy 1.6

1. Council nominates individuals to the external organisations or committees listed in the table below at the first meeting following an Ordinary Election or from time to time as required.

2. Nominations as Council representatives to external organisations are to be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act.

3. Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.

4. Subject to the Constitution or Policies of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be:

- a) Council's nominated representative/s
- b) Council's nominated deputy representative/s
- c) President
- d) Deputy President
- f) Councillors or the CEO as determined by the President

Development Assessment Panel members are by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.

Delegates of Committees and Representatives to external bodies should be aware of the policies and reference documents guiding the operation of those groups.

Four Development Assessment Panel Nominations are required by 24 November 2023.

Organisation or Committee	Delegates
External – Murchison Regional Vermin Council	Cr Cr
External - Murchison Country Zone of WALGA	Cr Cr Deputy Cr
External - Mid West Regional Road Group	Cr Cr Deputy Cr
External - Murchison Sub Group of the MWRRG	Cr Cr Deputy Cr

External - Gunduwa Conservation Association (EGRCA)	Cr Stan Willock Cr
External - Development Assessment Panel	Cr Cr Alternate Cr Alternate Cr
External - Murchison Executive Group	CEO
Shire of Yalgoo Finance and Audit Committee (Audit and Risk)	All Councillors
Chief Bushfire Control Officer	Ian Holland
Brigade Captain and Deputy Bushfire Control Officer Yalgoo (North)	Craig Holland
Brigade Captain and Deputy Bushfire Control Officer Paynes Find (South)	David Rocke
Fire Control Officer	Gail Pilmoor
Fire Control Officer	Richard Ryan (CESM)
External - Mid-West Local Government Emergency Management Network (MWLGEMN) & LEMC	LEMC Chair Cr Cr Officer appointed by the CEO
CEO Performance Committee	All Councillors who have completed the required WALGA Training as per policy

OFFICERS RECOMMENDATION

That Council accepts the Appointments to Organisations and Committees.

10.2 2021/22 Annual Audit and Financial Statement

Applicant:	Shire of Yalgoo
Date:	10/04/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council accept the recommendation from the Audit Committee, that the Audit Report from the Office of the Auditor General be received.

COMMENT

On the 14th May 2024 AMD and the Office of the Auditor General met with the Shire President and Administration.

Significant issues from the 2021 audit were tabled along with 2 significant findings from the 2022 year. They are presented in this report as the comments will be provided to the Minister for Local Government under Section 7.12A of the Local Government Act 1995.

30 June 2021 Interim and Final Findings	Rating	Action by Management
1. Fair Value of Road Infrastructure Assets	Significant	At the end of the 2023 financial year the Shire engaged a reputable independent valuer to assess road infrastructure
2. Masterfile Accuracy & Validity	Significant	The Shire of Yalgoo changed financial software at the end of the 2021/22 Financial Year. This new software allows for audit trails to be examined and a hierarchy of user privileges has been established. Periodic Masterfile reviews have been conducted during the 2022/23 Financial Year. The sign off of review has become more timely in 2023/24
3. Daily Banking Reconciliations	Significant	Daily banking is now reviewed and signed by the person processing and a senior staff member. Prior to this in 22/23 the senior staff member would review and sign daily banking after it was processed by another staff member
4. Out of Date Council Policy Manual	Significant	LG People have been engaged to consolidate numerous policies that have been updated both internally and at a Council level over the past 3 years. This will be presented to Council for review after the March 2024 Extraordinary Elections.

5. Asset Management Plan and Long-Term Financial Plan	Significant	Council have held a workshop and started the major review/rework of its asset plan in 2022/23. From there Council will review its LTFP which is still useful but just not recently reviewed.
6. Key Balance Sheet Reconciliations	Significant	The Shire has inside capacity to begin this process as at January 2024.

30 June 2022 Interim Findings	Rating	Action by Management
1. Transition to new accounting system	Significant	The timing of the system change was dependent on the software provider (who deals with multiple end of financial year projects). Reconciliations were also dependant on consultants. While time consuming and not to the standard of best practice this project was completed and continuous improvement of the system and how we use it are being implemented.
2. Valuation Review	Significant	If a local government is paying for an independent qualified/accredited valuation there is limited benefit to challenging their opinion. This difference was captured by the audit process. Management will examine if it is suitable/effective for a second accredited valuer to check the reasonableness and appropriateness of valuations.

Most of these risks have been addressed by fit for purpose software and additional staff that allow for a separation of duties. The Shire of Yalgoo is currently conducting an Audit Regulation 17 review and a Financial Management Regulation 5 review. If any of these findings are still evident, they will be prioritized. At present the Long Term plans still require major review which has begun and an internal policy requires development for the review of external valuations.

STATUTORY ENVIRONMENT

Local Government Act 1995

7.12A. Duties of local government with respect to audits

(4) A local government must —

(a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

(5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

AUDIT COMMITTEE RECOMMENDATION

That Council:

1. accept the recommendation of the Audit Committee and **receive** the Independent Auditors Report for the year ending June 2022; and
2. provides the comments listed in this item as a report to the Minister for Local Government and publish that report on the Shire website.

11 **TECHNICAL REPORTS**

11.1 CAPITAL PROGRESS REPORT

Applicant:	Shire of Yalgoo
Date:	21 May 2024
Reporting Officer:	Charles Brown
Disclosure of Interest:	NIL
Attachments:	Capital Expenditure Report
Page:	1 - 2

SUMMARY

To receive the Progress Report on the 2023/24 Capital Works Program to the 30th April 2024.

BACKGROUND

The Shire in its 2023-24 Annual Budget has allocated the sum of \$5,937,720 for the acquisition of capital assets and the undertaking of infrastructure works.

COMMENT

The Capital Projects detailed below are projects incorporated in the 2023-24 Annual Budget.

STATUTORY ENVIRONMENT

NIL

POLICY/FINANCIAL IMPLICATIONS

To deliver the Capital Works Program within budgeted allocations.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Progress Report on the Capital Works Program as at 30th April 2024.

11.2 TECHNICAL SERVICES REPORT AS OF 23rd May 2024

Applicant:	Shire of Yalgoo
Date:	23 May 2024
Reporting Officer:	Craig Holland Works Foreman
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council receive the Technical Services Report as at the 23rd May 2024

COMMENT

Road Construction and Capital

- Yalgoo/Ninghan Road - Rowe Contractors working on the Southern end.

Road Maintenance

Maintenance grading carried out on:

- Paynes Find/Wagga Wagga Road.
- Barnong/Wurarga Road.
- Badja Road.
- Yalgoo North Road.

Maintenance work carried out on:

- Yalgoo/Ninghan Road – between SLK 64.07 to SLK 60.10.

Other Infrastructure

- 16 Shamrock – Old asbestos fence removed.
- Yalgoo/Ninghan Road – water bore cleaned out.
- Core Stadium – 3 bores cleaned out.

Parks, Reserves and Properties

4.1 Art & Culture Centre

- General gardening maintenance carried out.
- New lights outside.

4.2 Community Town Hall

- NIL

4.3 Community Town Oval

- General gardening maintenance and fertilizing conducted to the oval and core stadium gardens.

4.4 Community Park, Gibbons Street

- General gardening maintenance conducted on a weekly basis mowing, pruning and watering.

4.5 Community Park, Shamrock Street

- General gardening maintenance conducted on a weekly basis – Mowing, pruning & watering.

4.6 Water Park

- General gardening maintenance conducted.

4.7 Yalgoo Caravan Park

- General gardening maintenance is done every two weeks.

4.8 Paynes Find Tip

- NIL

4.9 Railway Station

- General gardening maintenance conducted on a weekly basis – Mowing, pruning & watering.
- New P.E. switch for lights.

4.10 Staff Housing

- NIL

4.11 Yalgoo Rubbish Tip

- Pushed over on a weekly basis.

4.12 Yalgoo & Paynes Find Airstrip

- Paynes Find Airstrip – checked and all good.
- Yalgoo Airstrip – checked and all good.

5. Staff

- Ian Scott & Caleb Hawkins – OHS Training.

6. Purchasing

- NIL.

STATUTORY ENVIRONMENT

NIL

POLICY/FINANCIAL IMPLICATIONS

To deliver the Capital Works Program within budgeted allocations.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Technical Services Report as of 23rd May 2024.

12 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH REPORTS
NIL

13 FINANCIAL REPORTS

13.1 LIST OF ACCOUNTS

Applicant:	Shire of Yalgoo
Date:	21 May 2024
Reporting Officer:	Charles Brown
Disclosure of Interest:	NIL
Attachments:	Accounts Paid April
Page:	3 - 8

SUMMARY

The attached list of accounts paid during the month of April 2024, under Delegated Authority, is provided for Council's information and endorsement.

COMMENT

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and to record those accounts in the minutes of the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.10 Financial Management regulations

Regulations may provide for –

- a. The security and banking of money received by a local government' and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
 - I. The municipal fund; and
 - II. The trust fund, of a local government.

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
 - I. The payee's name; and
 - II. The amount of the payment; and
 - III. The date of the payment; and
 - IV. Sufficient information to identify the transaction.
2. A list of accounts for approval to be paid is to be prepared each month showing –
 - a. For each account which requires council authorisation in that month –
 - I. The payee's name; and
 - II. The amount of the payment; and

- III. Sufficient information to identify the transaction; and
- b. The date of the meeting of the council to which the list is to be presented.
- 3. A list prepared under sub regulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
 - (a) the payee’s name;
 - (b) the amount of the payment;
 - (c) the date of the payment;
 - (d) sufficient information to identify the payment.
- (2) A list prepared under subregulation (1) must be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY/FINANCIAL IMPLICATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the schedule of accounts paid during April 2024 as listed covering EFT’s directly debited payments, Credit Card Payments and wages as numbered and totalling \$866,027.29 from the Shire of Yalgoo’s Municipal Bank Accounts.

13.2 INVESTMENTS AS AT 30 APRIL 2024

Applicant:	Shire of Yalgoo
Date:	21 May 2024
Reporting Officer:	Charles Brown
Disclosure of Interest:	NIL
Attachments:	Investment Register
Page:	9

SUMMARY

That Council receive the investments report as at 30th April 2024.

COMMENT

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

STATUTORY ENVIRONMENT

Local Government Act 1995.

6.14 Power To Invest.

Local Government (Financial Management) Regulations 1996

19 Investments, control procedures for

19C Investment of money, restrictions on (Act s6.14(2)(a))

Shire Delegated Authority

POLICY/FINANCIAL IMPLICATIONS

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Investment Report as at 30th April 2024.

13.3 MONTHLY FINANCIAL STATEMENTS AS AT 30 APRIL 2024

Applicant:	Shire of Yalgoo
Date:	21 May 2024
Reporting Officer:	Charles Brown
Disclosure of Interest:	NIL
Attachments:	Statement of Financial Activity Detailed Schedules Variances at Sub Program Level
Page:	10 - 56

SUMMARY

The Statement of Financial Activity report for the month ended 30th April 2024 is presented to council in accordance with *Regulation 34 of the Local Government (Financial Management) regulations 1996*.

COMMENT

Income and Expenditure Variance Operating.

Income based on the current profiling is up 22.94% whilst expenditure reporting a 30.26% variance.

The major cause of the variance relates to Flood damage income and Expenditure.

Further explanation of Variances at Sub Program Level can be seen in the attached and the detailed look at individual COA or Job numbers can also be seen.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.4

Local Government (Financial Management) Regulations 1996 - Regulation 34

POLICY/FINANCIAL IMPLICATIONS

The adoption of the Statements of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

VOTING REQUIREMENT

Simple Majority

RISK IMPLICATIONS

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal controls measures such as regular Council and Management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established by council of \$10,000.00 for budget operating and capital items to alert management prior to there being irreversible impacts.

It should be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the control of the CEO as laid out in the *Local Government (Financial Management) Regulations 1996 regulation 5*, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly and monthly check to ensure that the integrity of the data provided is reasonably assured.

OFFICERS RECOMMENDATION

That Council receive the Statement of Financial Activity for the period ended 30th April 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

13.4 Differential Rates 2024/2025 Proposed Rates and Minimums.

Applicant:	Shire of Yalgoo
Date:	30 May 2024
Reporting Officer:	Charles Brown
Disclosure of Interest:	NIL

Summary

To consider the proposed Differential Rate in the Dollar for the 2024/2025 financial year for all lad categories that was advertised in accordance with the *Local Government Act 1995*

Background

At the April 2024 Ordinary council meeting, Council resolved the following as the commencement of the differential rating process for the 2024/2025 financial year.

COUNCIL RESOLUTION – C2024-04-07

Moved: Cr Gail Trenfield Seconded: Cr Angus Nichols

That Council:

1. **Endorse the Differential Rating – Objects and Reasons for the 2024/2025 rating year as presented.**
2. **Endorse the following proposed Differential General Rates Categories, Rate in the Dollar and Minimum amounts for the Shire of Yalgoo for the 2024/2025 financial year.**

Land Category	Rate in \$	Minimum Payment
GRV Townsite Improved	8.0668	\$300
GRV Townsite Vacant	8.0668	\$300
GRV Mining Infrastructure	30.6425	\$300
UV Mining Tenements	32.9600	\$300
UV Exploration/Prospecting	21.6719	\$300
UV Pastoral Rural	7.1151	\$300

3. **Endorse a public notice and consultation process on the proposed Differential General Rates and General Minimum Rates.**
 - **Statewide and Local public notice as per the requirements of section 6.36 of the Local Government Act 1995**
 - **Individual ratepayer consultation of all ratepayers in general rates categories with less than 30 ratepayers.**

In accordance with Section 6.33(3) of the *Local Government Act 1995*, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rates imposed by it.

With the Differential General Rates being proposed in the 2024/2025 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act.

Accordingly, Ministerial approval is required and the proposal to impose this rate required that it be advertised for a period of not less than 21 days with any submission received subsequently being presented to council for consideration.

Comment

Following the statutory advertising period (21 Days) and being advertised on Council website on the 30th April 2024, in the “*West Australian*” on the 4th May 2024 as well as the Administration and Library notice boards. At time of writing this report Friday 24th May 2024, no submissions had been received. Should any be received prior to 4PM on Monday 27th, they will be reviewed and tabled at the meeting.

Statutory Environment

Local Government Act 1995

6.33. *Differential general rates*

- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

6.36. *Local government to give notice of certain rates*

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government’s estimate of the budget deficiency; and*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose; and*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
- and*

- (c) *is to advise electors and ratepayers that the document referred to in subsection (3A) —*
 - (i) *may be inspected at a time and place specified in the notice; and*
 - (ii) *is published on the local government’s official website.*
- (3A) *The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government’s official website.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

Strategic Implications

The Local Government is to ensure that it raises enough rates to generate the revenue required to fund it’s operating and capital expenditure commitments.

Policy Implications

There are no Policy implications as a result of this report.

Financial Implications

The endorsed rate in the dollar will form the basis of the 2024/2025 budgeted rates revenue.

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. Council notes that it has complied with section 6.36 of the Local Government Act 1995 in respect advertising requirements and preparation of the 2024/2025 “Rating Strategy” and “Objects and Reasons” documents.
2. Note that no submissions have been made.
3. Endorse the following proposed Differential General Rates Categories, Rate in the Dollar and Minimum amounts for the Shire of Yalgoo for the 2024/2025 financial year.

Land Category	Rate in \$	Minimum Payment
GRV Townsite Improved	8.0668	\$300
GRV Townsite Vacant	8.0668	\$300
GRV Mining Infrastructure	30.6425	\$300
UV Mining Tenements	32.9600	\$300
UV Exploration/Prospecting	21.6719	\$300
UV Pastoral Rural	7.1151	\$300

4. Make application to the Minister for Local Government to impose the differential Rates.

14 ADMINISTRATION REPORTS**14.1 General Report**

Applicant:	Shire of Yalgoo
Date:	20/05/2024
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider the Chief Executive Officers general operation report.

COMMENT**Volunteer Service Award**

Shire Administration expresses its thanks and admiration for those in the district that volunteer in any capacity. This includes helping out at school or community events as well as emergency service events and training.

The Paynes Find Bush Fire Brigade held its Annual General Meeting on Thursday the 23rd May 2024. As part of this meeting the Shire CEO presented WA Volunteer Service Awards to Gail Pilmoor and David Rocke for their decades long commitment to animal welfare, first aid and fire safety.

WALGA Convention 2024

This years WALGA Convention will run from the 8th-10th October. The location has returned to the Perth Exhibition and Convention Centre. Noting that the 2024/25 budget has not yet been adopted – there has been an allocation made in previous years so that all Councillors wishing to attend, can do so.

Yalgoo Races

An initial meeting was held and office bearers have been appointed. Significant work is still required on the constitution and organisation of an event. Screening of the track and an application for works to the group controlling the intersecting gas pipeline may be required and at significant cost. The Shire will continue to work with the Yalgoo Jockey Club to determine feasibility and other requirements.

Accepted as a Roadwise Council

WALGA have recently changed the way they support Councils through Roadwise. The Shire of Yalgoo has recently been accepted as a Roadwise Council and Ian McCabe our Road Safety Advisor is available to discuss new approaches and road safety projects with Staff and Councillors.

Audit and Financial Regulation Review

Moore Australia have started their review of the CEOs internal controls. Some changes initially flagged include a more practical and fit for purpose risk framework. This report will be presented to Council in the next few months.

Shire Policy and Plan Summary

Updates of Shire Policy were due to be provided to the May Ordinary Meeting. This will be delayed to match with the yearly review of delegations and a few extra items from the preliminary financial regulation review. Changes will include appointments under the Western Australian Reportable Conduct Scheme, a Telstra Digital Plan, Seeking Legal Advice and In Vehicle Monitoring System.

Advocacy State and Federal

Members of Council and Administration recently met with Merome Beard MLA Member for North West Central and then Shane Love MLA Member for Moore. At a federal and state level we have raised concerns about small businesses and families missing out on electrical subsidies because they have no practical access to an electrical grid.

Objection to Mining Lease over Jokers Tunnel

Civic Legal have been appointed to represent the Shire in the Wardens Court.

Changes to the Local Government Officer and Municipal Employees Award

The Shire of Yalgoo is currently party to at least 6 applications by different union bodies to amend the awards of Local Government employees. In many cases the Yalgoo industrial agreement far exceeds these requests however an increase for other local governments may make attraction and retention more costly in the future. Changes to allowances will require review of the Shires rates and a uniform dispute process across all local governments may not be practical given differing sizes of organizations.

Australian Warning System

Western Australia will soon adopt nationally consistent warnings through the Australian Warning System (AWS). The AWS is a three-level warning framework consisting of standardised warning level names and colours, along with a clear call to action.

The AWS has been developed based on national research and community consultation. Its implementation was a recommendation of the Royal Commission into National Natural Disaster Arrangements that examined the extreme bushfire season of 2019/2020 which resulted in devastating loss of life and property across the country.

These changes are viewable on www.emergency.wa.gov.au and awareness training will be provided to staff through DFES to better understand classifications or know what is appropriate to set for a locally handled emergency.

Yalgoo Prospecting Tenements

On the 9th of May the Department of Energy, Mines, Industry Regulation and Safety approved the extension/renewal of P59/2192, P59/2193 & P59/2194. These tenements have been extended through to 11/02/2028. Should Council wish to continue this initiative past that point it will require the locating and lodging of suitable new tenements.

Satellite Phones

Due to the failure of a geostationary communications satellite the Shire will shortly be replacing all of its satellite phones. Existing devices can only communicate with a dedicated satellite/network. Fleet tracking for the majority of the Shire fleet has just gone live which has reduced the potentially significant impact of this outage.

External CEO Movements May

1st – 2nd Road Safety Vanguard Program

5th Firefighter Memorial – Inclusion of Ray Winfield

23rd Paynes Find Bushfire AGM

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the Chief Executive Officers General Report.

14.2 2022 Annual Report

Applicant:	Shire of Yalgoo
Date:	21/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council accepts the Annual Financial Report 2021/22.

COMMENT

The Local Government Act 1995 requires that Council accept the annual report for the financial year no later than the 31st December of the year ending or no later than two months after the auditors report becomes available if it is not received prior to the 31st December.

An exit meeting was held with AMD and the Office of the Auditor General on Tuesday the 14th May 2024 and the auditors report was available that afternoon.

The recommendation provides a suitable timeframe for conducting an Annual Meeting of Electors within 56 days after the acceptance of the annual report.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.54

Since the previous annual report their have been amendments to the Act which requires an annual report to include the following:

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor’s report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. accepts the 2021/22 Shire of Yalgoo Annual Report;
2. authorizes the Chief Executive Officer to give local public notice of the availability of the annual report from the 3rd of June 2024 in accordance with section 5.55 of the Local Government Act 1995; and
3. schedules the Annual Electors Meeting on Friday the 28th June 2024 at 9:00am at the Yalgoo Council Chambers, by giving at least 14 days local public notice prior to the meeting.

14.3 Federal Inquiry into Local Government Sustainability

Applicant:	Shire of Yalgoo
Date:	27/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	To be circulated prior to the Council meeting WALGA submission

SUMMARY

That Council endorse a submission to the Federal Inquiry into Local Government Sustainability.

COMMENT

On the 21 March 2024 the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport announced an inquiry into Local Government sustainability following a referral from the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP.

The Terms of Reference identified the following areas of focus:

- The financial sustainability and funding of local government
- The changing infrastructure and service delivery obligations of local government
- Any structural impediments to security for local government workers and infrastructure and service delivery
- Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices.
- The role of the Australian Government in addressing issues raised in relation to the above
- Other relevant issues.

The inquiry will specifically seek to understand service infrastructure requirements, such as maintaining a cost effect road infrastructure, in regional, rural, and remote locations and workforce challenges.

WALGA’s Submission to this enquiry is attached for information. A draft Shire submission will be tabled closer to the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council endorses the tabled submission to the Federal Inquiry into Local Government Sustainability.

14.4 District Health Plan

Applicant:	Shire of Yalgoo
Date:	21/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Quotation to the Shire of Yalgoo – Withers & Associates

SUMMARY

That Council consider its responsibilities under Phase 5A of the Public Health Act 2016.

COMMENT

The Public Health Act 2016 was developed to replace a large proportion of the outdated Health (Miscellaneous Provisions) Act 1911. It received Royal Assent in 2016, with an implementation plan divided into 5 stages over a 3-to-5-year period. The Public Health Act provides a framework to regulate known or emerging public health risks. It binds the Crown, so applies to land and buildings owned, managed, or controlled by State Government.

Stage 5 is at the point in time when the Public Health Act replaces the Health (Miscellaneous Provisions) Act for the purposes of:

- public health planning
- public health policies
- environmental health regulations
- local government reporting and registration
- licensing.

Enforcement agencies will have the ability to issue improvement notices to people and businesses who breach a public health provision. When a person or business fails to comply with an enforcement order, an offence is committed, and they can be prosecuted.

The other major change is the requirement for State and local government to develop public health plans. Local governments will need to create a local public health plan that is consistent with the State public health plan. These must be prepared and published by 4 June 2026.

While this date is still some time away the limited number of contractors available to complete the work may make things difficult closer to the deadline.

A quotation is included from Withers & Associates Pty Ltd who have to date have completed plans for almost 17% of WA local governments.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council accepts the quote from Withers & Associates for the provision of a Shire of Yalgoo Public Health Plan, with expenditure to come from the members consultancy account in 2023/24 or 2024/25.

14.5 Crown Land Enquiry – Jokers Tunnel

Applicant:	Shire of Yalgoo
Date:	22/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Crown Land Enquiry – Jokers Tunnel

SUMMARY

That Council endorse a crown land enquiry for the area around and including Jokers Tunnel.

COMMENT

Different avenues are being investigated for the long term protection of Jokers Tunnel. Attached is a crown land enquiry requesting that a reserve be considered by the Minister for Lands.

Carparking, seating and signage infrastructure owned by the local government has existed off the gazetted Joker’s Tunnel Road for a number of decades. In principal support has been received from the current pastoral lease holder. Initial input has also been sought from the Native Title holder with further discussions planned.

This action is to supplement a previous resolution directing an objection be lodged in the Wardens Court to mining activity taking place at this site.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council endorse the attached crown land enquiry and approve its lodgment with the Department of Planning, Lands and Heritage.

14.6 Paynes Find – Animal Care

Applicant:	Shire of Yalgoo
Date:	23/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Medicine Quote – Pilroc Retreat

SUMMARY

That Council provide a donation to Pilroc Retreat for the restocking of Veterinary Medicine.

COMMENT

Aside from their community emergency service volunteering the owners of Pilroc Retreat in Paynes Find operate a Rescued and Injured Wildlife Orphanage and Rehabilitation Centre.

They support the local community in the rehabilitation and release of native wildlife such as kangaroos who have been adopted as pets or injured by a road strike. Truck drivers and mine sites regularly rely on this service to provide care to sick or injured animals of all types. The Retreat is supported by multiple wildlife networks and a veterinary partnership which allows them to provide more care than would be possible in the region otherwise.

After a recent change in supporting veterinary services, outside of their control, the Retreat was required under the Veterinary Practice Board’s guidelines to surrender existing medication and will be required to replace all of their on hand medication.

A request has been received to provide a donation of \$506.70 to support this purchase.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council agrees to donate \$506.70 to Pilroc Retreat for the purchase of on hand animal medication.

14.7 Letter of Support – Mid West Ports Authority

Applicant:	Shire of Yalgoo
Date:	27/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Letter from the Mid West Ports Authority

SUMMARY

That Council provide a letter of support to the Mid West Port Authority for greater resourcing and First Point of Entry (FPOE) Status at the Port of Geraldton.

COMMENT

The attached letter received from the CEO of the Mid West Ports Authority highlights that there is both a significant biosecurity risk and project completion risk that exists in the Mid West due to a Federal classification of the Port.

Ports in the Perth Metropolitan area, which are more significantly resourced, are being decimated by the shot hole borer showing that existing biosecurity measurers are not 100% effective. Energy projects and regional development will require significantly more importing of products than has historically been the case. Within the current system import approvals are handed out ad hoc just prior to entry or are not possible for freight containers, general goods passenger baggage.

If Geraldton Port cannot provide certainty of docking for these imports, companies may opt to deliver them to Perth where there could be unnecessary utilization of the state road network and significant logistical costs. From a project management perspective coordinating approvals for the transport of a wind turbine or similar equipment can significantly impact the viability of a project.

The attached request asks that the local government consider providing a letter of support for First Point of Entry status at Port of Geraldton. Additional information that could strengthen the support for this project, could include;-

- any key projects in your area proposed or under development that could benefit from FPOE status for project cargoes and/or containerised goods;
- any indication on value/economic benefit of those projects to your region e.g. small business capacity;
- building, job creation, regional sustainability through diversification etc; and/or
- concerns on project risk e.g. not progressing due to risk of significant increase to logistics costs

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council authorize the Chief Executive Officer to provide a letter of support to the Geraldton Port for First Point of Entry status.

14.8 Minor Strategic Community Plan Update

Applicant:	Shire of Yalgoo
Date:	27/05/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider a minor amendment to the Shire of Yalgoo Strategic Community Plan.

COMMENT

Early in 2024 the Shire of Yalgoo released a petition with a single question asking – should...

An overwhelming number of responses were received due to the social and community impacts a pub has on a country town. Of the 60 responses 96% were in favor of the proposed amendment.

Council management of these types of facilities can work well in conjunction with sporting or community groups or as an outright venture. The hotel remains on the market. Should the amendment be considered prudent by Council a percentage of a potential purchase price and additional establishment/maintenance costs could be set aside in the next 2-3 budgets or a business case and a major budget allocation or loan could be developed in the short term.

Future consideration will be required regarding:

- Purchase – Outright or Treasury Loan
- Facility usage and service standards
- Management and liquor licensing
- Maintenance
- Duplication of services
- Insurance

Council may wish to not leave this opportunity to the free market and use it as a pilot project to draw a managing body or family to town. Council may choose to take on the risk of expanded employment or lease out the site with conditions.

This purchase has the potential to address or maintain a number of other community aspirations such as history preservation, cost of living and employment, social activities, training and tourism infrastructure.

In the absence of an updated corporate business plan the following is a potential scale that Council can use to determine the priority of the proposed amendment if it is successful.

Short Term	Indicative budget allocation for the 2024/25 financial year with a business case presented to Council within 6 months.
Medium Term	Reserve account or budget allocation made with investigation to take place over 12 – 24 months.
Long Term	Council to wait for any changes to the free market and develop the purchase in a 4 year Corporate Business Plan.

These options may still include the option for a loan depending on a final amount determined.

STATUTORY ENVIRONMENT

Local Government Act 1995

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.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. adopts the inclusion, in 2021-2031 Yalgoo Strategic Community Plan, the following strategy and associated action as an addition to **Strategic Objective One: Economy:**

Strategy 1.7 – Maintain and grow population and businesses

Action 1.7.3 – That the Shire of Yalgoo investigate and pursue the purchase and operation of the Yalgoo Hotel as a tourism and community facility.

;and

2. sets the priority of Action 1.7.3 to be Medium Term.

14.9 Pastoral Lands Board Applications

Applicant:	Shire of Yalgoo
Date:	10/04/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Part 7 Division 5 Permit Application s121.24-001 Part 7 Division 5 Permit Application s121.24-002

SUMMARY

That Council provide comment on two permit applications under consideration by the Pastoral Lands Board.

COMMENT

A request for comment has been received for both Gabyon Station and Mellenbye Station to undertake tourism related activities.

Please find attached the associated request for comment and details of the application. Diversification within the pastoral industry has been shown as beneficial as it improves the sustainability of leases and showcases the regions history and natural beauty.

Under the Shire of Yalgoo Local Planning Scheme tourism operations in a rural setting are not a permissible use and Council do not have the ability to apply discretion. Administration looked to implement a scheme change but after advertising no support or planning application was received and the process was put on hold.

It is proposed that Council provide the following comments to the Pastoral Lands Board in response to these applications:

Under the Shire of Yalgoo Local Planning Scheme tourism activities are not a permissible activity within rural zoning. Council have previously shown in-principal support for a scheme amendment however it could not be justified in light of no planning application being received.

Council supports these applications provided that the ordinary conditions include following existing laws and regulations. Please provide correspondence to the applicants identifying the need to seek planning approval and the potential request of a scheme amendment.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council authorizes the Chief Executive Officer to provide the Pastoral Lands Board with the comments described in this item for applications s121.24-001 & s121.24-002.

14.10 Gabyon Station Application

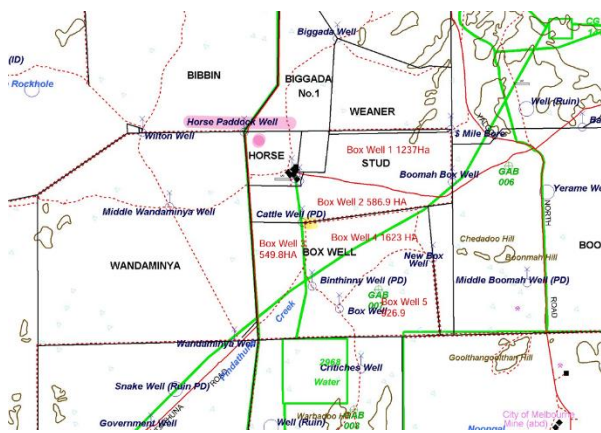
Applicant:	Shire of Yalgoo
Date:	10/04/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider a request from Gabyon Station for an obstruction over Gabyon-Pindathuna Road.

COMMENT

A request has been received from the holders of Gabyon Station to place a gate or grid over Gabyon-Pindathuna Road at the location highlighted yellow in the following map.



Any obstruction to a thoroughfare requires adherence to the Local Government (Uniform Local Provisions) Regulations 1996.

The proponent has stated that should the local government not fund a grid at their required location they would pursue a gate or road closure.

No gates exist in the Shire of Yalgoo across public roads other than on the immediate approach to a Station homestead, which is not a through route. Issues have arisen during recent flood damage claims where sections of road past a locked gate are not considered a public road by DFES or the local government. The proposed gate across a public thoroughfare would only be manual and would therefore exclude travel from people who find it difficult to leave a vehicle due to a disability or health concern. The Shire has a responsibility to improve access and inclusion for all members of the public.

In this instance Council should consider the public benefit or detriment of this request. Anecdotally this road is frequented by wildflower tourists and 4WD enthusiasts while at the same time providing access to other forms of land tenure such as tenements.

For the points described administration does not recommend that a gate or road closure be supported.

At the Ordinary April Council meeting 2024 Council supported a Local Roads and Community Infrastructure Program project that involved:

Works proposed include the replacement of boundary signage on the north and south end of Great Northern Highway, Morawa-Yalgoo Road and the east and west ends of the Geraldton-Mt Magnet Highway. The replacement of the Grid on the Morawa-Yalgoo Road Boundary more suitable to heavy vehicle traffic and the inclusion of a grid near town on the Yalgoo-Ninghan Road which utilises but is offset from fencing on the infrastructure corridor. The remainder of the funding is proposed to be used for additional widening on the southern end of the Yalgoo-Ninghan Road.

Administration is yet to receive a determination from the Department of Infrastructure as to whether grid construction or grid maintenance is permissible under the grant scheme. Indicative costs for a new grid are \$20,000 - \$40,000.

Should Council agree to fund a grid it would not set a precedent but it would create a public expectation, that Council funds private enterprise upon request.

Administration has previously suggested that they can assist with grant applications from other sources that may provide the capital required for the construction of a grid.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council:

1. does not support the installation of a gate across Gabyon-Pindathuna Road;
and
2. will meet site work costs and require no deposit for the installation of a grid provided/funded by the proponent at the proposed location, provided it meets the Shires engineering requirements.

14.11 Roads to Recovery - Quotes

Applicant:	Shire of Yalgoo
Date:	10/04/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Quotes to be tabled

SUMMARY

That Council appoint a WALGA preferred supplier for Roads to Recovery work on Morawa-Yalgoo Road.

COMMENT

After delays in the audit and annual report Administration was hesitant to expend Roads to Recovery Funding that may not be paid out until relevant audits were complete. It is the end of the current round of R2R funding and as such unspent funds are not recoverable past the end of the financial year.

In discussions with the Department of Infrastructure Council have an allocation of \$377,293 for 2022-23 & \$377,292 for 2023-24. Work that the Shire carries out before 30/6/2024, meeting Roads to Recovery criteria, will be covered.

Rowe Contractors has been engaged to push gravel in preparation for the work and Administration using the WALGA equotes system has sent a request to 10 of the closest roadwork panel members.

The timeline has been stipulated in the request for quote for widening of 6.18km of Morawa-Yalgoo Road. Quotes are expected prior to the Council meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

This project is included in the current budet. The location proposed for widening is SLK 35.34 to SLK 42.00

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

Recommendation to be tabled/circulated prior to the Council meeting.

15 NOTICE OF MOTIONS

16 URGENT BUSINESS

17 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

17.1 AGRN962 and AGRN1021 Flood Damage Tenders

Applicant:	Shire of Yalgoo
Date:	10/04/2024
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Proposed to be confidential

SUMMARY

That Council consider quotes for the provision of Flood Damage Works.

COMMENT

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

Recommendation to be tabled/circulated prior to the Council meeting.

18 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Gibbons Street Yalgoo on Friday 28th June 2024 commencing at 10.00am.

19 MEETING CLOSURE

There being no further business the Shire President declared the Ordinary Council Meeting closed at.

PUBLIC QUESTION TIME - FOR INFORMATION PURPOSES ONLY

The Shire of Yalgoo welcomes community participation during public question time of Council Meetings. The following is a summary of s5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and Shire Policy, to provide a guide for public question time.

To enable a prompt and detailed response to questions, members of the public are requested to lodge questions in writing to the Chief Executive Officer at least two days prior to a Council meeting. This can be done:

- a. In person at the Shire of Yalgoo Office, 37 Gibbons St, Yalgoo
- b. By emailing the Executive Support Officer pa@yalgoo.wa.gov.au
- c. By phoning the Executive Support Officer (08) 9962 8042

When registering a question members of the public will be required to provide the following for record keeping and response:

- a. Name, Address, Contact Number and Name of Organisation representing (if any)
- b. A written copy of the question to be asked at Public Question Time

It is recommended to arrive at the Council Meeting 15 minutes to commencement if you have not registered a question in advance.

The presiding Member will open Public Question Time where appropriate and, if necessary, provide a brief summary of the rules, regulations and procedures of Public Question Time.

1. The person asking the question is to state their name prior to asking the question.
2. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
3. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
4. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
5. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.

6. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
7. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
8. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
9. Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
10. There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events the Presiding Member will apply the most appropriate limit for the circumstance. Generally each member of the public shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
11. Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
12. Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
13. Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
14. Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

MATTERS FOR WHICH THE MEETING MAY BE CLOSED- FOR INFORMATION PURPOSES ONLY

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed.

The following legislative extracts were downloaded from www.legislation.wa.gov.au on 7 July 2021.

Local Government Act 1995**s5.23. 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; and
- (b) the personal affairs of any person; and
- (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; and
- (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; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (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; and

- (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; or
 - (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;

and

- (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.

s5.92 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.

s5.93. 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 (Model Code of Conduct) Regulations 2021

s.21 Disclosure of Information

(1) In this clause —

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, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent 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.

ATTENDANCE - FOR INFORMATION PURPOSES ONLY

Local Government Act 1995

S2.25 Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.

- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
- (b) if the non attendance occurs —
- (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

Urgent Business

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

Deputations

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

A motion was mover by Cr_____ and seconded by Cr_____ to adjourn the meeting for lunch/a break and to reconvene at _____am/pm