



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
18 NOVEMBER 2012
AT 11.00am

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**Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 22 November 2012, commencing at 11.00 am.**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

1.0 Election of Deputy Shire President (Local Government Act 1995 Schedule 2.3, Division 2.)

LGA s2.29: Declaration of office (Deputy President) to be made in the prescribed form before a prescribed person before acting in the office.

- 7. When the council elects the deputy mayor or deputy president
 - (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- 8. How deputy mayor or deputy president is elected
 - (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
 - (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
 - (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
 - (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.

- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended by No. 64 of 1998 s. 54(2) (4); No. 49 of 2004 s. 69(6) (9).]
- 9. Votes may be cast a second time
 - (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
 - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
 - (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
 - (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

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

The President advised that no written nominations had been received for the office of Deputy President prior to the meeting.

The President invited further nominations.

One written nomination was received and the President declared the close of nominations.

There being no further nominations Cr MR Valenzuela was declared elected.

Declaration of Office to be made before an authorised person

Declaration of Office for Deputy Shire President was made before President Terry Iturbide.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry K Iturbide, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Neil A Grinham Cr Laurence Hodder Cr Bob Grinham
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO Ron Adams, Project Executive Karen Malloch, Executive Assistant
GUESTS	
OBSERVERS	Steven Shaw, JJ Hawkins & Co Vince Catania MLA, Member for North West
LEAVE OF ABSENCE	
APOLOGIES	

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 11.4.1

The meeting was closed to members of the public under section 5.23 (2) of the Local Government Act for Councillors to discuss information in the confidential attachment that was provided to councillors under separate cover and marked confidential.

This requirement occurred because the document relates under 5.23 (2) to:

- (c) a contract entered into, or which may be entered into, by the local government .
- and*
- (e) a matter that if disclosed, would reveal —
 - (ii) information that has a commercial value to a person; or

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom
7 Nov 2012	Professionally Speaking Course, Perth	Sharon Daishe, CEO Heather Boyd, DCEO
9 Nov 2012	Murchison Country Zone of WALGA, Shire of Cue	Sharon Daishe, CEO
16 Nov 2012	Mt Magnet Country Local Government Business Case – Vermin Cell	

7.2 COUNCILLORS

Date	Details	Councillors

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1101 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 18 October 2012 be confirmed.

Moved: Cr L Hodder

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

9. MINUTES OF COMMITTEE MEETINGS

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

10.0 INFORMATION ITEMS

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

10.1 DEPUTATION

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

7. Deputations

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

Mr Steven Shaw

On 13 November 2012 Mr Steven Shaw attended the meeting to answer questions regarding agenda item 11.1.1 in which Mr Shaw is the applicant.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.1.1 JJ Hawkins & Co CA07 Request Yalgoo Morawa Road (RAV Permit Network 6)

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	15 November 2012
Attachments (yellow)	P2 A) Permit Network 6 Addendum (Main Roads) P12 B) GPS report 9 October 2012 heavy vehicles on Morawa Road P13 RAV 2012 Prime Mover, Trailer Combinations (laminated A3 sheet provided separately for future reference)

Matter for Consideration

To consider an application from JJ Hawkins & Co for a letter of authority from the Shire of Yalgoo to use Network 3 RAVs (restricted access vehicles) on the Yalgoo Morawa Road.

Background

The Morawa Yalgoo Road from the Morawa Shire Boundary to the intersection with the Geraldton Mount Magnet Road is classified a main roads permit network 6 road (Road number 7070076). This entitles permit holders to use certain categories of RAVs (restricted access vehicles) on the road.

Recent heavy vehicle movements on this road have caused repeated damage at a significant cost to the Shire. To control the damage and prevent further cost losses, the Shire has placed a CA07 condition on the road. This condition requires all operators to carry written approval from the local government authority permitting use of the road.

JJ Hawkins & Co has made the following application by email:

From: Steve Shaw [mailto:steve@jjhawkins.com.au]
Sent: Thursday, 4 October 2012 9:50 AM
To: ceo@yalgoo.wa.gov.au
Cc: David Hawkins; Jamie Hawkins
Subject: Yalgoo Morawa Rd

To whom it may concern,

I represent JJ Hawkins & Co and I am seeking permission to use Network 3 type vehicles on the Morawa Yalgoo Rd. The volume of traffic would be low to nil. We intend if approval is given to use the mentioned road for transport of blue metal from a quarry north of Morawa to local shires like you. If you need any further information please feel free to contact me by either email or phone. Thanks for your time with this matter and I await the council outcome.

Regards,
Steve Shaw
Sales

The Morawa Yalgoo Road from the Yalgoo Shire boundary to the Geraldton Mt Magnet Road is currently a Network 6 Road. The Morawa Yalgoo Road from Morawa to the Yalgoo boundary is currently a Network 5 Road.

The Network system that is in place was developed by Main Roads for vehicle classifications and the various combinations that trucks operate in WA.

The Yalgoo Morawa road is typically a 4m seal on a 7.2m road that is currently sealed to the Gullewa Mine, and the gravel in various widths and varying conditions. It is not a fully gravel road and has sections of sand that form the road.

The Shire is currently working on sealing the last 30km to a 4m seal width, and is planning on having this completed in the next two to three years depending on funding and existing programs continuing.

JJ Hawkins trucks have recently been using the road to cart material from their crushing plant near Morawa along the Yalgoo Morawa Road and then on to mine in the Pilbara Region.

JJ Hawkins trucks have been extensively using this road in various configurations. This high volume has caused extensive damage to the gravel section of road and the shire has had to fix this damage. The metro count (vehicle classifier) has produced data that triple road train combinations have been used, although cannot determine who this was. However, JJ Hawkins has used triple road trains down this road, see attachment, until they were caught doing so.

All other mines in the Shire of Yalgoo have a road agreement to utilise the shire road network. The mine that Hawkins is carting to has no agreement in place.

Any combination on the Network scale from 4-10 does accelerate wear on the gravel section of road, and unfortunately also accelerated wear on the sealed section that will not show up for a period of time.

In order to stop the destruction of the shire road, a CA07 was placed on the road requiring each driver to carry written approval to use the Shire road network. This was placed as the Shire could not continue to repair the road and keep the maintenance up to the required standard.

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

Protection of the Shire's road asset.

Policy Implications

The Shire's engineers have been tasked to recommend a policy for dealing with CA07 applications regarding use of the Yalgoo Morawa Road by heavy vehicles under the RAV permit system.

This policy recommendation will be put to council for consideration in due course, as it is a strategic (rather than operational) policy. With a clear policy in place, Council may delegate authority to staff to make decisions that are within the policy. An application form will also be developed once the policy parameters are established.

Financial Implications

No financial consideration with this application but a financial impact could occur with increased axle use on this road section.

Consultation

- Sharon Daishe, CEO
- Rod Gillis, Network Manager, Main Roads WA

Comment

JJ Hawkins has shown little respect for the Shire’s road network to date and proof of this is by the company continually allowing drivers to take the wrong combinations along the road causing long term problems for the road network. This being said and taking the application on its merit, Hawkins will need to discuss in much further detail the volume of trucks and number of movements before the application can be properly assessed.

Voting Requirements

Simple Majority

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

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1102 CA07 Application from JJ Hawkins for LG approval for Restricted Access Vehicles on Morawa Yalgoo Road

That:

- 1. Council declines to issue JJ Hawkins with a CA07 condition letter authorising use of Restricted Access Vehicles on the Morawa Yalgoo Road at this time for the following reasons:**
 - The gravel section of the road is vulnerable to rapid deterioration when used by RAVs as it is not constructed for this type of use;
 - The Shire is currently constructing sections of the gravel road ready for sealing and use by RAVs damages the new construction requiring costly repairs;
 - JJ Hawkins has not supplied sufficient information in their application to enable the Shire to make a considered decision.
- 2. Council invites JJ Hawkins to resubmit a formal proposal to the Shire:**
 - Such proposal will need to contain detailed information of the road use including but not limited to volume of movements, axle load, vehicle combinations and how mass will be determined and controlled (eg: use of load rite weighing system)
 - A road agreement may need to be entered into pending details of the proposed road use.
- 3. Council will reconsider JJ Hawkins application upon receipt of the formal proposal.**

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 5/0

ADJOURNMENT: 11.15am the meeting was adjourned.

CEO Sharon Daishe and Project Executive Ron Adams conducted a tour of the Yalgoo Capital Projects for the Councillors, followed by a meeting with Vince Catania MLA.

RESUMPTION: 1.00pm the meeting resumed.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

C2012-1103 Close Meeting to the Public

That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (a)).

Moved: Cr R Grinham

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

The meeting was closed to the public at 1.02pm

Remaining in the meeting were:

- Cr Terry K Iturbide, Shire President
- Cr M Raul Valenzuela, Deputy Shire President
- Cr Neil A Grinham
- Cr Laurence Hodder
- Cr Bob Grinham
- Sharon Daishe, Chief Executive Officer

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

C2012-1104 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr NA Grinham

Seconded: Cr R Grinham

Motion put and carried 5/0

The meeting was reopened to the public at 2.20pm

ATTENDANCE: 2:21pm CEO Sharon Daishe left the meeting.

ATTENDANCE: 2:22pm CEO Sharon Daishe, DCEO Heather Boyd, Ron Adams, Project Executive and Karen Malloch, Executive Assistant rejoined the meeting.

**11.2.1 Forward Capital Works Major Projects:
Sewerage / Mid West Investment Plan Application
Caravan Park / CLGF 2012-13 Applications**

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 November 2012
Attachments (yellow)	P24 page 20 of the draft Strategic Infrastructure Plan, Shire of Yalgoo Schedule – Indicative Infrastructure Costs

Matter for Consideration

- To consider the forward implications and funding strategy for the sewerage, drainage and underground power aspects of the major town revitalisation project following receipt of draft costing prepared by Porter Consulting Engineers.
- To consider amending the projects that Council has approved for inclusion in the application for the Shire’s allocation of Country Local Government Fund 2012/13 (relative to the above matters).

Background

The Shire applied to the Mid West Investment Fund for funds (approximately \$600,000) to construct a sewerage system in Yalgoo, based on a cost estimate provided to the Shire by a supplier of a sewerage system.

MWIP offered in principle support for this critical project but required the Shire to undergo further planning to ensure that all elements of the project were considered and all costs identified.

The Shire successfully applied for funds from Northern Planning for a strategic infrastructure plan for this purpose. The Shire engaged Porter Engineering who surveyed the town of Yalgoo and have delivered a draft Strategic Infrastructure Plan.

The draft plan reveals the complexity of the sewerage project including construction, licensing and monitoring requirements. These require a level of technical expertise that is outside the capacity of a small Shire to resource. This responsibility would be better taken up by a state organisation.

The costs identified in the plan for these projects exceed \$6,000,000 (refer attachment) which is far in excess of the original estimate.

The Shire also requested the CEO to include an allocation for the sewerage project in the application for CLGF 2012/13 (which must be lodged by 31 December 2012). Refer Council decision C2012-1005 copied below:

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

That Council:

- 1) *Nominates the following projects in priority order for allocation of future CLGF funding:*
CA002 Caravan Park: Redevelopment (CLGF 12/13)
BD004 Yalgoo Town Revitalisation: Sewerage/Drainage Project (CLGF 12/13)
BD012 Works Depot: Replace Workshop (CLGF 13/14 and forward)
BD011 Yalgoo Community Hub: Community and Youth Centre (CLGF 13/14 and/or forward)
- 2) *Authorises the CEO to prepare an application for Country Local Government Fund 2012/13 for:*
\$250,000 -CA002 Caravan Park: Redevelopment
Balance to BD004 Yalgoo Town Revitalisation: Sewerage/Drainage project
- 3) *Requests the CEO to prepare an application to the Tourism Initiative Regional Development Fund for matching funds for CA002 Caravan Park: Redevelopment*

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 sewerage system is a critical element of the Yalgoo Town Revitalisation project and is essential to address the issue of failing septic systems across Yalgoo.

Policy Implications

Nil

Financial Implications

The estimate provided by Porter Engineering totals \$6.2M ex GST for the sewerage, drainage and underground power.

This project requires further consideration before proceeding to a funding application.

Consultation

- Ron Adams, Project Executive
- Trevor Price, Regional Planning and Investment, Mid West Development Commission
- Brad Harris, Manager Projects, Porter Consulting Engineers

Comment re Town Revitalisation Project

Porter Consulting Engineers are making final amendments to the infrastructure plan. They are still waiting on a quote and specifications from one sewerage system supplier, and have been requested to make further enquiry from Shires that reticulate treated water onto their parks and gardens.

It is recommended that:

- Council does not pursue funding for underground power at this stage because the projected cost of \$1.7M does not warrant treating this as a priority.
- Council continues to pursue funding from the Mid West Investment Plan for the sewerage and drainage elements but notifies the MWIP committee that the cost is significantly higher than expected and the report is not yet ready.
- Council does not attempt to take on the licensing and operation of the sewerage system which requires a high level of control and technical expertise. Instead, councillors are encouraged to lobby for support if necessary from the state government for the water corporation to take this on as a community service obligation.
- Council continues to push to ensure that the treated water can be returned to parks and gardens. This requires complex licensing and health accreditation, and selection of a system that cleans the water to a high standard with low risk of system breakdown.

Comment re Regional Development Australia Fund (RDAF) Round 3

This comment is included as it is relevant to the following recommendation regarding CLGF 2012/13.

RDAF Round 3 has recently been released. This will provide \$50 million for priority infrastructure in towns with a population of 30,000 people or less. Grants of between \$50,000 and \$500,000 are available to eligible applicants.

I have given careful consideration to whether the Shire should submit an application to RDAF Round 3 for the Yalgoo Community Hub: Stage 2 Community and Youth Centre. Expressions of interest (EOI) are invited by early December for projects that are ready to proceed.

Whilst this funding is tempting, I recommend that the Shire does not apply for the following reasons:

- The Shire has not identified funds to buy the architectural detailed design, so we are unable to provide an accurate cost estimate for construction.
- Round 3 provides up to \$500,000. The building is likely to cost approx \$1.2M however this cannot be determined until we have the detailed design and full costing.
- The Shire does not have any identified funding partners for this project. RDAF will only consider the EOI if the Shire has identified how the balance would be funded. The amount of the CLGF 2012/13 that council had identified for the sewerage project is less than \$200,000 therefore it does not assist with an RDAF application.
- The RDA manager for our area has indicated that the Yalgoo Community Hub project is unlikely to be able to compete. Without his support it is unlikely that the EOI would proceed.

Comment re CLGF 2012/13

Refer C2012-1005 printed under Background.

As the sewerage project is not yet ready to proceed, it is not possible to include this in the application for the 2012/13 allocation of Country Local Government Funds which must be lodged before 31 December 2012.

Planning for the Yalgoo Community Hub and Depot projects is not yet sufficiently advanced to include either in the 2012/13 CLGF application.

It is recommended that the Shire applies to expend the full CLGF allocation 2012/13 on the Caravan Park project.

As per Council's instructions, the staff has nearly completed the full costing for the caravan park redevelopment project to apply for a tourism grant (TIRF) with the balance to be funded by CLGF.

OFFICER RECOMMENDATION #4 (ORIGINAL, NOT PUT)**Country Local Government Fund 2012/13 Allocation (minor amendment to 2) of C2012-1105)****That Council:**

1. **Recognises that because the sewerage project is not yet costed and ready to proceed, it will not be possible to apply for funding for this project in the CLGF 2012/13 allocation round which closes on 31 December 2012; and**
2. **Authorises the CEO to prepare an application for the full allocation of CLGF 2012/13 for the Caravan Park Project.**

Moved:**Seconded:****Motion not put****AMENDED RECOMMENDATION:**

CEO Sharon Daishe provided Councillors with the following amended recommendation prior to the Council meeting.

The original recommendation was not put.

BD011 Yalgoo Community Hub: Youth and Community Centre

Planning for this project commenced in 2010 and the project concept has been developed with extensive community consultation.

However, the Shire has been unable to properly cost the construction project as no funds have been available for the detailed design.

The Shire previously nominated the Hub as a priority project for CLGF. It has been determined that CLGF 2012/13 funds will not be used on the sewerage project because the sewerage project is not yet ready.

It is recommended that the balance of the CLGF 2012/13 be allocated to the Hub project. This will enable the detailed design to be purchased, which in turn will allow the project to be properly costed in order to apply when funding rounds are available, eg: RDAF and Lottery West.

OFFICER RECOMMENDATION/COUNCIL DECISION #4 (Part 2 Amended)**C2012-1108 Country Local Government Fund 2012/13 Allocation (minor amendment to 2) of C2012-1005)****That Council:**

1. **Recognises that because the sewerage project is not yet costed and ready to proceed, it will not be possible to apply for funding for this project in the CLGF 2012/13 allocation round which closes on 31 December 2012; and**
2. **Authorises the CEO to prepare an application for the balance of the CLGF 2012/13 to commence project BD011 Yalgoo Community Hub: Youth and Community Centre project (detailed design drawings and site preparation).**

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

11.2.2 30 Selwyn Street

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	13 November 2012
Attachments (yellow)	P25 Building Condition report, EHO Bill Atyeo

Matter for Consideration

To consider approving a budget amendment to move funds from the Weekes Street housing project for urgent renovation of 30 Selwyn Street.

Background

30 Selwyn Street requires on an urgent nature, to be refurbished as it has deteriorated into disrepair.

The house is in excess of 30 years old and was transported to Yalgoo a number of years ago. The state of the house has been in steady decline with patch up jobs and small renovations over the past five years.

The property was originally a two bedroom house with a semi type sleep out attached to the rear. Modifications have since made this into a three bedroom home.

The ablution and bathroom are beyond repair and are in such a state that unknown damage may have occurred behind walls etc.

The property has been inspected by the EHO, CEO & PE along with N & N Carpentry to determine the nature and extent of the refurbishment required.

The current tenant has seven children and is squeezing into the property. The Shire does not have any property suitable for a family of this size.

Statutory Environment

Local Government Act 1995

s.6.8 (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-

(b) is authorised in advance by resolution.

Strategic Implications

Provision of suitable housing for attraction and retention of staff.

Policy Implications

Nil

Financial Implications

The Shire has budgeted \$460,000 in the 2012/13 financial year to construct 2 x 2 storey dwellings at Weekes Street pending council approval of the final costing which are currently being prepared.

This amount is funded by the Shire (\$150,000) and CLGF (\$310,000, being balance of a total of \$350,000 over 2 CLGF funding years).

It is recommended that the Shire component of \$150,000 is transferred to fund renovations of 30 Selwyn Street.

This decision will leave a shortfall in funding of the 2 houses at Weekes Street. It is recommended that the Shire applies to the Mid West Investment Plan to fund the shortfall, following on from the expression of interest that was submitted to MWIP in 2011.

Final costing for the Weekes Street housing will be prepared in the first half of 2013, with construction expected to commence before 30 June 2013 and be completed in the 2013/14 financial year (pending result of the MWIP application).

Consultation

- Sharon Daishe, CEO
- Bill Atyeo, Environmental Health and Building Officer

Comment

In light of the two refurbishments we have just completed we can expect to require more funds to repair and replace sections of this home to suit current requirements.

The intent to fix this property would be to build new ablutions and kitchen facilities at the rear of the residence and convert all rooms to a six bedroom sleeping area in the old house.

As in 16 Shamrock Street the old gyprock/fibro walls are brittle and take some managing, but the intent is to get the heavy traffic and lifestyle activities out of the old building and put into a newer more robust section.

It is recommended that the Shire transfers \$150,000 from the Weekes Street housing project to fund renovations at 30 Selwyn Street. Architectural design drawings and quotes will need to be obtained for presentation to Council. These renovations would commence as soon as Council approves the final budget.

In due course Council will also approve the final project plan and costing for the Weekes Street housing. The reduced funds may allow for one house to be completed; but not two houses. This project would be completed if and when the Mid West Investment Plan funds are approved and made available. Ideally construction should occur in the second half of 2013 but would depend on funding.

If the Shire proceeds with the Weekes Street project and does not refurbish 30 Selwyn Street, the issues at 30 Selwyn Street will escalate. Further, a Shire employee will remain in an unsuitable dwelling with no alternative available in Yalgoo.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2012-1109 Budget Amendment Transfer Capital Funds from Weekes Street to 30 Selwyn Street

That Council:

1. Notes the urgent nature of the deterioration of 30 Selwyn Street; and
2. Amends the budget by transferring \$150,000 (Shire funded) from the Weekes Street housing project to a new project for refurbishment of 30 Selwyn Street; and
3. Authorises expenditure of up to \$5,000 for architectural plans and estimates (to be funded from the \$150,000); and
4. Requests the CEO to present a project plan and budget including design and quotes to Council for final approval before commencing the renovations.

Moved: Cr R Grinham Seconded: Cr L Hodder Motion put and carried by Absolute Majority 5/0

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2012-1110 Weekes Street Housing

That Council:

1. Acknowledges that budget for the Weekes Street housing will be reduced to \$310,000 in this financial year; and
2. Authorises staff to continue to prepare the detailed plans and costing for the 2 x 2 storey Weekes Street housing project for presentation to council for final approval;
3. Requests funding from the Mid West Investment Plan to fund the shortfall.

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

11.3 FINANCE

11.3.1 Financial Activity Statements - Status Report Major Projects 2012/13 as at 31 October 2012.

File:	
Author:	Heather Boyd, DCEO
Interest Declared:	No interest to disclose
Date:	16 November 2012
Attachments (White)	P27 Major Project Progress Reports - C2012-0320

Matter for Consideration

Receipt of the monthly Major Project Progress Reports as at 31 October 2012.

The Financial Activity Statements as at 31 October 2012 and payment report are unavailable and will be presented at the Ordinary Council Meeting on 12 December 2012.

Background

Council, at the ordinary meeting held in March 2012, requested that a status report for major projects be included in the monthly financial reports (decision C2012-0320). Where relevant this additional report is included in the attachments for the information of council.

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

- BD008 Staff Housing: Weekes Street
- CA002 Caravan Park: Redevelopment
- RC003 Yalgoo Community Hub: Covered Sports Facility

Statutory Environment

Local Government Act 1995

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

11.3.2 Material Variance – Expenditure on Shamrock and Stanley Street Refurbishment

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	15 November 2012
Attachments	Nil

Matter for Consideration

To consider a report of material variance to expenditure on refurbishment programs to 16 Shamrock and 1 Stanley Street.

Background

16 Shamrock Street and 1 Stanley Street have been under refurbishment over the past few months.

16 Shamrock Street is in excess of thirty years old, and 1 Stanley Street was a second hand house purchased and transported to Yalgoo a number of years ago.

16 Shamrock Street was inspected by Councillors during the strip-down part of the project to demonstrate the extent of the damage and age deterioration of the property.

An estimate to repair and various quotes were sourced for the repairs, unfortunately the repairs got worse before things improved. This was highlighted to Councillors on both their visits to the job site.

16 Shamrock overspends to the estimated budget was \$17,439. This amount was reported in the material variance section of the financial report to the October meeting of council.

1 Stanley Street overspends to the estimated budget will be \$10,780. This amount is the projected expenditure as at mid November therefore is not yet reported in the material variance section of the financial report.

16 Shamrock was the house that was fairly run down and not useable by the Shire due to various issues with septic and asbestos. The house has had some repairs in recent years for example: hallway ceiling and some new roof sheets on the front and rear of the building.

1 Stanley Street has only had carpets replaced a number of years ago.

Both properties have had extensive plumbing and electrical work completed, this is to last another 25 years. Both properties have been painted internally and have had adjustments to improve the quality of living arrangements for staff.

Statutory Environment

Local Government Act 1995

s.6.2 (1) Local Government to prepare annual budget

s.6.2 (4)(a) The annual budget is to incorporate- particulars of the estimated expenditure proposed to be incurred by the local government

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(5) 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.

Strategic Implications

Provision of a suitable standard of housing for attraction and retention of staff.

Policy Implications

Policy 2.4 Material Variances: The criteria for assessment of and reporting of a material variance in financial activity and/or annual budget review, is 10% and a minimum of \$10,000.

Financial Implications

The amount of expenditure over the estimated budget is \$28,219.

Expenditure is currently under the budget across the various programs. Further, flood damage actual income was \$94,000 more than budgeted. Staff expected that there would be a positive variance in this area, as the final expenditure claim was being finalised at the time that the budget was prepared.

The effect of the additional expenditure will be dealt with during the legislated formal budget review. This occurs in the New Year after accounts are finalised to 31 December.

Consultation

- Sharon Daishe, Chief Executive Officer
- Christine Harvey, Finance Consultant

Comment

Both properties have been refurbished to last a minimum of 15 years without major works being carried out.

Both properties still require painting on the outside but I consider these not to be a priority in the council being able to offer and attract suitable staff to Yalgoo.

16 Shamrock has very old and fragile internal walls due to age of the building and the technology available in the 1960s. This may become a concern in the future should the property be knocked around.

Council owns two more properties of similar poor condition that require extensive repairs. Although refurbishing is a relatively inexpensive way to keep the house in good repair compared to purchasing or building new houses, what we are dealing with is quite often unknown and difficult to get a high level of accuracy in quoting and formal documentation, without blowing the cost of the repairs out in determining a good outcome for the shire.

Comment from CEO

With all staff positions now filled, and with the changes that Council approved following the workforce review, we are gradually addressing our work backlogs and implementing quality control systems.

A project budget, expenditure control and reporting process has been developed and is currently being implemented. This has been made workable with the assistance of finance consultant Christine Harvey, and the administrative support now available to the area of works and services with the additional resources approved by Council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1112 Report of Material Variance, Refurbishment of Staff Houses

That Council receives the material variance report for refurbishment of staff housing and notes that the additional expenditure will be considered in the annual budget review process.

Moved: Cr MR Valenzuela

Seconded: Cr R Grinham

Motion put and carried 5/0

NOTE: President Terry Iturbide wished it be recorded that the Councillors would like to be advised when a material variance is expected.

11.3.3 Material Variance Report Yalgoo Waste Transfer Station

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	13 November 2012
Attachments	Nil

Matter for Consideration

Report of material variance, Yalgoo waste transfer facility and rehabilitation of rubbish tip.

Background

In the annual budget for 2012-13 an allowance of \$75,000 was made to build a transfer facility at the Yalgoo Tip Site.

A new ramp was installed and waste bins are now in place so that waste is transferred to the Meru facility in Geraldton.

The cost to build the transfer facility was \$76,147, being within the acceptable budget variance of 10%.

During the process of building this asset, some rehabilitation works commenced as the opportunity to utilise machinery and contractors at the same time was available.

The rehabilitation costs totalled \$52,466. This has been allocated against the construction project therefore creating a material variance.

Statutory Environment

Local Government Act 1995

s.6.2 (1) Local Government to prepare annual budget

s.6.2 (4)(a) The annual budget is to incorporate- particulars of the estimated expenditure proposed to be incurred by the local government

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d);

(5) 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.

Strategic Implications

Nil

Policy Implications

Policy 2.4 Material Variances: The criteria for assessment of and reporting of a material variance in financial activity and/or annual budget review, is 10% and a minimum of \$5,000.

Financial Implications

An amount of \$52,466 will need to be considered during the budget review as it exceeds the amount budgeted for maintenance of the facility.

Consultation

- CEO Sharon Daishe
- Finance Consultant Christine Harvey

Comment

The rubbish tip requires constant maintenance and rehabilitation work; this is fundamentally why the waste transfer station has been built.

Maintenance and rehab works are considered operational expenses and not capital, therefore these costs will be journalled to the operational account. The rehabilitation work was carried out by Shire staff therefore the additional maintenance expenditure at the tip will be balanced by a reduction in operational expenditure in other areas. This will be addressed during the budget review.

The tip will require further extensive rehabilitation; a significant cost for consideration in the next financial year.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1113 Material Variance Report Yalgoo Waste Transfer Facility

That Council notes that the capital program C13405 Waste Transfer Facility is currently over budget and that:

- **This amount will be transferred to the operational expense for rubbish tip maintenance; and**
- **The rubbish tip maintenance will then be over budget and will be considered during the formal budget review process.**

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 5/0

11.4 ADMINISTRATION

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Close Meeting to the Public

That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (ii) and 2(c).

Moved: Cr MR Valenzuela

Seconded: Cr R Grinham

Motion put and carried 5/0

The meeting was closed to the public at 3.40pm.

Remaining in the meeting were:

- Cr Terry K Iturbide, Shire President
- Cr M Raul Valenzuela, Deputy Shire President
- Cr Neil A Grinham
- Cr Laurence Hodder
- Cr Bob Grinham
- Sharon Daishe, Chief Executive Officer
- Ron Adams, Project Executive
- Heather Boyd, Deputy CEO

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1114 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 5/0

The meeting was reopened to the public at 4.06pm.

11.4.1 RFT 1201 WALGA Panel of Prequalified Goods & Services Providers

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	16 November 2012
Attachments (separate cover)	Recommendation Report – RFT 1201 Panel of Prequalified Goods and Services Providers as prepared by WALGA. This report is commercially in confidence and is provided separately under confidential cover.

NOTE: Should council wish to discuss details of the commercially in confidence document it will be necessary to close the meeting to the public under section 5.23 (2) (c) and (e) (i) of the Local Government Act.

Matter for Consideration

To consider the tender process conducted by WALGA for a panel of prequalified goods and services providers for the Shire of Yalgoo.

Background

The Shire of Yalgoo has experienced serious difficulties over the years in obtaining quotes for goods and services, and finding suppliers who are willing and able to provide services in our remote location.

This has resulted in the Shire being unable to get comparative quotes (in some cases unable to get any quotes) and on the other hand becoming dependent on a small pool of suppliers or single supplier thus risking breaches of the Local Government Act or being forced to pay exorbitant prices with ‘regional loading’. Potential conflict of interest also arises when the small pool of local suppliers become known to councillors and/or staff.

To address this issue, WALGA were contracted to independently prepare and assess a tender for a panel of prequalified goods and services providers for the Shires of Yalgoo, Cue and Sandstone.

Refer attached report.

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.
- 3.57. Tenders for providing goods or services
 - (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
 - (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Part 4 Division 2 sets out the requirements for Tenders.

Strategic Implications

Increases Shire’s capacity to achieve construction and maintenance programs; and at a cost effective price.

Policy Implications

Nil

Financial Implications

Prices are fixed by the terms of the contract therefore the Shire can obtain more accurate costing for works performed.

Consultation

WALGA procurement and CEOs of the Murchison region.

Comment

I have examined the tender report and it is recommended that Council endorses the suppliers that WALGA has recommended.

Having examined the list of suppliers that were excluded, and the reasons for exclusion (refer page 21 of the report), I recommend that two additional suppliers are endorsed as follows:

- Larter Family Trust/N&N Carpentry (refer page 21). This supplier was rejected by WALGA on the grounds of failing to indicate any unique aspect of performing in remote locations, and not stating its ability to respond to requests including emergency times. This supplier has performed extensive and reliable work over an extended period in Yalgoo. The supplier has been available at short notice, and has coped with unique conditions including continuing to work during the bushfire emergency, and being prepared to put up with various accommodations such as the dongas at the caravan park.
- KJ & MA Crowe electrical services. This supplier was rejected by WALGA on the grounds of failing to indicate its ability to respond to emergency requests. This supplier was engaged to perform work for the Shire in 2011. He is an older individual operator who has proven excessively reliable, available to respond during emergencies, and significantly lower in price for a higher level of service than other electricians that have performed work for the Shire.

I have discussed these additions with Andrew Casella from WALGA who agrees that such recommendation, without bias to other rejected suppliers and based on empirical knowledge, is allowable.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1115 Adoption of Panel of Prequalified Goods and Services Providers RFT 1201

That Council, having received the report and recommendation prepared by WALGA, endorses the following panel of prequalified Goods and Services Providers and authorises the CEO to enter into the necessary contracts:

Category A: Building Maintenance

- i) Air Conditioning Maintenance Services
 - Direct Heating and Cooling
 - Mine Trades and Maintenance
- ii) Fire Appliance Inspection and Maintenance Services
 - Wormald
- iii) Plumbing Maintenance Services
 - C&J Hanson Plumbing and Gas
 - Mine Trades and Maintenance
- iv) Electrical Maintenance Services
 - Direct Power Services
 - MMJ Electrical
 - GG Pumps and Electrical Pty Ltd
 - Mine Trades and Maintenance
 - Solarwest
 - *KJ & MA Crowe*
- v) Mechanical (Vehicle and Plant) Services
 - NJS Mobile Mechanical Services
 - THEM Earthmoving
 - Direct Power Services
 - Western Bros Earthmoving and Haulage
 - Mining Maintenance Solutions Australia
- vi) Minor Construction and Maintenance Works
 - Geraldton Building Services and Cabinets Pty Ltd
 - Mine Trades and Maintenance
 - All Aspects Renovations
 - S.G. Dodemaide Enterprises
 - *N& N Carpentry*
- vii) Painting and Decorating Services
 - Eric Hood Pty Ltd
 - S.G. Dodemaide Enterprises
- viii) Floor Coverings
 - All Aspects Renovations
 - *N& N Carpentry*

ix) Carpentry

- Geraldton Building Services and Cabinets Pty Ltd
- Mine Trades and Maintenance
- All Aspects Renovations
- S.G. Dodemaide Enterprises
- *N& N Carpentry*

x) Insulation

- All Aspects Renovations
- S.G. Dodemaide Enterprises
- *N& N Carpentry*

xi) Concreting

- Western Bros Earthmoving and Haulage
- All Aspects Renovations
- *N& N Carpentry*

Category B: Building Construction

i) Architectural Services

- Veen's Design Drafting Service
- Officer Woods Architects
- Slavin Architects

ii) Permanent Residential Dwellings

- Geraldton Building Services and Cabinets Pty Ltd
- S.G. Dodemaide Enterprises

iii) Temporary Accommodation

- Geraldton Building Services and Cabinets Pty Ltd

iv) Sheds

- Geraldton Building Services and Cabinets Pty Ltd
- Western Bros Earthmoving and Haulage
- Auspex Steel

Category C: Plant Hire

i) Heavy Plant and Equipment Plant Wet Hire

- W&E Rowe Contractors
- Rowe Contractors
- THEM Earthmoving
- Aussie Tree Services (for Tree Management Services equipment only)
- Wyn Contracting Pty Ltd
- McNabb Conservation
- Yuin Pastoral (for Loader only)
- Mayday Earthmoving (Ken Abbott)
- ERS Equipment
- Western Bros Earthmoving and Haulage
- Mining Maintenance Solutions Australia
- Canaan Contractors

ii) Heavy Plant and Equipment Plant Dry Hire

- W&E Rowe Contractors
- THEM Earthmoving
- Aussie Tree Services
- Yuin Pastoral
- Mayday Earthmoving (Ken Abbott)
- ERS Equipment
- Mining Maintenance Solutions Australia

iii) Light Plant and Equipment Plant Dry Hire

- THEM Earthmoving
- Direct Power Services
- Aussie Tree Services

Category D: Landscaping and Horticultural Services

i) Tree Maintenance

- Aussie Tree Services

ii) Irrigation Systems Installation and Maintenance

- GG Pumps and Electrical Pty Ltd
- Mine Trades and Maintenance
- Solarwest

Category E: Hardware

i) Hardware Supplies

- Elliott’s Irrigation
- Greenway Enterprises

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

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

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

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

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

The recommendation/decision above has been corrected accordingly with N&N Carpentry removed from the panel at Category B: Permanent Residential Dwellings and Temporary Accommodation.

ii) Permanent Residential Dwellings

- *Geraldton Building Services and Cabinets Pty Ltd*
- *S.G. Dodemaide Enterprises*
- ~~*N&N Carpentry*~~

iii) Temporary Accommodation

- *Geraldton Building Services and Cabinets Pty Ltd*
- ~~*N&N Carpentry*~~

This correction has been noted at 8.1 Confirmation of Minutes in the agenda for the December Council meeting.

11.4.2 Yalgoo Community Hub: Covered Sports Facility, Purchase of Roof Structure

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	15 November 2012
Attachments	Nil

Matter for Consideration

To consider authorising the CEO to engage a supplier for the roof of the Yalgoo Community Hub covered sports facility.

Note that this purchase exceeds \$100,000 however for the reasons described within, tenders will not be required.

Background

The covered sports facility dates back to somewhere around 2006 when the Shire completed a feasibility study authored by Darren Monument.

As time passed and several actions were taken by council to progress the project and along the way engage an architect to plan and construct this building.

In 2008 the model of the proposed building was constructed and is the one presently on display.

Council made the following decision in 2009:

C2009-0826 Fee Proposal for Covered Courts

Moved Cr EC Rowe, Seconded Cr DE Anderson

That Council accept the fee proposal of Alexander Planning Consultants, noting the timeline for construction to commence in late 2010 to early 2011 with target completion date being September/October of 2011.

Motion put and carried 5/0

Fast forward to 2012 and several changes in staff and elected members has occurred along with the funding programs and council and community objectives identified during extensive community consultation in 2010/11.

The Shire has now secured funding agreements with the Country Sport and Recreation Facilities Fund (CSRFF), the Mid West Investment Plan (MWIP), the Country Local Government Fund (CLGF) and Variety WA to build a covered facility with a rage cage, skate park, children’s play ground and BMX track.

In making application for these funds the Shire obtained a quote from a manufacturer of an innovative durable fabric cover. Based on the quote submitted, the amount allowed in the budget was \$214,000 (ex GST). The cover was originally to extend over the rage cage but not the other elements.

A new quote has been sought to cover all elements. The new quote exceeds \$500,000 and the manufacturer admitted that this is in part due to a mistake in the original quote of \$100,000. This quote is too far outside the budget to warrant consideration.

A quote has therefore been sought for a metal roof structure that mirrors the original design model and will extend to cover the skate park, playground and BMX track. Very few manufacturers were able to quote on such a structure; and if they did, the cost was excessive.

WALGA procurement has just completed a comprehensive tendering process for supply of goods and services to the Shire of Yalgoo.

Council will consider this tender process at this meeting, which should result in a list of Regional Preferred Suppliers. The Shire can purchase from this panel of suppliers in the same manner as the WALGA preferred suppliers for the duration of the contracts that will be entered into with the suppliers.

Auspex shed manufacturers are on this list and have submitted a quote for the roof that is within the line item budget for the roof.

Richard Malacari, Regional Manager Department of Sport and Recreation, has endorsed this roof structure as a minor amendment to the funded project.

Statutory Environment

Local Government Act 1995

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

Local Government (Functions & general) Regulations 1996

Reg11. Provides for the requirements of purchases over \$100,000 and exemptions that exist eg: WALGA Purchasing

Strategic Implications

NA

Policy Implications

7.2 Purchasing and Tenders

Financial Implications

An amount of up to \$214,000 has been allowed for purchase of the roof structure of the covered sports facility (line item budget approved by the funders). The quote submitted by Auspex is less than this amount.

Consultation

- Sharon Daishe, CEO
- Richard Malacari, Regional Manager Mid West, Department of Sport and Recreation

Comment

It is recommended that Council authorises the purchase of the roof structure from Auspex.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1116 Purchase of Roof for Yalgoo Community Hub: Covered Sports Facility

That Council:

- 1. Authorise the CEO to enter into a contract with Auspex Steel to purchase the roof structure for the Covered Sports Facility within the constraints of the budget and the funding agreements; and**
- 2. Note that tenders are not required as supplier is on Shire of Yalgoo preferred supplier list and has completed a tendering document for this.**

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 5/0

11.4.3 POLICIES: Fatigue Management, and Private Aircraft

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 November 2012
Attachments	to be provided under separate cover

Matter for Consideration

To consider aligning Shire policies with DFES (Department of Fire and Emergency Services) policies for fatigue and private aircraft.

Background

Note that FESA (Fire and Emergency Services Authority of WA) have recently become DFES (Department of Fire and Emergency Services)

1. Fatigue

During the multiple bushfire emergencies that extended from 1 December 2011 to 28 February 2012 Shire of Yalgoo staff and FESA staff worked excessive hours and became excessively fatigued. This had an ongoing personal impact on individuals and a heavy impact on the Shire's regular work program. On several occasions staff was given a week or more of paid time to recover from the effects of overwork including physical and mental exhaustion.

The Shire has a moral and legal obligation to provide staff with a safe working environment. The Shire also has financial responsibilities and must take precautions to reduce the impact of bushfire activities on the Shire's budgeted work programs.

Persons, who are fatigued, irrespective of their regular capacity, are more likely to make poor decisions, be involved in accidents and sustain injury.

2. Private Aircraft

Observing fires from the air is essential to determine the spread of the fire and allow informed decisions to be made regarding the emergency response. DFES provide this service, with expert pilots and professional fire control personnel.

During a fire event conflicting information or directions can place lives and property at risk. This situation can arise if both DFES and private aircraft operators are directing ground crews.

A policy that gives clear direction regarding the role of persons operating private aircraft during a fire event will protect personnel on the ground from exposure to conflicting orders and increase the likelihood of a successful fire response.

Statutory Environment

Local Government Act 1995

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (d) manage the day to day operations of the local government; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees

Occupational Safety and Health Act 1984

Duties of employers

- (1) An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the employees) are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall —
 - (a) provide and maintain workplaces, plant, and systems of work such that, so far as is practicable, the employees are not exposed to hazards; and

Strategic Implications

Safety of personnel on the fire ground and improved efficiency during emergency response.

Policy Implications

Introduction of new policies.

Financial Implications

These policies will protect the Shire from financial losses by minimising the impact of bushfire control activities on the Shire's budgeted work program, and reducing the risk of injury to personnel and lost time.

Consultation

- Paul Southam, Area Officer Murchison, DFES
- Ron Adams, Chief Bushfire Control Officer, Shire of Yalgoo

Comment

DFES are extensively reviewing their policies following the events of last fire season. As of the date of writing, the policies have not yet been released.

Council are responsible for strategic policies and the Chief Executive Officer is responsible for operational policy and procedures. Both of these policies are operational therefore support of Council is sought as a formality, and to indicate a strong direction.

When DFES have formally implemented the policies they will provide them to the CEO, and the CEO will provide a copy to Councillors. The policies may be available by the date of the meeting.

This matter is presented to the November meeting of Council as there is every possibility that fires will occur before the December meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

POLICIES: Fatigue Management, and Private Aircraft

That Council supports the decision of the Shire of Yalgoo Chief Executive Officer and Chief Bushfire Control Officer to align Shire policies to DFES (Department of Fire and Emergency Services) policies for fatigue management, and use of private aircraft.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

AMENDED

NEW MOTION/COUNCIL DECISION

C2012-1117 POLICIES: Fatigue Management, and Private Aircraft

That the officer recommendation be amended to two separate decisions (one for each policy).

Moved: Cr NA Grinham

Seconded: Cr R Grinham

Motion put and carried 5/0

NEW MOTION/COUNCIL DECISION AS AMENDED #1

C2012-1118 POLICY: Fatigue Management

That Council supports the decision of the Shire of Yalgoo Chief Executive Officer and Chief Bushfire Control Officer to align Shire policies to DFES (Department of Fire and Emergency Services) policies for fatigue management.

Moved: Cr NA Grinham

Seconded: Cr R Grinham

Amended Motion put and carried 5/0

NEW MOTION/COUNCIL DECISION AS AMENDED #2

C2012-1119 POLICY: Use of Private Aircraft

That Council supports the decision of the Shire of Yalgoo Chief Executive Officer and Chief Bushfire Control Officer to align Shire policies to DFES (Department of Fire and Emergency Services) policies for the use of private aircraft.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Amended Motion put and carried 5/0

11.4.4 November Council Meeting and Number of Ordinary Meetings

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 November 2012
Attachments	Nil

Matter for Consideration

To consider reducing the number of ordinary Meetings of Council from 11 to 10 by ceasing to hold an ordinary meeting in the month of November.

Background

The Local Government Act (s5.3) stipulates that ordinary meetings must be held not more than 3 months apart; therefore a Council must meet at least 4 times each year.

Yalgoo Shire Council historically holds 11 ordinary meetings each year, being once each month between February and December. Council meets on the second last Thursday of each month except December. The December meeting is held early in the month because the Shire offices close for two weeks over Christmas and New Year.

Statutory Environment

Local Government Act 1995

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Reduction of meeting expenses.

Consultation

Shire staff.

Comment

As the November meeting and December meeting generally both occur within a 3 week timeframe, this impacts on the ability of staff to finalise matters before the Christmas closure and to prepare papers and action decisions.

11.4.5 Council Nominees to External Committees

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	16 November 2012
Attachments	Nil

Matter for Consideration

Due to the resignation of Cr Len Terry it is necessary to nominate a Councillor as a delegate for the external organisations on the Murchison Sub Group of the Regional Road Group (RRG) and the Murchison Country Zone of WALGA.

Background

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

Statutory Environment

Local Government Act 1995

s.5.9 to s.5.18

Requirements for the appointment of Committees, membership, delegations etc

Strategic Implications

Policy Implications

Policy 1.7 – Representatives to Organisations

Financial Implications

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

Consultation

Nil

Comment

Councillor Len Terry’s resignation has left vacancies as follows:

Committee	Delegate
Regional Road Group (RRG) and Murchison Sub Group	Delegates (2): Cr TK Iturbide, Vacant Deputy Delegate: Cr MR Valenzuela
Murchison Country Zone of WALGA	Delegates (2):Cr Iturbide, Vacant Deputy Delegate: Cr L Hodder

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-1121 Nomination of Councillor to External Organisations

That Council nominates a councillor to fill each of the following vacancies:

- 1. Murchison Sub Group of the Regional Road Group (RRG) – Cr: Neil Grinham**
- 2. Murchison Country Zone of WALGA – Cr: MR Valenzuela**

Moved: Cr R Grinham

Seconded: Cr NA Grinham

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

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

5.92. Access to information by council, committee members

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

5.93. Improper use of information

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

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

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

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

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

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

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 12 December 2012 commencing at 11.00 am.

Councillors are invited to attend the Children’s Christmas Party and Christmas Function following the meeting.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 4.50pm.

DECLARATION

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

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

Common Acronyms

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

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