



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
21 FEBRUARY 2013
AT 11.00am

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME	4
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.2	QUESTIONS WITHOUT NOTICE.....	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE	4
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
7.1	PRESIDENT	4
7.2	COUNCILLORS.....	4
8.	CONFIRMATION OF MINUTES	5
8.1	ORDINARY COUNCIL MEETING.....	5
	C2013-0201 Minutes of the Ordinary Meeting	5
9.	MINUTES OF COMMITTEE MEETINGS	5
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	5
10.0	INFORMATION ITEMS.....	5
11.	MATTERS FOR DECISION.....	5
11.0	MATTERS BROUGHT FORWARD.....	5
11.1	WORKS AND SERVICES	6
11.1.1	New Policy 13.4 – Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads).....	6
	C2013-0202 Policy 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads).....	8
11.1.2	Sino Steel Blue Hills Mining Operations and Use of the Yalgoo-Ninghan Road	9
	C2013-0203 Sino Steel Blue Hills Mining Operations and Use of the Yalgoo-Ninghan Rd	10
11.1.3	Roads 2030	11
	C2013-0204 Roads 2030	12
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	13
11.2.1	BD008 Staff Housing Weekes Street Detailed Design and Project Budget	13
	C2013-0205 BD008 Staff Housing Weekes Street Detailed Design and Project Budget	15
11.2.2	Planning Applications to Develop Lot 4234 Great Northern Highway, Paynes Find WA	16
	C2013-0206 Planning Applications to Develop Lot 4234 Great Northern Highway, Paynes Find WA	19
	ADJOURNMENT.....	20
11.3	FINANCE.....	21
11.3.1	Financial Activity Statements and Accounts Paid for the months of November 2012, December 2012 and January 2013.....	21
	C2013-0207 R34 (1) - Financial Activity Statements for the months of November 2012, December 2012 and January 2013	22

	C2013-0208 R13 (1) - List of accounts paid for the months of November 2012, December 2012 and January 2013.	23
11.3.2	Nomination of Cr Stanley (Stan) Willock to the Shire of Yalgoo Audit Committee.	24
	C2013-0209 Audit Committee Membership – Cr Stanley Willock	25
11.3.3	Audit Committee Meeting.....	26
	C2013-0210 Audit Committee Meeting	27
11.4	ADMINISTRATION.....	28
11.4.1	Centacare MOU	28
	C2013-0211 Centacare Memorandum of Understanding (MOU)	29
11.4.2	Murchison Regional Vermin Council Member Council Precept Contributions.....	30
	C2013-0212 Murchison Regional Vermin Council Member Council Precept Contributions - Lay on the Table	31
12.	NOTICE OF MOTIONS.....	32
12.1	PREVIOUS NOTICE RECEIVED.....	32
13.	URGENT BUSINESS.....	32
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	32
14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	32
	Local Government Act 1995.....	32
	Local Government (Rules of Conduct) Regulations 2007.....	33
15.	NEXT MEETING	34
16.	MEETING CLOSURE	34
	Common Acronyms.....	35



Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 21 February 2013, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

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

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom
11/1/13	LEMC – discussion re: pending storm	Noel Minnock [PD09434] Officer in Charge Yalgoo Police Station, PE Ron Adams
23/1/13	Mt Magnet Swimming Pool Opening Ceremony Meeting with Terry Redman	ACEO Gary Martin Vince Catania MPL
1/2/13	Meeting Vince Catania	Deputy President Raul Valenzuela
20/2/13	Heavy Vehicle Haulage Training & Workshop - Geraldton	PE Ron Adams, CEO Sharon Daishe, Deputy President Raul Valenzuela
20/2/13	Meeting with Tami Maitre Liberal MP for Nth West Central	CEO Sharon Daishe

7.2 COUNCILLORS

Date	Details	Councillors

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0201 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on Wednesday 12 December 2012 be confirmed.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 6/0

9. MINUTES OF COMMITTEE MEETINGS

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

10.0 INFORMATION ITEMS

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

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.1.1 New Policy 13.4 – Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads)

File:	ADM435
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	30 January 2013
Attachments (yellow)	P1-2 Draft CA07 Application Form

Matter for Consideration

To consider a Council policy for dealing with applications for a letter of authority from the local government to operate Restricted Access Vehicles (RAV) on roads in the Shire under a CA07 permit condition.

Background

Main Roads WA classifies certain vehicles as a restricted access vehicle (RAV). Such vehicles must hold a valid permit to travel on road networks. Main Roads WA is the issuing authority for RAV road network permits, and may place various conditions on the permits.

Local Governments have the power to impose a condition on RAV network permits which requires operators to carry written approval from the LG authority permitting use of Shire roads. This is called a CA07 condition.

The Shire has recently placed a CA07 condition on the Yalgoo Morawa Road, as this road has sustained damage from an increase in heavy vehicle usage that is primarily generated by mining activities. This strategy is to provide control measures for the long term use of the road which is a single lane sealed/gravel road.

In November 2012 the Shire received, and declined, a request for a CA07 condition letter authorising use of Restricted Access Vehicles on the Yalgoo Morawa Road (refer C2012-1102). The request contained minimal information and highlighted the need to have an application form and policy on how we are to assess applications in order to determine how and when we will allow heavy vehicles to use local government roads.

An application form has been drafted and is attached for information.

A policy has been drafted for consideration and appears within under comments.

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 Shire has a responsibility to preserve its road network through maintenance and long term asset management. The Shire has various RAV permit conditions on some of its roads, as part of the broader strategy to maintain the road network.

Policy Implications

Existing policy (13.3 Road Asset Management Priorities) deals with maintenance and attention that is to be given to roads under the Shires responsibility.

Draft Policy 13.4 has been prepared for Council consideration.

Financial Implications

Control of restricted access vehicles will minimise financial losses that otherwise occur through damage to roads that are not constructed as haulage roads. Requiring RAV operators to obtain Shire approval means that the Shire is aware in advance of potential haulage and is in a position to negotiate a road use agreement where appropriate.

Consultation

- Sharon Daishe, Chief Executive Officer
- Michael Keane, Engineer, Greenfield’s Technical Services
- Mark Salt and Peter Herbert, Network Managers, Main Roads WA

Comment

These guidelines should be utilised to improve the Shire’s control of road assets for the general public and residents, whilst allowing for economic development at a cost that is fair to both the road user and the Shire.

Council policy (13.3 Road Asset Management Priorities) deals with maintenance and attention that is to be given to roads under the Shires responsibility.

Draft Policy 13.4 has been prepared for Council consideration as follows.

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

Introduction	Main Roads WA issues road network use permits for RAV (restricted access vehicles). Where the road network includes Shire road/s, a local government can impose a CA07 condition for RAVs that requires the operator to carry written approval from the LG authority permitting use of the road.	
Objective	This policy is intended to provide guidance as to: <ul style="list-style-type: none"> • Placement of CA07 condition for RAV access on Shire roads • The method of application • Which applications the CEO can determine, and which must be submitted to Council for determination. 	
History	Adopted Former Policy Amended / confirmed	Draft for Council consideration February 2013 Nil

Policy Statement

1. The Shire maintains its road network in accordance with Policy 13.3 Road Asset Management Priorities.
2. The CEO of the Shire is authorised to apply CA07 conditions on Shire roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avert financial losses through heavy vehicle damage.

3. Where a CA07 condition exists, RAV operators must complete and lodge a written application on the Shire’s CA07 application form. Operators must provide all information detailed on the form, and additional information where requested.
4. The CEO of the Shire of Yalgoo is authorised to determine the outcome of applications where the total tonnage is 50,000 per annum or less.
 - a. Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.
5. For applications exceeding 50,000 tonne per annum, the application must be submitted to Council for consideration and must contain a full proposal from the operator including, but not limited to:
 - Vehicle movements
 - Operational controls
 - Contribution to road maintenance
 - Capital investment
 - Asset replacement
 - Consultation with other stakeholders

Comment

Note that Council grants administrative or ‘acting through’ authority to the CEO under this policy. The authority cannot be made as a delegation under the Local Government Act, and adoption of the policy does not require an absolute majority of Council (confirmed 14/2/13 by email, Andrew Borrett, Senior Project Officer, Advice and Support, Department of Local Govt.)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0202 Policy 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire Roads)

That Council adopts the draft policy presented within for assessment and determination of CA07 Applications (Restricted Access Vehicles on Shire roads).

Moved: Cr MR Valenzuela

Seconded: Cr R Grinham

Motion put and carried 6/0

11.1.2 Sino Steel Blue Hills Mining Operations and Use of the Yalgoo-Ninghan Road

File:	RD008
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	11 February 2013
Attachments (yellow)	P 3 Proposals from Sino Steel and Main Roads

Matter for Consideration

To consider a request from Sino Steel's Blue Hills mining operations to carry out heavy haulage operations on the Yalgoo Ninghan Road.

Background

Sino Steel, Main Roads, Acting CEO Gary Martin and I met to discuss the Blue Hills Project that Sino Steel is operating on 24 January 2013.

The following two attachments relate to the discussion:

1. "BH16-0001-PM-MEM-001 A – Blue Hills Road Haulage Information Memorandum"

This is a general information document describing relevant details of the proposed trucking operations from SMC's Blue Hills mine.

2. "BH16-0001-PM-SOW-0011 C2 (C) – BH Haul Road Earthworks"

This document is a scope of work with associated drawings for the improvements on the Yalgoo-Ninghan road and the intersection of that road with the Minjar Haul Road. As discussed, we are happy that the Shire wishes to undertake this work and look forward to working with you to make it happen. I will be in contact with you in the next few weeks to discuss these works and to ensure that the proposal meets the Shire's requirements. (Please ignore the format of the document which was written up as a scope or work for tender prior to our meeting).

Main Roads have an existing road agreement with Sino Steel that utilised the Morawa Mingenew Road for their operations at Koolanooka.

The basic principal of the agreement is attached.

The Shire's consulting engineer is currently reviewing the two items for comment.

The basis of the project is that Sino Steel will use the Yalgoo Ninghan road from the Minjar Mine entry to the Geraldton Mt Magnet Road.

Note that in 2012 Council agreed in principle to allow Karara mining to haul on this road, provided a range of requirements were met including but not limited to widening a section of seal. Karara did not proceed.

Statutory Environment

Local Government Act 1995

Strategic Implications

Economic development

Policy Implications

Nil

Financial Implications

The increased mine traffic associated with this project will have significant relevance to the Shire's financial capacity to maintain this road.

Consultation

- Gary Martin, Acting CEO
- Bernie Miller, Regional Manager, MRWA

Comment

This is a preliminary notification only with more substantive information and agreements to be negotiated. MMG Golden Grove currently makes a financial contribution to the Shire for upkeep of this road to support their haulage and they will be included in the negotiations in due course.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council:

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

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 6/0

11.1.3 Roads 2030

File:	ADM469
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	14 February 2013
Attachments	Nil

Matter for Consideration

To consider adding relevant Shire of Yalgoo roads to the Main Roads WA Roads 2025 Regional Roads Development Strategy

Background

Main Roads released Roads 2020 Regional Road Development Strategies in 1997/8. The document is scheduled for review every five years although Roads 2025, released in 2007 was the first review in our region.

Draft submissions for Roads 2030 are due on 20 February.

The only Shire of Yalgoo road listed in Roads 2025 is the Wannara East Road.

Statutory Environment

Local Government Act 1995

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

Strategic Implications

Guidelines for Roads 2030 state, 'Road Project Grant funding is not to be allocated to a road which does not have a SAC approved Roads 2030 strategy' and 'all projects seeking funding are to contain a brief statement on how the project will contribute to delivery of the road's Roads 2030 strategy'.

Ensure relevant roads are included in order to secure future funding.

Policy Implications

Nil

Financial Implications

Funding through the Regional Roads Group in future will be restricted to roads that are tabled in Roads 2030.

Consultation

- Ron Adams, Project Executive
- Terry Iturbide, President
- Geoff Brooks, CEO, Shire of Mount Magnet

Comment

The following Shire of Yalgoo roads are recommended for inclusion in Roads 2030:

- Yalgoo North Road (access to north of Shire and across to coast/ feeds into tourist route)
- Yalgoo Ninghan Road (access from Great Northern to Yalgoo including for Paynes Find)
- Narndee West Road (flagged by Mount Magnet as potential tourism route through attractive bluff country)
- Mount Farmer, Dalgaranga and Mount Wittenoorn Roads (connects a tourist route from Cue and Mount Magnet through to Murchison, the Butcher’s Track and the coast)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0204 Roads 2030

That Council requests the CEO to prepare a draft submission to include the following roads in Roads 2030 Regional Roads Development Strategy:

- **Yalgoo Morawa Road**
- **Yalgoo North Road (access to north of Shire and across to coast/ feeds into tourist route)**
- **Yalgoo Ninghan Road (access from Great Northern to Yalgoo including for Paynes Find)**
- **Narndee West Road (flagged by Mount Magnet as potential tourism route through attractive bluff country)**
- **Mount Farmer, Dalgaranga and Mount Wittenoorn Roads (connects a tourist route from Cue and Mount Magnet through to Murchison, the Butcher’s Track and the coast)**

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 6/0

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 BD008 Staff Housing Weekes Street Detailed Design and Project Budget

File:	ASS521	
Author:	Sharon Daishe, CEO	
Interest Declared:	No interest to disclose	
Date:	14 February 2013	
Attachments (yellow)	Plans pgs 21-28	Detailed Design Drawings

Matter for Consideration

To consider the detailed design drawings and project budget for the 2 x two-storey staff housing construction project at Weekes Street.

Background

The Shire budgeted a provisional amount of \$460,000 in the 2012/13 financial year to construct 2 x 2 storey dwellings at Weekes Street pending council approval of the detail design and final cost estimate.

This was originally to be funded by the Shire (\$150,000) and CLGF (\$310,000, being balance of a total of \$350,000 over 2 CLGF funding years). However, in recognition of the state of staff housing at 30 Selwyn Street, Council resolved to transfer the Shire funded amount of \$150,000 from the Weekes Street project to refurbish the dilapidated and unsuitable Selwyn Street residence (Council resolution C2012-1109).

Council then made the following decision regarding Weekes Street:

C2012-1110 Weekes Street Housing

That Council:

1. Acknowledges that the 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

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

Provision of staff housing to ensure that the Shire can resource its functions.

Policy Implications

Nil

Financial Implications

The Shire has allocated a total of \$350,000 CLGF (Country Local Government Fund) to this project from the 2010-11 and 2011-12 CLGF rounds. \$310,000 is disclosed in the 2012/13 budget, being the balance of the total \$350,000.

The Mid West Investment Plan (MWIP) board has invited the Shire to proceed to business case to apply for funds for this project. The original expression of interest to MWIP was for \$200,000, as the detailed design drawings had not yet been received which in turn delayed cost estimates.

This information has now been received and the project budget for the two houses is estimated at \$710,000 including an allowance for contingency and cost escalation. In keeping with Council’s mandate, it is critical that project budgets are as realistic as possible to avoid budget overrun.

The budget estimate for the project is prepared as follows:

Line Item	Budget \$	GST is included in costs as GST is not claimable on staff housing
Rammed Earth Walls	61,600	Supplier estimate
Windows & Doors	17,890	Supplier estimate
Electricity	30,712	Supplier estimate
Timber & Roof & Walls Etc	34,870	Supplier estimate
Concrete Slab, Verandah, carport	77,000	Supplier estimate
Roof Iron	10,690	Supplier estimate
External Iron	12,000	Supplier estimate
Plumbing Works	70,000	Supplier estimate
Earthworks	40,000	Partially completed
Kitchen & Cupboards	6,000	Estimated. Will use some existing off cuts from prior constr.
Full Drawings & Engineering	8,926	Received
Labour for installation, carpentry etc	220,000	Estimated. Will be looking for opportunities for savings
Fencing	10,000	Estimated. Will use sheeting off cuts. Construct to withstand conditions
Project Management	15,000	
Audits	2,000	
Signage	1,000	
Landscaping	6,000	Partial - some Shire in-kind
COST ESCALATION (increases in costs over time)	26,742	4%
CONTINGENCY (extra costs not considered when preparing budget)	59,570	10%
Total Line Items	710,000	

Consultation

- Ron Adams, Project Executive
- Trevor Price, Regional Planning and Investment, Mid West Development Commission

Comment

Staff have prepared the budget estimate based on the detailed design drawings and cost estimates obtained predominantly from suppliers on the recently adopted panel of prequalified suppliers.

Note that if the Shire undertakes this construction project it is essential that staff have flexibility in order to maximise outcomes and minimise costs.

Even if MWIP approve funding it is unlikely that funds will be received from MWIP in this financial year. Costs will therefore have escalated and quoted goods may no longer be available. It is impossible to obtain fixed quotes for an unknown date, and unknown funding status therefore the budget must be considered to be an informed estimate.

I spoke with Trevor Price on 14 February 2013 and advised that we expect to present a business case for funding of \$360,000 from the Mid West Investment Plan (MWIP). Trevor indicated that the board had expressed understanding of Council's decision to move \$150,000 in Council funds to renovate 30 Selwyn Street to provide suitable housing for an existing employee. If Council approves the budget of \$710,000, a business case will be prepared and submitted to the 28 March meeting of the MWIP board for funding of \$360,000. Trevor will pre inform the board at their meeting on 22 February.

If the application to MWIP is successful, the two houses will be constructed.

If the application to MWIP is not successful, one house will be completed with the CLGF funds and the other house will be project ready for whenever funding becomes available.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0205 BD008 Staff Housing Weekes Street Detailed Design and Project Budget

That Council approves the detailed design drawings (as attached) and the project budget of \$710,000 (as detailed within) for project BD008 construction of 2 x 2 storey staff houses on the prepared lots on Weekes Street.

Moved: Cr MR Valenzuela

Seconded: Cr R Grinham

Motion put and carried 6/0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

BD008 Staff Housing Weekes Street – Provisional Authorisations for MWIP Funding

That, if the Mid West Investment Plan agrees to fund the shortfall for construction of BD008 2 x 2 storey staff houses at Weekes Street, Council:

- 1. Authorises the CEO and President to execute the MWIP Royalties for Regions funding agreement by affixing the Common Seal of the Shire of Yalgoo; and**
- 2. Authorises a 2012/13 budget amendment, if necessary, to recognise the income and expenditure of the amount granted.**

Moved: Cr L Hodder

Seconded: Cr NA Grinham

Motion put & carried by absolute majority 6/0

ATTENDANCE: 11.45am DCEO Heather Boyd left the meeting.

ATTENDANCE: 11.47am DCEO Heather Boyd re joined the meeting with Bill Atyeo, Principal Environmental Health Officer/Building Surveyor Shire of Yalgoo.

11.2.2 Planning Applications to Develop Lot 4234 Great Northern Highway, Paynes Find WA

File:	ASS610/TP13-001
Author:	W.V. Atyeo
Interest Declared:	No interest to disclose
Date:	13 th February 2013
Attachments (yellow)	P 54 Covering Letter from Mr Taylor; P 56 Layout plan which just indicates the positioning of the new proposed development of the area.

Matter for Consideration

Mr Doug Taylor, the new owner of the Paynes Find Roadhouse and Tavern, has made application to Council for a Planning Approval to develop Lot 4234 Great Northern Highway, Paynes Find WA:

1. Transportable accommodation units:
2. A caravan park:
3. A transportable, self-bunded diesel tank, with a capacity of approximately 30 thousand litres and with a fast flow pump for trucks as stated in the applicant covering letter to Council.

Background

Mr Taylor has purchased the Paynes Find Roadhouse and Tavern and is in the process of developing this business.

The land referred to in this development is zoned as “Recreational” under the Shire of Yalgoo Town Planning Scheme No 2. However the land has been used for other than “Recreational” purposes well before the first Town Planning Scheme came into force. In fact the land and the area around it have been used for all types of commercial purposes, and also industrial purposes.

These would include, but not restricted to a shop, heavy vehicle usage and storage, accommodation units similar to a motel type, an emergency stop-over for caravans and tourists, and a liquor outlet.

Statutory Environment

The Shire of Yalgoo Town Planning Scheme No 2

Strategic Implications

Improved facilities for Paynes Find with upgraded facilities offered which will encourage the increased tourist numbers and local travellers to the area.

Policy Implications

Nil

Financial Implications

Nil

Consultation

- Doug Taylor – Owner of Paynes Find Roadhouse and Tavern
- Sharon Daishe – CEO Shire of Yalgoo

Comment

Given the background as stated above, I consider that the proposed development at the Paynes Find Roadhouse and Tavern would fit into the category of “non-conforming use rights” as outlined in the Current Town Planning Scheme for the Shire of Yalgoo.

Clause 4.8 of Part 4 – Zones and the use of Land - of the Town Planning Scheme No 2 states that:

“4.8 Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;*
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.*

Note: “Land” has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.”

While the proposed development maintains the “use” of the property, it does “alter or extends” its use and therefore I consider it is required to be advertised for 14 days in accordance with Clause 9.4. This requirement is called for by Clause 4.9 which states:

“4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not—

- (a) alter or extend a non-conforming use;*
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a nonconforming use; or*
- (c) change the use of land from a non-conforming use to another non-conforming use,*
- (d) without first having applied for and obtained planning approval under the Scheme.*

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another nonconforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.”

The advertising requirements are stated within Clause 9.4:

“9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an ‘A’ use as referred to in clause 4.3.2; or*
- (b) a use not listed in the Zoning Table,*

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;*

- (b) *notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;*
- (c) *a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.”*

This is a lot to consider I realise, but it is important that Council is aware of the requirements of the Town Planning Scheme, especially given that you are dealing with non-conforming use rights. Another Clause within the Scheme states that:

“5.17 Tourist Facilities and Accommodation

Council may permit tourist facilities and accommodation in selected locations but only where the development in the opinion of the Council—

- (a) *does not adversely affect the amenity of the area;*
- (b) *provides a tourist facility;*
- (c) *in a location considered appropriate by Council*
- (d) *has no significant adverse environmental impact; and*
- (e) *complies with all other Scheme requirements and any relevant policy of Council.”*

The facilities are aimed at and are being proposed so as to cater for the expected needs of tourists as is stated in the covering letter submitted with this application from Mr Taylor.

I consider that the proposed development will:

- Significantly raise the standards of the facilities offered to the general public.
- Enhance the amenity of the area and improve the aesthetics of the Paynes Find area.
- Compliment the proposed development by the Shire in this area.
- Attract tourists and motorists into the facility from the Great Northern Highway and provide a much needed rest area for heavy vehicles and tourists/motorists as well.

I therefore recommend the proposed development, but need to exclude the development of a transportable, self-bunded diesel tank, as this not on Lot 4234 GNH and this must be further discussed and negotiated with the owner of this land.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0206 Planning Applications to Develop Lot 4234 Great Northern Highway, Paynes Find WA

1. That Council determine that the application for Planning approval by Mr Doug Taylor to develop a Caravan Park and Accommodation Units on Lot 4234 Great Northern Highway at Paynes Find as shown on the layout plan submitted be advertised in accordance with Clause 9.4.3(b) of the Shire of Yalgoo Town Planning Scheme No 2 and that the Chief Executive Officer be authorised to approve the development providing that there are no adverse submissions during the advertising period of 14 days.

a) If there are adverse submissions on the proposed development, then this matter will be referred to the next available meeting of Council for a final determination.

b) The following conditions will apply to any approval given for this development:

A. The developer is to provide Council with a plan or plans to a scale of not less than 1:500 showing —

- (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
- (ii) the existing and proposed use of the site including buildings and structures to be erected on the site;
- (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
- (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
- (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- (vi) the nature and extent of any open space and landscaping proposed for the site;
- (vii) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

B. All building work and development will comply with all legal requirements under the Building Act 2011, the Caravan Parks and Camping Act 1995, the Health Act 1911 and all other relevant legislation appropriate for this development.

C. The development will comply with all the relevant setbacks which will require the land to be surveyed by a licensed land surveyor and the allotment boundaries and corners clearly identified.

D. The use hereby permitted shall not cause injury to or prejudicially effect the amenity of the locality by reason of the processes carried on, the materials, goods and machinery used and stored or by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

E. The use of the premises as applied for shall not be changed or added to without the consent of Council

F. No incinerator is to be provided or used on the site. All refuse shall be regularly removed to Council's tip.

2. Further, that Council refuse the application from the developer to provide a transportable, self-bunded diesel tank, as this not located on Lot 4234 Great Northern Highway, and is not owned by the applicant. This proposal is permitted to be lodged at a later date for a decision following further discussion and negotiations with the relevant owner of the land to be utilised.

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 6/0

ATTENDANCE: *11.49am Bill Atyeo, Principal Environmental Health Officer/Building Surveyor, Shire of Yalgoo and Ron Adams, Project Executive left the meeting.*

ADJOURNMENT

The meeting adjourned for lunch break at 11:50am and resumed at 1:20pm with all who were in attendance before the adjournment being present at the resumption except Councillors Robert and Neil Grinham.

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the months of November 2012, December 2012 and January 2013.

File:	ADM457
Author:	DCEO Heather Boyd
Interest Declared:	No interest to disclose
Date:	11 February 2013
Attachments (White)	P1 Financial Activity Statements - R34 (1) November 2012 P27 Schedule of payments – R13(1) November 2012 P30 Financial Activity Statements - R34 (1) December 2012 P56 Schedule of Payments - R13(1) December 2012 P59 Financial Activity Statements - R34 (1) January 2013 P84 Major Project Progress Reports - C2012-0320 P86 Schedule of Payments - R13(1) January 2013

Matter for Consideration

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

Background

1. The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.
2. Council, at the ordinary meeting held in March 2012, requested that a status report for major projects be included in the monthly financial reports (decision C2012-0320). Where relevant this additional report is included in the attachments for the information of council. Reports presented at the February meeting are for the financial year to 31 January 2013.

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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

Regulation 34 states:

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

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

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2013-0208 R13 (1) - List of accounts paid for the months of November 2012, December 2012 and January 2013.

That Council receives the Schedule of Payments for accounts paid in the month of November 2012, December 2012 and January 2013.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

Motion put and carried 6/0

11.3.2 Nomination of Cr Stanley (Stan) Willock to the Shire of Yalgoo Audit Committee

File:	ADM365/454
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	09 January 2013
Attachments	Nil

Matter for Consideration

To consider appointing newly elected Councillor Stanley (Stan) Willock to the Shire of Yalgoo Audit Committee to fill the vacancy left by former councillor Lennox Terry.

Background

The Shire of Yalgoo audit committee was established by resolution of Council following the 2011 general election in accordance with s7.1A of the Act. The members of the audit committee are currently Crs Iturbide, Valenzuela, N Grinham, L Hodder (resolution C2011-1005) and Cr R (Bob) Grinham (by resolution C2012-1011).

Council has historically elected all six councillors to the audit committee. Members of the audit committee must be elected by the council (not the audit committee), by absolute majority. The term of membership is until the next general election of council.

Statutory Environment

Local Government Act 1995

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

** Absolute majority required.*

Strategic Implications

NA

Policy Implications

NA

Financial Implications

Meeting fees.

Consultation

NA

Comment

In accordance with historical precedence, it is recommended that Council elects newly elected Councillor Stanley (Stan) Willock to the Shire of Yalgoo Audit Committee.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0209 Audit Committee Membership – Cr Stanley Willock

That Council appoints newly elected Councillor Stanley Willock to the Audit Committee *(LGA s7.1A (2)) and that the term of office be until the next ordinary election in October 2013.

Moved: Cr MR Valenzuela Seconded: Cr R Grinham Motion put and carried by absolute majority 6/0

11.3.3 Audit Committee Meeting

File:	ADM256
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	14 February 2013
Attachments	Nil

Matter for Consideration

To set a date for the audit committee to meet to consider the annual compliance return.

Background

Local governments must carry out an annual compliance audit return for the period ended 31 December. The audit committee must review the return and report to the Council.

The adopted compliance audit return must be lodged by 31 March.

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

- (a) presented to the council at a meeting of the council; and
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724 5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
- (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

(2) In this regulation —

certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

Strategic Implications

Policy Implications

Financial Implications

Nil

Consultation

Comment

In order to meet the statutory timelines, the audit committee will need to meet to review the return before the March ordinary meeting in order to report to Council at the March Ordinary Meeting.

Suggested times/dates in order of preference are:

- **9:30am on Friday 1 March** (prior to the Regional Road Group teleconference which is scheduled for 10:30am)
- 9am or 2pm on Tuesday 5 March
- 9am on Wednesday 6 March

Note there is a long weekend Sat 2 to Mon 4 March so councillors will need to consult their travel plans.

Under normal circumstances the audit committee could meet on the morning of the council meeting. However, the Department of Local Government have tentatively booked to attend this date for councillor training.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0210 Audit Committee Meeting

That the Shire of Yalgoo Audit Committee meets at 9.00am, on Monday 11 March 2013 for the purpose of reviewing the compliance audit return for the period 1 January to 31 December 2012.

Moved: Cr MR Valenzuela

Seconded: Cr NG Grinham

Motion put and carried 6/0

11.4 ADMINISTRATION

11.4.1 Centacare MOU

File:	ADM017/216
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	
Attachments (yellow)	P 57 Centacare MOU draft new

Matter for Consideration

To consider the reviewed Memorandum of Understanding between the Shire of Yalgoo and Centacare for provision of services funded by MMG Golden Grove community benefit.

Background

The Shire and MMG Golden Grove entered into a Memorandum of Understanding in 2010 that includes payment to the Shire of \$54,000 per annum for community benefit. Under this agreement, some of this funding is then to be paid to Centacare to fund the FaHCSIA (Families, Housing, Community Services & Indigenous Affairs) services delivered by Centacare in Yalgoo.

The Shire also entered into a Memorandum of Understanding on 17 March 2010 with Centacare.

There have been a number of changes since the agreement was struck, and the attached document has been drafted in consultation with Centacare to reflect the changes.

Centacare are now offering the Shire additional services to support the Shire’s new Community and Youth Development Coordinator.

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

Continuation of community and social services in the Shire of Yalgoo.

Policy Implications

Financial Implications

The draft MOU will result in some funds being retained for the Shire therefore there is a cost saving associated with the new draft. Centacare are also providing services free of charge to support the Shire’s new Community & Youth Development Coordinator position. The new draft MOU documents this arrangement.

Consultation

Sister Mary Ryan, director, Centacare Family Services, Geraldton

Comment

It is recommended that Council adopts the reviewed MOU, which clarifies the current reality, reduces costs to the Shire, provides additional benefits to the Shire and streamlines administration.

Centacare have worked very closely with the Shire to enhance service delivery. The relationship is crucial to community development in the Shire of Yalgoo.

Following is a summary of the changes:

MOU 17 March 2010	Reviewed Draft MOU
<ul style="list-style-type: none"> ▪ Program was Indigenous Children’s’ Program (which is no longer current) ▪ No provision made for changes 	<ul style="list-style-type: none"> ▪ Program is Indigenous Parenting Program (outcomes/intent remain the same, as articulated in the MMG MOU) ▪ MOU makes provision for changes that are consistent with the intent
<ul style="list-style-type: none"> ▪ Shire pays Centacare 60% of MMG community benefit PLUS \$20,000 CPI indexed per annum operational component. ▪ Shire then invoiced Centacare for the operational component. This was administratively cumbersome particularly with staff changeover. Generally the Shire paid more to Centacare than we claimed back; and Centacare indicated that they did not need this level of funding 	<ul style="list-style-type: none"> ▪ Shire continues to pay 60% (this is a requirement of the MMG MOU) but CEASES to pay the \$20K + operational component. ▪ Shire continues to provide the operational items in kind (i.e.: there is no loss of service to Centacare) ▪ Cost to Shire is reduced overall, administrative burden is negated.
<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Technical support provided by Centacare to Shire of Yalgoo Community and Youth Development Coordinator (CYDC) ▪ Recognition of the complementary relationship between the Centacare employee and Shire CYDC ▪ Recognition of resource/vehicle sharing of the above positions
<ul style="list-style-type: none"> ▪ Reporting was onerous and generally was not done. 	<ul style="list-style-type: none"> ▪ Reporting has been streamlined and is therefore more likely to be done.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2013-0211 Centacare Memorandum of Understanding (MOU)

That Council:

- 1. Approves the draft Memorandum of Understanding (MOU) between the Shire of Yalgoo and Centacare, as attached; and**
- 2. Authorises the President and Chief Executive Officer to execute the MOU by signing and affixing the Common Seal of the Shire of Yalgoo.**

Moved: Cr L Hodder

Seconded: Cr MR Valenzuela

Motion put and carried 6/0

11.4.2 Murchison Regional Vermin Council Member Council Precept Contributions

File:	ADM084
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	12 January 2013
Attachments (pink pages)	Letter from Murchison Regional Vermin Council Member Council Precept Contributions

Matter for Consideration

To consider the request from the Murchison Regional Vermin Council to increase the annual contribution by 100%.

Background

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

Member Council Precepts:

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

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

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

Statutory Environment

Local Government Act 1995

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

Strategic Implications

Environmental protection

Policy Implications

Nil

Financial Implications

Increased annual cost to Shire of \$11,295

Consultation

Comment

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

The Shire of Yalgoo however is bearing a disproportionately high percentage of the annual cost. The precepts were originally based on pastoral leases. Approximately 50% of the Shire of Yalgoo land area has now been returned to the Department of Environment and Conservation.

It is recommended that Council requests the MRVC to reconsider the precepts.

Voting Requirements

Simple Majority

Officer Recommendation/Amended

Murchison Regional Vermin Council Member Council Precept Contributions

That Council:

- 1. Agrees in principle that the Murchison Regional Vermin Council (MRVC) needs to raise sufficient funds to properly maintain its assets (vermin proof fencing); and**
- 2. Requests the MRVC to consider whether land that is under the control of the Department of Environment and Conservation (DEC) should be deducted from the area of land used to calculate member precepts; and**
- 3. Requests MRVC to provide a model of annual member precepts for each member Council calculated with, and without, DEC properties; and**
- 4. Advises that Council will further consider the request after MRVC provide Councils with the information as requested.**

Moved: Cr MR Valenzuela

Seconded: Cr R Grinham

Motion lay on the table

NEW MOTION/COUNCIL DECISION

C2013-0212 Murchison Regional Vermin Council Member Council Precept Contributions - Lay on the Table

That Council requires more information before a decision can be made regarding annual member precepts to the Murchison Regional Vermin Council (MRVC), therefore the officer recommendations be laid on the table.

Moved: Cr T Iturbide

Seconded: Cr L Hodder

Motion put and carried 5/0

ATTENDANCE: 2:09pm Cr Raul Valenzuela left the meeting.

ATTENDANCE: 2:10pm Cr Raul Valenzuela rejoined the meeting.

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

Audit Committee Meeting 9.00am Monday, 11 March 2013

The Audit Committee is due to meet at 9.00am Monday, 11 March 2013.

Ordinary Council Meeting Thursday, 21 March 2013

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 21 March 2013 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 2.10pm.

DECLARATION

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

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

Common Acronyms

Acronym	Detail
AGM	Annual General Meeting
ASKAP	<i>Australian Square Kilometre Array Pathfinder</i>
BA	Broadcast Australia
BFS	Bush Fire Service
BFTA	Bush Fire Threat Analysis
CEMO	Community Emergency Management Officer
CEO	Chief Executive Officer
CLGF	Country Local Government Fund (Royalties for Regions)
CRC	Community Resource Centre
CRS	Coordinator Regional Services
CSRFF	Community Sporting and Recreation Facilities Fund
DAFWA	Department of Agriculture & Food
DAIP	Disability & Access Inclusion Plan
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
DIA	Department of Indigenous Affairs
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLG	Dept of Local Government
DPI	Dept for Planning and Infrastructure
EA	Executive Assistant
EA	Executive Assistant
ECC	Emergency Coordination Centre
EMWA	Emergency Management Western Australia
ERM	Emergency Risk management
EWP	Elevated Work Platform
FaHCSIA	Families, Housing, Community Services & Indigenous Affairs
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GPG	General Purpose Grant
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HMA	Hazard Management Agency
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
ILRG	Identified Local Road Grant
IMG	Incident Management Group
IPWEA	Institute of Public Works/Engineering WA
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee

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

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

—