Council Policy Manual

as adopted 21 September 2017

Shire of YILGARN

"good country for hardy people"

Document Owner **CHIEF EXECUTIVE OFFICER**

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POLICY:	**DEPUTATIONS TO COUNCIL**
POLICY NO:	**1.1**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

Deputations wishing to meet with Council are firstly to meet with staff to consider deputations request and resolve any problems where possible.

Should staff consider it necessary for the deputation to meet with Council, then this be referred to the Shire President for consideration.

This policy is reinforced by Council's Standing orders.

POLICY:	**DELEGATES MOVING MOTIONS AT ASSOCIATION CONFERENCES**
POLICY NO:	**1.2**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
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That delegates representing Council at Zone Conferences shall vote and move motions as they see fit and as they believe reflects the views of Council.

This authority is granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

POLICY:	**WALGA – NOMINATIONS TO BOARDS & COMMITTEES**
POLICY NO:	**1.3**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
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Where the Western Australian Local Government Association (WALGA) seeks nominations from Council for various Boards and Committees and the turnaround period for nominations does not coincide with Council meetings, Council supports the nomination of Council members or serving officers without such approval having to advance through the normal Council meeting process.

POLICY:	**USE OF COUNCIL'S COMMON SEAL**
POLICY NO:	**1.4**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
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OBJECTIVE:
The policy sets out the wording to apply to the use of the Common Seal.

POLICY:
The President and CEO have delegated authority to execute and affix the Common Seal to documents (Delegation LGA13)

PROCESS:

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording:-

   "The Common Seal of the Shire of Yilgarn was hereto affixed by authority of Council."

   Shire President Chief Executive Officer

   (Noting that the Deputy Shire President and Executive Manager Corporate Services can proxy in the absence of the respective principal person)

2. For use on ceremonial occasions (i.e.: Certificates of Appreciation, etc.) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire's behalf.

POLICY: **ELECTED MEMBERS ENTITLEMENTS**

POLICY NO: **1.5**

SECTION: **MEMBERS OF COUNCIL**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

INTRODUCTION:
The Shire will provide equipment and other entitlements to elected members to assist them in the performance of their public office. In doing so, the Shire recognises that it may be unreasonable to expect absolute separation of their activities as an elected member from their private, business and public activities. However, any private or business use of equipment is to be incidental to its main purpose of assisting elected members in discharging their public duties.

PURPOSE:
To determine the scope and extent of expenses that may be claimed by, and equipment and facilities provided to Councillors so that these may be reasonable and appropriate within the provisions of the Local Government Act, 1995.

LEGAL REQUIREMENTS:
- Compliance with guidelines issued by the Department of Local Government Number 15 concerning the payment of expenses and the provision of facilities to Elected Members.
- Compliance with Sections 5.98-102 of the Local Government Act.

POLICY PROVISIONS:
1. Business of Council

For the purpose of this policy "business of Council" is defined as:

a) Council meetings;

b) Committee meetings where all members are Councillors;

c) Meetings where attendance is authorised by the Council, Shire President or the Chief Executive Officer;

d) Inspections where attendance is authorised by the Council, Shire President or the Chief Executive Officer;

e) Conferences, seminars or workshops where attendance is authorised by the Council, Shire President or Chief Executive Officer.

2. *Expenses*

Information Technology (IT)
Refer to Council Policy 1.9

Accommodation and Meal Expenses
Where the business of Council requires the need for Councillors to obtain overnight accommodation and purchase meals, those expenses shall be reimbursed on an actual cost basis.

Travelling - Within Council's Area
Where Councillors are required to use their own vehicle to travel to meetings of the Council, Committees or other authorised meetings, then reimbursement for travel expenses shall be based on the kilometre rate as prescribed in the Public Service Award.

Travelling - Outside Council's Area

a) The Shire President and the Chief Executive Officer are authorised to determine the best mode of travel for authorised travel outside of the Council area having regard to economy, time and safety factors.

b) Where there is a Council delegation requiring members to travel to any part of the State, Shire vehicles may be provided and no mileage paid to members who travel in other vehicles, unless:

   i. A Council vehicle is not available; or

   ii. There is insufficient room to convey all members of the deputation; or

   iii. Council has agreed by resolution to pay travel allowance; or

   iv. Unless there are special circumstances which have been authorised by the Chief Executive Officer or Shire President.

3. *Payment of Expenses for Spouses, Partners or Accompanying Persons*

a) There are limited instances where certain costs incurred by the councillor on behalf of their spouse, partner, or accompanying person are properly those of the councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the councillor).

b) Accordingly, Council will meet the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature. Examples include, but are not limited to, Australia Day ceremonies, Civic receptions, and charitable functions for charities formally supported by Council.

c) Council will also reimburse registration fees and the cost of attendance at official dinners and partners programs whilst accompanying the Councillor at conferences and functions such as the Local Government Week, Conference etc.

4. *Provision of Facilities*

a) Council also provides meals and refreshments associated with Council and committee meetings, official dinners and working party meetings.

b) Council provides an office for use by the Shire President. Council may, subject to the regulations, decide to provide other facilities.

5. Provision of Insurance

a) Council shall take out public liability and professional indemnity insurance cover which shall extend to actions taken against councillors in relation to the exercise of their duties as Councillors.

b) Council shall take out liability insurance cover on behalf of councillors to provide indemnity in claims arising from acts whilst performing their Council duties in circumstances where the claims are not covered under Council's public liability and professional indemnity policies and as far as insurance can be legally obtained.

c) Council shall provide insurance to cover personal injury whilst on Council business and travel insurance for approved interstate or overseas travel on Council business.

6. Care and Related Expenses

In accordance with the principles of participation, access and equity Council will reimburse the reasonable cost of carer arrangements, including childcare expenses and the care of the elderly, disabled or sick immediate family members of councillors, to allow councillors to undertake their council business obligations.

7 Attendance at Conferences and Training Courses

7.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire of Yilgarn.

7.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfil their duties of office.

7.3 Annual Conference and Training Expense Allocation

An annual conference and training expense allocation shall be made available to Elected Members in the Budget

7.4 Definition

In this part, "Conferences and Training" means conferences, seminars, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.

7.5 Approval

a) approval by the Council through a resolution passed at a Council Meeting; or
b) approval by the CEO and Shire President in advance of attendance

7.6 Conferences and Training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

a) West Australian Local Government Association (WALGA) conferences
b) Special "one off" conferences called or sponsored by or for the WALGA on important issues
c) Councillor Induction Program
d) WALGA Elected Member Training and Development;
e) Other local government specific training courses, workshops and forums, relating to such things as understanding roles/responsibilities of Elected Members, meeting procedures, etc.

7.7 Payment of Conference and Training Costs

a) *Payment from Conference and Training Allocation*;
The Shire will pay Conference or Training costs where the Elected Member has been authorised to attend and there is sufficient funds remaining within the Elected Member's Annual Conference and Training Expense Allocation.

b) *Booking Arrangements*;
Registration, travel and accommodation for Elected Members will be arranged through the Chief Executive Officer. In general, all costs including registration fees and accommodation will be paid direct by the Shire.

c) *Registration*;
The Shire will pay all normal registration costs for Elected Members/delegates that are charged by organisers, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Council.

d) *Accommodation*;
The Shire will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it impossible to arrive at or return home in normal working hours.

e) *Conference and Training Travel*;
Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members/ delegates to and from the venue/accommodation will be met by the Shire.

If accommodation is at the Conference or Training venue or in close proximity, taxis should be used for reasonable travel requirements. Costs of taxi fares and parking when own vehicle or Council vehicle is used which are incurred in attending Conferences and Training, will be reimbursed by the Shire.

f) *Reimbursement of out of pocket expenses*;
An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' out of pocket expenses or incidental expenses while travelling.

- Council will reimburse the reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses that councillors incur upon the presentation of official receipts and the completion of any necessary claim forms.

- Incidental expenses could reasonably include, refreshments, internet charges, taxi fares, and parking fees. Also the reasonable cost of meals not included in the conference/seminar/meeting fees may also be reimbursed on production of tax receipts.

- The administrative arrangements for managing reimbursement of out of pocket expenses will be the responsibility of the Chief Executive Officer.

POLICY: **MEDIA POLICY**

POLICY NO: **1.6**

SECTION: **MEMBERS OF COUNCIL**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

PURPOSE:
To provide a framework for Councillors, staff, delegates and advisers to:

- Ensure all communication with the media is consistent, balanced, well-informed, timely, professional and appropriate.
- Clearly indicate Council's authorised spokespersons.
- Improve communication with customers and enhance Council's public image.
- Limit the possibility of miscommunication and to maximise the effectiveness of staff by ensuring comments to the media relating to Council are made only through authorised people.

INTRODUCTION:
Council recognises that a well-run, competent, ethical and reputable organisation is the best way to promote a favourable image and that any public relations program is only as good as the organisation behind it.

Council will take advantage of interest from the media to further its reputation and inform the public about Council's activities. Council will also distribute information to the media to communicate information about Council's activities and decisions. In dealing with the media, Councillors and Council officers must be careful to communicate accurate information.

Council welcomes enquiries from the media. All media representatives are to be treated in the same manner as any other customer of Council. That is, Council will attend to media requests promptly and with courtesy, honesty and respect. Council believes that a good relationship based on trust, familiarity and confidence is important between Council and the media.

DEALING WITH MEDIA ENQUIRIES:
The Shire President and Chief Executive Officer are Council's official spokespersons on all matters. The Chief Executive or Shire President may nominate other staff or Councillors to act as spokespeople for the Council in relation to particular issues.

Journalists may on occasions contact a senior officer or staff member directly. No staff member, other than those authorised above are to handle an enquiry from the media without prior approval from one of the above.

Information given to the media of a controversial, legal or ethical nature requires the approval of the Shire President and/or the Chief Executive Officer.

All staff are required to pass on important information to the Chief Executive Officer which could be used as the basis for a press release or internal communication. The Chief Executive Officer will decide if the information warrants a media release and/or photo or other treatment.

Information that Council officers wish to communicate to the media is to be sent to the Chief Executive Officer for editing, photographic support and policy proofing before it is publicly issued.

SPEAKING TO THE MEDIA:
Councillors and Council staff are encouraged to co-operate at all times with media outlets subject to the guidelines provided in this policy and to be proactive, as opposed to reactive, in their use of the media.

Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position but Councillors must carefully identify the role in which they speak.

All media enquiries to staff should be directed to the Chief Executive Officer.

Council staff must not speak to the media about matters related to Council unless authorised to do so by the Chief Executive Officer or Shire President.

Council employees and Councillors may not provide any comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.

Council employees may speak to the media or write Letters to the Editor as private individuals with the following restrictions:

- They do not comment on Council business or policy;
- They are not identified as Council employees;
- Their comments are not perceived as representing official Council position or policy.

From time to time it may be necessary for a Letter to the Editor to be written as an official Council communication to inform the community about a particular matter. Such letters must be issued through the Shire President or Chief executive Officer.

When appropriate a Councillor or a member of Council staff should become the sole spokesperson on a specific issue, event or initiative within their operational portfolio to ensure consistency of message.

Councillors and Council staff should treat all media outlets equally and should avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.

When a media organisation or representative requests information on a specific topic, the response must be provided exclusively to that organisation or representative. When there are requests from multiple organisations, the Chief Executive Officer will determine the method of response.

Councillors and Council staff should avoid providing information "off the record" during media interviews. It is best to assume that everything said to any media representative may appear in a news story.

Contractors or service providers employed by Council must refer all media enquiries relating to Council to the Chief Executive Officer.

All new employees are to be given Council's Media Policy as a part of the induction process.

INTERNET AND WEB PAGE COMMUNICATIONS:

The internet is a powerful tool for communicating to a broad audience in number of electronic forms. Council has a web page which provides a modern face for the organisation and the role of the Chief Executive Officer is to ensure that the information is current and relevant.

The web page is both a business communication tool as well as a community information source and therefore the method and manner of communication should be appropriate to the audience and the context.

The web is used to provide public notices, Council minutes, job advertisements, services directory, tourism information and travel guides. Council may also make available pages for community events where the source of the information is not a Council minute or document.

The Chief Executive Officer must ensure that information on the web page is not likely to bring the Council, Councillors or the Officers into disrepute or lead to potential litigation.

COMMUNITY NEWSLETTER:

Council through the Community Resource Centre supports the production and sale of a community newsletter the purpose of which is to provide the community with a forum for communications and stories about local people and events.

Whilst Council, through management of the Community Resource Centre has indirect editorial control over the production of the newsletter it is important that the publication maintains a level of independence appropriate for a community newsletter.

The Manager Community Services is responsible for layout and content of the newsletter and must ensure that the information contained within the newsletter is not likely to bring the Council, Councillors or the Officers into disrepute or lead to potential litigation.

The newsletter should carry a disclaimer in the following terms:

"Disclaimer: The Shire supports the production of this community newsletter the content of which will include articles or comments from advertisers and contributors. The Shire does not accept responsibility for the content or accuracy of any of the information supplied by advertisers or contributors."

EMERGENCY COMMUNICATION:

Council recognises that ill-considered and uninformed comments can cause dire consequences and have legal implications in the event of an emergency, disaster, crisis or other sensitive issue.

In the event of an emergency in the Council area involving serious injury to and/or death of residents, the Shire President/Councillors or Council staff, or involving significant damage to Council assets or private property, or involving significant law enforcement activity on Council property, the following procedures will apply to all:

- The Chief Executive Officer and/or Shire President must be notified immediately of details of the incident.
- Details of the incident must not be discussed with any media representatives by any staff unless approved in advance by the Chief Executive Officer and/or Shire President.
- Requests by the media to film, photograph or interview Council staff or council assets involved in the emergency situation must be referred to the Chief Executive Officer and/or Shire President.

POLICY:	**CODE OF CONDUCT**
POLICY NO:	**1.7**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

INTRODUCTION:

The Local Government Act 1995 requires that every local government is to adopt a Code of Conduct to be observed by Council Members and Committee Members (S.5.103). In addition Councillors are required as a minimum to observe the Local Government (Rules of Conduct) Regulations 2007.

Whilst the Local Government (Rules of Conduct) Regulations 2007 are the statutory rules that govern the behaviour of Councillors, it is considered that these are only the minimum standards and there are additional principles that should apply to Councillors, so they have been included as a party in this Code of Conduct that incorporates the Rules of Conduct.

The Code of Conduct provides Councillors and Committee Members at the Shire with consistent guidelines for a minimum standard of professional conduct. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

General principles that should be used to guide the behaviour of Councillors and Committee Members when acting in their capacity as a Councillor or Committee Member are to:

(a) act with reasonable care and diligence;

(b) act with honesty and integrity;

(c) act lawfully;

(d) avoid damage to the reputation of the local government;

(e) be open and accountable to the public;

(f) base decisions on relevant and factually correct information;

(g) treat others with respect and fairness; and

(h) not be impaired by mind affecting substances.

OBJECTIVE:

To ensure all Shire dealings handled by Councillors and Committee Members are handled in a professional manner, which is open and accountable to the community.

To provide a framework for behaviours that must be observed in the wide range of interactions and scenarios experienced in the conduct of Shire activities on a daily basis.

POLICY STATEMENT:

1. Conflict and Disclosure of Interest

1.1 Conflict of Interest

a. Councillors and Committee Members will ensure that there is no actual (or perceived) conflict of interest or incompatibility between either their personal interests, of those of their immediate family members, business partners or close associates and the impartial fulfilment of their public or professional duties. Any such conflicts of interest must be disclosed in accordance with the requirements of Clause 1.2 and 1.3 of this Code.

b. Councillors and Committee Members will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

c. Councillors and Committee Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire or which may otherwise be in conflict with Shire's functions (other than purchasing the principal place of residence or site for such purpose).

d. Councillors and Committee Members will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

   An individual's right to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

e. Where a Councillor or Committee Member:
   Undertakes a dealing in land within the Shire or an activity which may otherwise be in conflict with the local government's functions (other than purchasing or selling their principle place of residence), then the processing of any application, request or communication, and any dealing with the proponent will be undertaken in a manner that ensures that the proponent is removed from the process and that their contact with the process is only via lines of communication generally available to the public.

1.2 Financial Interest (LGA 5.70)

Councillors and Committee Members will adopt the principles of disclosure of financial interests as contained within the Local Government Act 1995.

1.3 Interest Affecting Impartiality

"Interest means an interest that could, or could reasonably be perceived to adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Councillors and Committee Members who have an interest in any matter to be discussed at a Council or Committee meeting, attended by the Councillor or Committee Member, is to disclose the nature of the interest:

a) in a written notice given to the CEO before the meeting; or

b) at the meeting immediately before the matter is discussed.

Note: This clause does not apply to an interest referred to in Section 5.60 of the Local Government Act 1995 (Financial or Proximity Interest).

2. Personal Benefit

2.1 Use of Information

Councillors and Committee Members must not make improper use of that person's position or of any information acquired in the performance by that person of any of his or her functions or duties to gain directly or indirectly an advantage for that person or any other person or to cause detriment to the Shire or any other person (LG Act S.5.93).

Councillors and Committee Members must not disclose any information that the Councillors or Committee Members derived from a confidential document or information that the Councillors and Committee Members acquired at a closed meeting of the Council other than information derived from a non-confidential document.

This clause does not prevent a Councillor or Committee Member from disclosing information at a closed meeting or to the extent specified by the Council and subject to such other conditions as the Council determines; or that is already in the public domain; or to an officer of the Department of Local Government and Communities or to the Minister for Local Government and Communities or to a legal practitioner for the purpose of obtaining legal advice or if the disclosure is required or permitted by law.

2.2 Improper or Undue Influence

Councillors and Committee Members will not take advantage of their position to improperly influence Councillors, Committee Members or employees in their performance of their duties or function, in order to gain undue or improper (direct or indirect) advantage or gain, financial or otherwise, for themselves or for any other person or body.

Persons aggrieved by what they perceive as improper or undue influence shall report such conduct, in confidence, to the Chief Executive Officer or President. Notwithstanding this, aggrieved persons also have the right to report such conduct to the appropriate external authorities. In making reports of improper or undue influence, persons will not make unsubstantiated allegations and must present factual information, not based on rumour or suspicion, so as to avoid undue concern to others.

2.3 Gifts and Bribery

a) Councillors and Committee Members must not accept for themselves or for any other person or body, any immediate or future gift, reward, donation, inducement or benefit other than a token gift ($0 - $49) or notifiable gift from any person or body, who is undertaking or seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a local government discretion.

An "activity involving a local government discretion" means an activity:

i. that cannot be undertaken without an authorisation from the local government; or

ii. by way of a commercial dealing with the local government.

Note: The Local Government Act 1995 specifies a "notifiable gift" as meaning a gift worth between $50 and $300 or a gift that is one of two or more gifts given to an employee by the same person within a period of six months that are in total worth between $50 and $300. Any gifts or gifts in total worth of $300 or more, is considered to be a prohibited gift/s and cannot be accepted.

'Notifiable gift' does not include:-

i. a gift from a relative as defined Section 5.74(1) of the Local Government Act 1995;

ii. a gift as defined in Regulation 30A of the Local Government (Elections) Regulation 1997

iii. a gift from a statutory authority, government instrumentality or non-profit association for professional training.

b) If a Councillor or Committee Member accepts a notifiable gift from a person or body referred to in (a) above, then they must complete a notifiable gifts form and forward it to the Chief Executive Officer within 10 days of accepting the gift.

c) Any prize(s) exceeding $300 in value (i.e. notifiable gift value), won by a Councillor or Committee Member at a Council funded conference or function (or where the Councillor or Committee Member is representing the Shire), shall be the property of the Shire. These prizes shall be passed on to the Shire for recording in the Gifts Register, the gift to be retained and used for the benefit of the Shire.

d) To avoid any perception of bias or improper conduct, no Councillor or Committee Member (or their immediate families) is eligible to win Shire

sponsored competitions (e.g. rates incentive prizes, event competitions etc).

e) No company or individual with a vested interest may pay or contribute to any expenses associated with the inspection, evaluation or trial of any goods or services which the Shire may or may not wish to acquire, provided however that the Shire may require the payment of those expenses as a standard condition applicable to all parties with an interest in providing the required goods or services to the Shire.

2.4 Disclosure of Election Campaign Contributions

a) A candidate in a Shire election is to disclose information about any electoral gift with a value of $200 or more or is one of 2 or more gifts, with a total value of $200 or more made by one person that may be received within the six (6) month period prior to the relevant election day.

b) Within three (3) days of nomination, a candidate will be required to disclose any gifts received within the relevant period prior to nomination and then disclose any further gifts thereafter. Details about each gift are to be submitted with three (3) days of receiving the gift once nomination has been made.

c) A gift includes a gift of money, a gift which is non-monetary, but of value, a gift in kind or where there is inadequate financial consideration such as the receipt of a discount (where the difference or the discount is more than $200 worth), a financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

Note: A gift does not include a gift by will, a gift by a relative a gift that the candidate would have received notwithstanding his or her candidature, or the provision of volunteer labour.

d) The disclosure of a gift is to be made to the Chief Executive Officer, who will enter the following details into the Electoral Gifts Register:-

i. name of the candidate;

ii. and address of the donor;

iii. date the gift was promised or received;

iv. value of the gift; and

v. description of the gift.

3. <u>Conduct of Councillors and Committee Members</u>

3.1 Personal Behaviour

a) Councillors and Committee Members will:

i. act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;

ii. perform their duties impartially and in best interests of the Shire uninfluenced by fear or favour;

iii. act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community, and will be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop;

iv. make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;

v. always act in accordance with their obligation of fidelity to the Shire and not publicly reflect adversely upon any decision of the Council;

vi. Not when attending a Council meeting, committee meeting or other organised event in their capacity as a Councillor or Committee Member, and members of the public are present, either orally intimating or by any other means where a statement that a local government employee is incompetent or dishonest or use objectionable expressions in reference to a local government employee;

vii. Deal with all sections of the community, employees and Councillors and Committee Members in an open, honest and forthright manner avoiding discrimination, harassment, abuse or exploitation of others.

b) Councillors and Committee Members will represent the whole community first and the interest of pressure groups or individuals only in a context of the greater community good.

3.2 Honesty and Integrity

Councillors and Committee Members will:

i. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

ii. Bring to the notice of the President or the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other employee;

iii. Be respectful, frank, honest and courteous in their official dealing with each other; and

iv. Endeavour to resolve serious conflict through initial discussions facilitated by the President or the Chief Executive Officer.

3.3 Civic Leadership

As the appointed leader of the community of the Shire, the President will demonstrate the highest level of civic conscience, impartiality and personal conduct.

3.4 Respect for Title of Office

Councillors and Committee Members will respect the title of elected office referring to the President and Councillors by their formal title whilst attending Council and Committee meetings and thereafter as circumstances dictate.

3.5 Performance of Duties

Councillors and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Councillors and Committee Members will be as informed as soon as possible about the functions of the Council and treat all members of the community honestly and fairly.

3.6 Compliance with Lawful Orders

Councillors and Committee Members will be given effect to the lawful policies of the Shire, whether or not they agree with or approve of them.

3.7 Involvement in Administration

Councillors and Committee Members must not undertake any task that contributes to the administration of the local government unless authorised by the Council or by the Chief Executive Officer to undertake that task.

This clause does not apply to anything that a Councillor or Committee Member does as part of the deliberations at a Council or Committee meeting.

3.8 Corporate Obligations

a) Standard of Dress

Councillors and Committee Members are expected to comply with neat and respectable dress standards at all times. The President reserves the right to raise the issue of dress with individual Councillors and Committee Members.

b) Communication and Public Relations

As a representative of the community, Councillors and Committee Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Councillors and Committee Members should acknowledge that:

- As a member of the Council or Committee there is respect for the decision making processes of the Council or Committee which are based on a decision of the majority of the Council or Committee
- Information of a confidential nature ought not be communicated until it is no longer treated as confidential (eg authorised by Council, required by law)
- Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official

capacity by the President or a designated officer of the Council

- Information concerning adopted policies, procedure and decisions of the Council is conveyed accurately.

c) *Health, Well Being and Safety*
Councillors and Committee Members will ensure that the Shire's premises and places of work (including vehicles) are adequate to ensure the health, safety and wellbeing of Councillors, Committee Members, employees and members of the public. Potential risks or hazards to Councillors, Committee members, employees or members of the public are to be reported according to existing procedures.

d) *Entrepreneurial Activities*
Councillors and Committee Members will ensure that the Council impartially and properly assesses its own proposals for entrepreneurial activities, consistent with the scope and standard of the normal assessment applied to outside parties requiring Council approval (including subdivisions, development, buildings and tenders).

3.9 Professional Advice
Councillors and Committee Members will ensure that no restrictions or undue influence is placed on the ability of employees to give professional advice to the Council.

At the same time, employees will recognise that as elected representatives, Councillors' views and opinions often reflect valid community viewpoints that will be considered in conjunction with professional opinion.

Employees will therefore make every effort to assist elected members in the performance of their role as Councillors, and to achieve the satisfactory resolution of issues they may raise in performing their official role.

3.10 Relationships between Councillors and Employees
An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members and employees. That teamwork will only occur if Councillors and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Councillors need to:

a) accept that their role is a leadership, not a management or administrative one;

b) acknowledge that they have no capacity to individually direct employees to carry out particular functions; and

c) refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

3.11 Appointments to External Organisations

As part of their representative role Councillors are often asked to represent the Council on external organisations. It is important that Councillors apply the following:

a) clearly understand the basis of their appointment;

b) provide regular reports on the activities of the organisation, and

c) shall always represent the decision/views of the Council, whether the person agrees with the decision/view or not.

4. Dealing with Council Property

4.1 Use of Shire Resources

Councillors and Committee Members will:

a) be scrupulously honest in their use of the Shire's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

b) use Shire's resources entrusted to them effectively and economically in the course of their duties;

c) not directly or indirectly use Shire resources (including the services of Shire employees) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll or for any other purpose, unless authorised under the Local Government Act, the Council or the Chief Executive Officer to use the resources for that purpose, and

d) promote the concept of pride in public property promoting awareness of the community's ownership of the Shire's natural and built environment.

4.2 Travelling and Sustenance Expenses

Councillors, Council representatives and delegates will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire in accordance with the Shire's policy and the provisions of the Local Government Act 1995.

5. Enforcement of the Code

5.1 Access to Information

Any Councillor or Committee Member having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions of the spirit of the Code of Conduct, or any provisions of the Local Government Act or such Regulations or local laws created, should discuss those concerns with the President or the Chief Executive Officer.

5.2 Dealing with Breaches

a) Matters included in any reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken.

b) A breach of the Code of Conduct by a Councillor or Committee Member shall be dealt with by the provision of an appropriate warning in the following manner;

i. in the case of a breach by the President by an absolute majority decision of the Council, and

ii. in the case of a breach by a Councillor or Committee Member by the President.

c) Any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirements. It should be noted that the Anti-Corruption Commission Act 1988 as amended, requires the reporting to the Commission of certain matters relating to alleged 'corrupt conduct', 'criminal conduct' and 'serious improper conduct' and definitions of these terms are provided in the Act.

POLICY: **DISRUPTIVE BEHAVIOUR AT COUNCIL MEETINGS**

POLICY NO: **1.8**

SECTION: **MEMBERS OF COUNCIL**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

INTRODUCTION:

The Local Government Act 1995 seeks to promote participation of the community in Council meetings through public question time and observation of the decision making process which should be conducted in an open and transparent way.

It is important that Council meetings be conducted in an atmosphere of inclusiveness and openness to foster productive relationships with the community. The general conduct of a Council meeting, particularly during public question time depends upon mutual respect and good faith between elected members and the public.

Disruptive behaviour makes the conduct of Council meetings more difficult and stressful, reducing the efficiency and effectiveness of the meeting. Disruptive behaviour also denies other members of the public the opportunity to participate in and observe Council proceedings.

OBJECTIVE:

The objective of this policy is to establish examples of behaviour which is considered disruptive or unacceptable, and to provide guidance for how such situations shall be handled by the presiding person and Council staff.

POLICY STATEMENT:

The following are examples of disruptive behaviour:

- Constant interjection, particularly when the presiding member or Councillors present at the meeting are speaking
- Members of the public calling for points of order
- Booing individual members or the Council
- Contemptuous laughter or derisive comments at decisions or during debate
- Refusal to give up the floor to allow other members of the public to ask questions or demanding to ask questions before others in contradiction of an order from the presiding person
- Refusal to accede to a presiding members instructions, particularly when asked to desist from disruptive behaviour
- Use of abusive and/or inflammatory language when addressing Council with a question or making a statement

- Unnecessarily repetitive questioning
- Aggressive/threatening behaviour towards Councillors, Council employees or members of the public.

The following procedure shall be implemented when dealing with behaviour considered by the presiding member to be disruptive:

- The presiding member will attempt to ignore the interjection and move on with the business of the day.
- If the disruptive behaviour continues the presiding member shall ask the offending party(s) to cease.
- If the disruptive behaviour does not cease, the presiding member shall adjourn the meeting for a specific time. (During this adjournment the Chief Executive Officer (CEO) should discuss the situation with the offending party(s) and ask them to behave appropriately in a place of government).
- Upon resumption of the meeting, the presiding member shall issue a warning that further continuation of the disruptive behaviour will lead to stronger action.
- If after the resumption of the meeting the disruptive behaviour continues, the presiding member shall again adjourn the meeting and instruct the CEO to ask the offending person or persons to leave the premises. The CEO would advise the person(s) that they are requested to leave the premises and that if they remain they will be committing the offence of trespass under Section 70A of the Criminal Code and could be prosecuted.
- Should the person refuse to leave, the CEO shall advise the offending party(s) that the Police will be called to apprehend them and the Council will instigate legal proceedings.
- At all stages of adjournment, the presiding member and elected members should retain the dignity of their office by not interacting with the offending party(s).
- Nothing in this policy removes the right of the presiding member, having regard to the nature and intensity of the disruptive behaviour to issue additional warnings before asking the CEO to request the person(s) to leave or the Police being called.

POLICY:	**COUNCILLOR IPAD POLICY**
POLICY NO:	**1.9**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

OBJECTIVE:
To provide guidelines for access to and usage of tablet electronic devices (iPads).

1. Privately owned iPads

1.1 Councillors who own and operate their own personal iPads will be provided with the appropriate applications required to view the Council's Minutes and Agendas and other Council related documents.

1.2 Councillors will be provided with a pre-paid download capacity for a period of 12 months. The specific amount of download capacity assigned to an iPad will be advised to the Councillor at the time the iPad is recharged. Where the Councillor exceeds the download capacity provided via the prepaid service, the Councillor shall be liable for full cost of any additional download amount.

1.3 Councillors who use their own Private iPad for Council and private use are encouraged to have this item included under their own private property insurance.

2. Council Issued iPads

2.1 iPads are provided for learning, business and information needs of Councillors of the Shire of Yilgarn and is the preferred mechanism for delivery of the Council's Minutes and Agenda and other Council related documents.

2.2 Acceptable Usage

- The iPad is provided primarily for use with respect to Councillors, in performing their civic duties as a Councillor.
- Upon issue, the iPad will be loaded with applicable business related applications.
- The iPad will be supplied with a prepaid sim card which will be charged with an annual data package. If the annual data package is used within the twelve months it is the responsibility of the Councillor to "recharge" the iPad.

2.3 Conditions of Use

- Councillors and staff are required to ensure iPads are maintained in an operative condition.

- Councillors issued with an iPad are expected to exercise the same care in respect of the security and upkeep of the iPad as if it were the councillor's own property. In particular, it is the councillor's responsibility to ensure their allocated iPad is securely locked away at night, whether at work or at home. Similar care must be taken when leaving the iPad in a meeting room or any off-site venue and whilst travelling. iPads must not be left unattended in motor vehicles at any time.

- Lending of the iPad is strictly prohibited.

- The iPad is to remain with the designated person and not swapped with other employees/councillors.

- Passwords to access the iPad and various applications are provided by the Administration team on issue of each iPad and are to remain as set by the Administration team.

- "Find My iPad" Location Services are to remain on at all times.

- All lost or stolen iPads should be reported as soon as practicable.

- An iPad must never be checked-in as baggage on an aircraft and must always be taken on board as hand luggage.

2.4 User requirements

- If a user suspects that unauthorised access to Council data has taken place via an iPad device, the user must report the incident as soon as practicable.

- Devices must not be "jailbroken", that is, the removing of limitations imposed by the manufacturer, or have any software/firmware installed which is designed to gain access to functionality not intended to be exposed to the user.

- Users must not load pirated software or illegal content onto their devices.

- Devices must be kept up to date with manufacturer or network provider patches. As a minimum, users should check for patches weekly and apply at least once a month.

- Council reserves the right to monitor the data usage on the devices.

- The Council reserves the right to cap or change the data plan to comply with Council's data requirements.

2.5 Training and Reporting of Issues/Faults

- Councillors are to seek training, report any issues or faults with the iPads or make any enquiries directly to the Administration Staff.

2.6 Term Completion

- On completion of a term of office as a Councillor or at the cessation of civic duties and where requested, Councillors are required to return the iPad and all accessories to the Administration Office as soon as practicable, but within 28 days.

2.7 Retention of Details

A copy of the following iPad details are to be provided to the Councillor issued with an iPad, and a copy recorded in the Shire's record management system.

iPad Serial Number:	
SIM Number:	
iTunes Login:	
iTunes Password:	
Dropbox Login:	
Dropbox Password:	
Accessories issued:	

2.8 Purchase of IPAD

- Councillors who complete their four year term with Council .can keep their allocated IPad free of charge; Councillors that have not served a full four year term have the opportunity to purchase their IPads at a nominal fee.

2.9 Agreement

- Upon commencement with Council, Councillors are required to read the iPad Policy and declare that they will observe and abide by the terms and condition outlined in this Policy.

POLICY: **RELATED PARTIES DISCLOSURES**

POLICY NO: **1.10**

SECTION: **MEMBERS OF COUNCIL**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

INTRODUCTION:
The Related Party Disclosure Policy aims to assist Council in complying with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the *Australian Accounting Standard AASB 124 Related Party Disclosures*

PURPOSE:
The scope of AASB 124 *Related Party Disclosures* was extended in July 2015 to include application by not-for-profit entities, including local governments. The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

BACKGROUND:
The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

IDENTIFICATION OF RELATED PARTIES:
AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances. Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of *Related Party*:

- An elected Council member.
- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of:
  - Chief Executive Officer
  - Executive Manager Corporate Services
  - Executive Manager Infrastructure
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire will therefore be required to assess all transactions made with these persons or entities.

IDENTIFICATION OF RELATED PARTY TRANSACTIONS:
A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Paying rates.
- Fines.
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.
- Employee compensation whether it is for KMP or close family members of KMP.
- Application fees paid to the Shire for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent) .
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement).
- Sale or purchase of any property owned by the Shire, to a person or party identified above.
- Sale or purchase of any property owned by a person or party identified above, to the Shire.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and

in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

DISCLOSURE REQUIREMENTS:
For the purposes of determining relevant transactions, elected Council members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form.

1. *Ordinary Citizen Transactions (OCTs)*

   Management will put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the *Related Party Disclosures - Declaration* form will be required.

   - Paying rates.
   - Transactions relating to the registration and control of domesticated animals as defined in the Dog Act 1976 and Cat Act 2011.
   - Transactions whereby a Fee or Charge is incurred and that are included as part of Councils endorsed Schedule of Fees and Charges.
   - Fines.
   - Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
   - Attending council functions that are open to the public.

   Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

2. *All other transactions*

   For all other transactions identified as Related Party transactions above, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

3. *Frequency of disclosures*
   - Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form annually.
   - Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.
   - Disclosures must be made immediately prior to the termination of employment of/by a KMP.

4. *Confidentiality*

   All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding,

management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

5. *Materiality*

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

POLICY:	**COUNCIL FORUM /BRIEFING SESSION**
POLICY NO:	**1.11**
SECTION:	**MEMBERS OF COUNCIL**
LAST REVIEW DATE:	**ADOPTED APRIL 2018**
DUE FOR REVISION:	**SEPTEMBER 2018**

That a Council Forum/Briefing Session be held every month, except January, prior to the Ordinary Meeting of Council commencing at 3.30pm.

The following Forum Procedure Applies

Forum Procedure

- Forum to be held each month prior to the Ordinary Meeting.
- Forums to be attended by Councillors and the Chief Executive Officer. Consultants and other senior staff to participate by invitation from the Chief Executive Officer in consultation with the Shire President.
- Forums shall include discussion on items included on the next Ordinary Council Meeting Agenda, issues that may result in Agenda items for future Ordinary Council Meetings concept items and questions/discussions on the Councillors Information Bulletin/Status Report.
- The CEO will ensure timely written notice and the Agenda for each forum is provided at all members.
- Forum papers should be distributed to members at least three days prior to the meeting.
- The President is to be the presiding member at all forums.
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of Interest in matters to be discussed.
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to Ordinary Council Meetings. Persons disclosing an interest will not participate in that part of the Forum relating to their interest and leave the meeting room.
- There is to be no opportunity for a person with an interest to request that they continue in the forum.

- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

POLICY: USE OF COUNCIL EQUIPMENT

POLICY NO: 2.1

SECTION: BUSHFIRE

LAST REVIEW DATE: SEPTEMBER 2017

DUE FOR REVISION: SEPTEMBER 2018

That Council plant and equipment which can be used for firefighting purposes be made available for firefighting and protective burning as required, subject to consultation with Council's senior management staff and the Chief Bush Fire Control Officer or a person acting in this position.

The operation of this equipment is to be conducted either by a Council employee, or in the case where a Council employee is not available, an operator who has been approved at the time of an incident by Council's Executive Manager Infrastructure, Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer.

POLICY: **HARVEST AND VEHICLE MOVEMENT BANS**

POLICY NO: **2.2**

SECTION: **BUSHFIRE**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

That the Chief Bushfire Control Officer and Deputy Chief Bushfire Control Officer, be authorised to impose a Total Movement Ban including the movement of vehicles in paddocks, except vehicles carrying water to stock or inspecting water supplies to stock, within the Shire.

The decision to initiate a Harvest and Vehicle Movement Ban is to be determined by not less than three (3) individual Fire Weather Readings from within the Shire.

In the event that the Fire Danger Index reaches 32 or more, based on an average of three or more weather readings representative of three distinct areas of the Shire, a Harvest and Vehicle Movement Ban will be automatically issued over the whole of the Shire.

Harvesting is not permitted on Christmas Day or New Year's Day. Harvesting is permitted on all Sundays and Public Holidays except where a Harvest and Vehicle Movement Ban has been imposed.

Once issued, a Harvest and Vehicle Movement Ban will remain in force until such time as is originally indicated.

In the event of inclement weather conditions prevailing, a Harvest and Vehicle Movement Ban may be extended beyond the original time indicated.

For the purpose of 'Press Releases' relating to the issue of Harvest and Vehicle Movement Bans, the following wording will be utilised at all times:

"A Harvest and Vehicle Movement Ban is in effect over the whole of the Shire until the designated hour, and may be extended if necessary"

Under no circumstances will the words 'to be reviewed at' be utilised when issuing notice of these Bans.

Community members can contact the Emergency Information Hotline by phoning 9487 8777 for up to date information on Harvest Bans and Road closures.

POLICY: **BRIGADE MEMBERSHIP FORMS**

POLICY NO: **2.3**

SECTION: **BUSHFIRE**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Each brigade is to be encouraged to maintain an up-to-date list of brigade members and urge all eligible persons in the brigade area to complete a membership form, which is to be kept at the Shire Office.

POLICY: **FINANCIAL TREATMENT OF ASSETS**

POLICY NO: **3.1**

SECTION: **FINANCE**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

INFRASTRUCTURE ASSETS:
All expenditure relating to Construction and Improvement Works relating to Infrastructure Assets will be capitalised, and detailed in the following categories:

- Infrastructure Roads
- Airport
- Drainage
- Footpaths
- Parks and Ovals
- Refuse Disposal Sites
- Sewerage Piping
- Townscape
- Furniture and Equipment

All Other Assets (Greater than $5,000 value)
Any material item purchased that is not deemed consumable or disposable, over the value of $5,000 per item will be capitalised, and detailed in the following categories:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment

All Other Assets (Less than $5,000 value)
Items purchased with a value of less than $5,000 will be treated as follows:

Land and Buildings
All Land purchases will be capitalised. Building repairs and improvements less than $5,000 will be treated as operating.

Plant and Equipment
A record of Plant and Equipment purchased with a value between $1,000 and $5,000 will be maintained via the 'Inventory of Plant, Equipment and Tools', with this Inventory reviewed annually by Council's Executive Manager Infrastructure to ensure dilapidated/disposed assets are removed from the Inventory.

Furniture and Equipment
All Furniture and Equipment >$5,000 will be capitalised. Furniture and Equipment <$5,000 per item will be treated as operating.

DEPRECIATION:
Depreciation of assets will be in line with the Significant Accounting Policies (Depreciation of Non-Current Assets) as adopted annually by Council via the Annual Financial Statements and Notes to and forming part of the Budget.

DISPOSAL OF ASSETS:
Methods of disposal of assets
The principal methods of disposal of assets are:
(a) public auction or electronic (for items of significant value a reserve price will be agreed to between the relevant officer and the auctioneer prior to the auction) or by public tender.
(b) dumping – assets of no or little value only
(c) donation to a registered charity or community organisation.

Sale to staff/Councillors
As a general principle, sale of assets to staff is NOT to occur outside of a public process.

The Independent Commission against Corruption (ICAC) recommends that invitations to bid for the purchase of any surplus Council assets should not be limited to staff or to elected officials. Members of the public must also be allowed to compete for the purchase.

However, it is recognised that there will be individual instances where sale to a staff member may be the most practical or fair and reasonable manner of disposal. In these instances, authority for disposal will rest with the CEO. All decisions and the reasons for the decisions must be documented.

Donations to Community Groups/Charities
(Note: this method of disposal may not be used for asset with an estimated value of more than $5,000).

Scrap materials salvaged from works e.g. pavers etc. which are unsuitable for new Council projects may be "donated" to charities/sporting bodies with the authority of the Chief Executive Officer.

Donations of other old assets may only be made with the authority of the Chief Executive Officer and only after exploring all avenues for recouping a fair value for the Council.

Council staff should only consider donations in response to a formal written request.
In considering any request, staff should keep in mind the following:
- Community groups should receive equitable treatment to avoid possible claims of bias.
- A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- A check should be made to ensure the group is non-profit and that the intended use of the asset is non-commercial (i.e. non-profit).
- Where the donation is seen as appropriate but there is a potential claim of bias, the matter should be referred to the Chief Executive Officer.

- The charity/community group must remove the asset themselves and at no cost to the Council.

Destruction of assets classified as beyond economical repair
Where an asset is classified as beyond economical repair the asset must be destroyed, with the destruction being witnessed by another responsible officer nominated by the Chief Executive Officer.

Sale of Information Technology (IT)/computer equipment
All internal hardware with any information relating to the Shire of Yilgarn will be removed by the Shire's external contractor and destroyed.

All external asset tags and labels connecting a machine to Shire of Yilgarn are to be removed and the remainder of the machine will be sent to e-waste.

Sale of motor vehicles
Motor vehicles are to be sold either via auction, tender or electronic tender or traded when purchasing a new vehicle.

Sale of office furniture
The Manger Regulatory Services is responsible for the disposal of all office furniture. The furniture is to be either sold by public auction or tender.

Sale of major assets
Where assets of significant value (being more than $150,000) are to be sold, the sale is to be by either public auction or tender.

Asset Revaluation at Fair Value

Fair value is considered to be the best estimate of the price reasonably obtainable in the market at the date of the valuation. It is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtainable by the buyer.

The use of fair value in local government general purpose financial statements is considered essential to provide a more accurate measure of the value of community assets and liabilities than "historical cost" (the original monetary value of an economic item).

It is also essential to good asset management practices and robust long term financial planning for a local government to report the value of assets and their associated maintenance, renewal or replacement costs at fair value so that the long term sustainability of that local government can be addressed.

In September 2011, the Australian Accounting Standards Board issued accounting standard AASB 13 Fair Value Measurement, which sets out a framework for measuring fair value. The standard applies to annual reporting periods beginning on or after 1 January 2013 but may be applied to earlier reporting periods.

AASB 116 provides significant commentary and guidance on how to deal with an increase or decrease in an asset's carrying amount and depreciation of an asset on revaluation as well as how these should be treated in accounting records and financial reports.

POLICY: **SURPLUS FUNDS INVESTMENT**

POLICY NO: **3.2**

SECTION: **FINANCE**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

POLICY:
In accordance with the Local Government Act s6.14 (2) the Chief and/or Deputy Chief Executive Officer is authorised to invest surplus Council funds to the best advantage of Council, within a recognised Financial Institution, provided that local banking institutions are also given the opportunity to negotiate with a view to achieving the best possible interest rates.

Council will invest in only authorised institutions in accordance with FM Reg 19 (1) (2)

Council recognises the following Financial Institutions as being authorised for the investment of Council's Funds:

- Westpac Banking Corporation
- ANZ Banking Corporation
- Commonwealth Bank
- National Australia Bank
- Bankwest
- Bendigo Bank

When investing money Council may not do any of the following —

(a) Deposit with an institution except an authorised institution;

(b) Deposit for a fixed term of more than 3 years;

(c) Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;

(d) Invest in bonds with a term to maturity of more than 3 years;

(e) Invest in a foreign currency.

PROCESS:
A monthly statement be presented to Council giving details of all current investments showing;

a) place of investment
b) term of investment
c) interest rate
d) name of funds invested

POLICY:	**RESOURCING EMPLOYEE ENTITLEMENTS**
POLICY NO:	**3.3**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

Council maintains a Long Service Leave Reserve to provide a mechanism to fully cash-back employee entitlements at the 30th June each year.

The value of this Reserve must mirror the value of:

- Current Long Service Leave recognised at year end, anticipated to be taken by the employee during the next reporting period, and;
- Non-Current Long Service Leave

Council acknowledges that funds will be withdrawn from time to time as employees utilise their Long Service entitlements identified within annual budgets. In the event that additional funds are required to meet obligations beyond the budgeted allocation, approval from Council will be sought to fund the shortfall from the Reserve Fund.

POLICY:	**RESERVE PORTFOLIO RATIONALE**
POLICY NO:	**3.4**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

Council maintains several Reserves for a myriad of purposes. This policy serves to explain the rationale behind Reserve purposes, and the basis of their existence. Essentially, Reserves are categorised by at least one of the following categories:

- Growth
  A Growth Reserve has been set aside for a specific circumstance or event, which has or is reaching it's floor level, continuing to grow primarily as a result of interest re-investment.

- Special Purpose
  A Special Purpose Reserve is created via the Community Strategic Plan and Corporate Business Plan, where a project or facility requires financial resources to be accumulated over an appropriate period of time. This type of Reserve endeavours to fully cash-back a project prior to it commencing.

- Transactional
  A Transactional Reserve is developed to act as a financial conduit for a specific operation of Council. A Transactional Reserve can either operate as a 'Income Only' Reserve, whereby income from a facility is exclusively transferred to the Reserve or it can be 'Fully Operational', where the income is transferred to the Reserve and Expenditure obligations (both operating and non-operating) are sourced from this Reserve.

- Unforseen Circumstance Levels
  Some Reserves will maintain a floor level which is earmarked to provide Council with flexibility to meet unforseen obligations within its operations.

POLICY:	**PURCHASING AND TENDERING POLICY**
POLICY NO:	**3.5**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

OBJECTIVES:

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in September 2015)
- To deliver a best practice approach and procedures to internal purchasing for the Shire.
- To ensure consistency for all purchasing activities that integrates within all the Shire operational areas.

WHY DO WE NEED A PURCHASING POLICY:

The Shire is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire receives value for money in its purchasing.
- Ensures the Shire is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire's purchasing practices that withstands probity.

ETHICS & INTEGRITY:

All officers and employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;

- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

VALUE FOR MONEY:

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

PURCHASING THRESHOLDS:

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

Amount of Purchase	Policy
Up to $15,000	Where practicable, obtain verbal or written quotations
$15,000 to $149,999	At least one written quotation. OR Obtain quotations directly from a pre-qualified panel of WALGA Preferred Supply Contracts using eQuotes.
$150,000 and Above	Conduct a public tender process OR Obtain quotations directly from a Tender exempt pre-qualified panel of WALGA Preferred Supply Contracts using eQuotes.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the $150,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than $150,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Up to $15,000

Where the value of procurement of goods or services does not exceed $10,000, purchase on the basis of best effort to obtain verbal and written quotations is permitted. Chief Executive Officer and Delegated Senior Managers are to use their professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies.

$15,000 to $149,999

Chief Executive Officer and a Delegated Senior Manager may approve purchases where the value exceeds $15,000 but is less than $149,999, with at least one quotation containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

REGULATORY COMPLIANCE:

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;

- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Sole Source of Supply (Monopoly Suppliers)
The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance
The Shire shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of $150,000, thereby avoiding the need to publicly tender.

LOCAL PRICING POLICY:
Officers seeking quotations should ascertain whether local suppliers are capable of supply and should invite those companies to quote. Council Staff are encouraged to utilise local suppliers for goods and services wherever practicable and in compliance with the provisions of the policy (above) and legislation.

As a guide delegated Officers can exercise the right of price preference in the order of up to 10% for purchases with a value of between $0 and $150,000.

OSH PURCHASING POLICY

PURPOSE:

Many hazards need not enter the workplace. Items that are purchased must be assessed for their safety and health features and other implications such as cleaning, maintenance and training staff in their use. It is the policy of the shire that prior to items being purchased, consideration by the Manager and Supervisors must occur to prevent hazards entering the workplace.

DEFINITIONS
Purchasing items refers to all items that impact on the safety and health of employees. This includes new and second hand items. This policy does not apply to items procured by tender, where health & safety requirements are specified in the tender.

APPLICATION:

Standard purchases

Prior to purchasing a new item, the authorised officer should consider occupational safety and health issues as listed on the OSH Purchasing Checklist.

Consultation shall be undertaken with the relevant employee when new plant/equipment/substances are being purchased for the first time and where there is the potential for significant detrimental impact on health and safety of any person.

NEW BUILDINGS

Occupational safety and health issues will be considered during planning of new buildings. An occupational safety and health representative will be included on any new building committee.

SUPPLIERS

All suppliers of goods and services must be approved and placed on the master supplier register. Delivery instructions to suppliers will specify exact delivery point to minimise manual handling required by Shire staff. Competent, reliable supplier that supplies good quality goods will be used.

COMMISSIONING OF NEW PLANT OR EQUIPMENT

New equipment or plant should be inspected and assessed prior to use to identify any hazards or risks associated with its use. Instruction manuals or safety information provided with the equipment shall be reviewed prior to use of the equipment.

If the risk assessment determines the need to use personal protective equipment, or that additional training is required to safely operate the plant, and then this will be documented. Any previous safe operating procedures, or job safety analysis sheets, should also be reviewed to determine if they need to be updated in line with the new equipment.

POLICY: **SIGNING OF CHEQUES**

POLICY NO: **3.6**

SECTION: **FINANCE**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Further to Council Delegation LGA20, in accordance with Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 12 and 13, Council delegates authority to the Chief Executive Officer to make payments from the Shire Municipal, Trust or other Fund.

These payments, made either by cheque or Direct Debit, are to be signed or electronically authorised by any two of the following authorised persons:

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Infrastructure
- Manager Community Services
- Manager Regulatory Services

provided that at least one of the authorised persons is either the Chief Executive Officer, Executive Manager Corporate Services or Executive Manager Infrastructure.

List Pay Document (Payroll Deposits)
Council utilises a 'List Pay' document to authorise the deposit of fortnightly net-pay amounts for Council's staff into individual employees' personal bank accounts.

This 'List Pay' document can be signed by any one of the above authorised persons listed above.

In support of this 'List Pay' document, a Manual Cheque Voucher is to be prepared, and that voucher must be signed by any two of the authorised signatories.

POLICY:	**RECOVERY OF FINES AND COSTS FROM SUNDRY DEBTORS**
POLICY NO:	**3.7**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

Where fines and costs have been awarded by the Courts, or via Council's designated Recovery Agents from time to time, Solicitors shall continue to act on behalf of Council until satisfaction has been obtained.

All costs associated with the debt recovery effort shall be a charge against the defaulting debtor account.

Recovery Actions include:

- Referral of Fines to the Fines Enforcement Registry if unpaid after the due date,
- Summons for any account with an outstanding balance greater than $200.00,
- In the event that a Summons remains unsatisfied, a Judgement Summons or Warrant of Execution will be applied to the Debtor,
- In the event that legal action is exhausted, with the debtor being unable to satisfy the Warrant of Execution (i.e. the Bailiff cannot seize goods to dispose of, to meet the value of the debt), then the account will be referred back to Council for consideration.

POLICY:	**BENCHMARK PERCENTAGE OR VALUE FOR REPORTING OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY**
POLICY NO:	**3.8**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

In an effort to provide Councillors with confidence and clarity when reviewing the Monthly Statement of Financial Activity, and in accordance with the Local Government (Financial Management) Regulations 1996, Regulation 34 (5), the following benchmarks will be used by staff for reporting of material variances:

Benchmark percentage	+/- 10%.
Benchmark value	$30,000

POLICY:	**USE OF COUNCIL CREDIT CARD**
POLICY NO:	**3.9**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

PURPOSE:

Corporate credit cards can deliver significant administrative benefits to the organisation and are regarded as a normal business operation and preferable to using cash for purchasing where Council orders are not accepted or for one off supplies.

The role of the CEO is to ensure that Council has in place proper accounting and reporting mechanisms for the use of Council issued credit cards.

POLICY PROVISIONS:

A credit card shall only be issued by the Shire where there is a clear business case to support the use of the credit card in specified circumstances.

A business case to support the issue of a Council credit card shall be made in writing to the Chief Executive Officer who may approve or not approve this at his or her discretion.

The limit to be assigned shall be determined by the Chief Executive Officer at the time of the approval being given and will vary dependent upon business needs in each case.

Upon approval by the Chief Executive Officer an application form issued by the relevant financial institution shall be completed and forwarded to the Deputy Chief Executive Officer for advice to the Bank.

Council issued credit cards shall not be used to obtain cash advances.

Council issued credit cards may only be used for Council purposes. These purposes relate to business related transactions only. Council issued credit cards shall not be used for personal purchases. A tax invoice must be obtained for all business related transactions.

The Accounts division shall undertake monthly reconciliations and reviews of credit card purchases.

RESPONSIBILITIES:

These responsibilities should be read in conjunction with the policy provisions detailed above.

1. Holders of Council issued credit cards shall ensure a tax invoice is obtained for all transactions. This tax invoice must clearly state the goods and services obtained.
2. Council's Manager of Finance shall provide a copy of credit card statements to the relevant cardholder on a monthly basis.

3. Holders of Council issued credit cards shall retain relevant tax invoices to be matched and reconciled against the monthly statement and returned to the Creditor Officer, for authorisation within five working days of being issued with the credit card statement.
4. Council's Creditor Officer shall undertake a monthly review and reconciliation of all credit card accounts. Any anomaly in these shall be notified to the Chief Executive Officer in writing immediately upon he or she becoming aware of such anomaly.
5. In the event of a Council issued credit card being lost or stolen the cardholder shall immediately notify the bank and the Chief Executive Officer.
6. The Chief Executive Officer shall maintain a list of credit card holders and credit card limits, which shall be reviewed on an annual basis.
7. Credit card holders shall return the Council issued credit card and relevant tax invoices to the Chief Executive Officer immediately upon cessation of employment or relevant position with Council.
8. Credit Card Holders shall not use for personal gain the benefits of any reward scheme (i.e Fly Buys) that is attached to the Council issued credit card.
9. If a credit card holder fails to comply with the requirements of this policy then the credit card may be withdrawn and further disciplinary action may follow.
10. Employees issued with a Council credit card shall sign a copy of this policy as acknowledgement of their agreement with this policy.

PROCEEDURE FOR AUTHORISATION OF PURCHASES:

The holder of a Council credit card shall reconcile the charges raised to the tax invoices held, provide a brief explanation as to the nature of the charges incurred and the appropriate cost allocation for such charge and then sign a statement to confirm that the charges raised were for business purposes. The completed and reconciled statement and tax invoices are to be returned to the Creditor Officer within five working days.

The Creditor Officer shall, in the case of staff other than the CEO, submit the completed and reconciled statement to the CEO for review and authorisation.

In the case of the credit card retained by the CEO, the completed and reconciled statement is to be submitted to the Shire President for review and authorisation.

The amount charged to credit cards is to be listed on the monthly list of accounts for submission to the Council and the original statement together with the tax invoices and signed copy of statements is to be filed and available for inspection by any Councillor and retained in Council's accounting records for audit purposes.

FORM FOR ACCEPTANCE OF CREDIT CARD CONDITIONS OF USE

I declare that I have read and have accepted the Council policy and procedures concerning the use of a Council credit card.

…… ……

Credit Card Holders Name Credit Card Holders Signature

Date ……

POLICY:	**RATES AND CHARGES RECOVERY POLICY (INCLUDING SEWERAGE RATES FINANCIAL HARDSHIP POLICY)**
POLICY NO:	**3.10**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

OBJECTIVE:
To collect all rates, charges, fees and debts due to Council in an efficient and effective manner.

STATEMENT:
Rates and Charges should be levied on or before 1st August in each year and are payable either in full within 35 days or by four equal instalments on the due dates as determined by Council in accordance with the regulation.

Any instalment not paid by the due date falls into arrears and is subject to interest charges. Council can take recovery action against all ratepayers with overdue rates and charges.

There will be no general distinction made for pensioners or any class of ratepayer, with each case being individually dealt with according to the circumstances. Council is aware that at different times ratepayers may experience genuine hardship in meeting rate payments and upon application suitable arrangements for the payment of rates will be considered.

PROCEDURE:
- All owners are issued with a Rates and Charges Notice under section 6.41 of the Local Government Act 1995 and where required with a Rate Instalment Notice section 6.45.
- Where rates remain outstanding 14 days after the due date shown on the Rate Notice, and the ratepayer has NOT elected to pay by the 4-Instalment option, a Final Notice shall be issued requesting full payment within 7 days.
- Rates remaining unpaid after the expiry date shown on the Final Notice will be examined for the purpose of issuing a Notice of Intention to Summons.
- Where payment still remains outstanding despite the issue of a Notice of Summons, and the ratepayer has not entered into a payment arrangement a claim will be issued for recovery.
- Where a claim has been issued and remains unsatisfied, action will be taken to pursue that Claim by whatever means, through Council's solicitors or collection agency as the case may be, to secure payment of the debt.
- Following the issue of a Claim and addition of legal costs, a reasonable offer to discharge a rate account will not be refused.

- Where the owner is resident at the property in a domestic situation, that instalment arrangement will be calculated so that the minimum repaid over a full year will equal 150% of annual levies.
- Where the owner is non-resident or a company (i.e. the property is an investment) the maximum period over which repayment will be permitted will be three months.
- Legal proceeding will continue until payment of rates imposed is secured. This includes the issue of a Property Seizure and Sale Order against goods AND land if necessary.
- If a Property Seizure and Sale Order against land is proposed to collect outstanding rates due on a property where the owner resides, approval of Council shall be obtained before the PSSO is lodged.
- PSSO's against land will be used to collect outstanding amounts in respect to investment properties without a requirement that these be referred to Council.
- In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or refuses to settle rates owed, notice will be served on the lessee under the provisions of section 6.60 of the Local Government Act 1995, requiring the lessee to pay to Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

At all stages in this process from the issue of the Final Notice the opportunity to make a satisfactory payment arrangement with Council is offered prior to the commencement of legal action.

Sewerage Rates & Hardship Policy

Rate payers have the right to request a review of their rates bill to ensure that they are not being undercharged or overcharged for their sewage rates. If the customer is dissatisfied with the review he/she can request to speak to the CEO about the matter. The customer is to be informed of the outcome of a review within 15 days of the request. If the customer is still not satisfied with the review then staff should direct them to contact the Energy & Water Ombudsman.

If a ratepayer advises the Shire that they are unable to pay or has difficulties in paying the sewer rates on their property, staff are to refer to the Shire of Yilgarn Financial Hardship Policy for Water Services March 2014 to assist the ratepayer. If a satisfactory result cannot be agreed on then the ratepayer is to be advised they can refer the matter to the Water Ombudsman.

POLICY:	**USE OF SHIRE FACILITIES BY SERVICE PROVIDERS**
POLICY NO:	**3.11**
SECTION:	**FINANCE**
LAST REVIEW DATE:	**ADOPTED FEBRUARY 2018**
DUE FOR REVISION:	**SEPTEMBER 2018**

To encourage service providers such as Chiropractors, Podiatrists, Physiotherapists and Veterinarians to provide a service in the Shire of Yilgarn, Shire buildings required for the delivery of such services will be made available free of charge.

POLICY: **DEVELOPMENT OF HERITAGE PRECINCTS**

POLICY NO: **4.1**

SECTION: **TOWN PLANNING & BUILDING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

That development proposals on Heritage Buildings as specified in the Shire Municipal Inventory List (places of Heritage value) shall ensure that the heritage qualities are given due consideration prior to planning approval.

POLICY: **BUILDING ON RESIDENTIAL TOWNSITE LOTS**

POLICY NO: **4.2**

SECTION: **TOWN PLANNING & BUILDING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Planning consent will not be granted by the Council to applicants wishing to construct more than one (1) residential building on a residential lot within the townsite of the Shire unless;

a) setbacks and uses of the proposed buildings meet the requirements of the Shire of Yilgarn Town Planning Scheme (as amended from time to time), the National Building Code of Australia, and any other relevant Town Planning, Building or Health regulations;

b) the residential buildings are constructed in a similar manner in terms of style, finish, appearance and method of construction as determined by the Council. Applicants are required to present such details including plans and photographs of proposed and existing buildings for Council assessment.

POLICY: **ADVERTISING & DIRECTIONAL SIGNS**

POLICY NO: **4.3**

SECTION: **TOWN PLANNING & BUILDING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The erection of any signs, whether on public or private land, requires the approval of Council, under clause 5.2 Control of Advertisements of Yilgarn's Town Planning Scheme No. 2 (or as amended) and Main Roads WA Advertising Sign Guidelines.

Applicants are to submit an application for development approval to the Council detailing the reason for the sign, where it is proposed to be located, what it is made of and the design/wording/colour scheme on the sign. Signs are to be professionally made and painted. They are to be erected in accordance with best practice, the Building Code of Australia, or as directed by the Shire.

Sponsor's Signs:
When an organisation or business wishes to erect sponsor signs, the following conditions apply in addition to general requirements above:

- The organisation is responsible for the placing and removal of the signs;
- The organisation is responsible for maintaining the signs in good order at all times;
- Signs at the Oval may be placed on the boundary fence, the fence around the netball/basketball courts/skate park, and the tubular fencing around the oval – care needs to be taken to ensure that the signs are adequately supported and that the signs do not damage the fencing material;
- The signs are only to be erected for the duration of the event being sponsored, or at the discretion of the Manger Regulatory Services; and
- The Shire takes no responsibility for the ongoing maintenance of the signs, even though they are on Council property.
- The Shire may force the removal of signs that are unmaintained or deemed dangerous at the relevant organisations expense.

Roadside Advertising Signs:
Advertising signs located on the state road reserves and beyond the boundaries of, but visible from, state road reserves, require Main Roads WA approval.

State road reserves include the Great Eastern Highway, Bullfinch Road from Bullfinch townsite to Southern Cross townsite and Southern Cross Marvel Loch Road from Southern Cross townsite to Marvel Loch townsite.

Advertising Signs outside of Main Roads WA jurisdiction must be less than 4.5 square meters in area and advertise a business or service in the local community or town, unless approved otherwise by council.

The advertising of certain premises such as places of worship or public utilities should be done at the place site, not through this type of advertising sign.

The following criteria apply to advertising signs within the Shire

For **Southern Cross townsite**, roadside advertising signs are to be restricted to the following criteria, unless otherwise approved by Council;

- to be located on the Great Eastern Highway (both east and west), Bullfinch Road, Koolyanobbing Road, and Marvel Loch Road approaches to town;
- within 3km of the townsite boundary on the relevant roadway.
- the location of the advertising sign is dependent on the ground terrain, the nature of the road (straight, curved, road intersection, etc.), required cautionary or regulatory road signs, roadside installation such as verge guide posts, culvert ends, roadside stormwater drainage, etc., and the applicant's preferred location;
- each business or service provider is entitled to erect one advertising sign on each of the abovementioned approaches to town;
- "Main Roads-Roadside Advertising Guidelines-2015"; and
- are not to be offensive, degrading, immoral, sexist, or racist through the use of depictions, language or the use of swear words. As English is the national language of Australia all words are to be in English only.

For **all other townsites**, roadside advertising signs are to be restricted to the following criteria, unless otherwise approved by Council;

- to be located on the two main approach roads into the particular town;
- to be located from the town boundary line to a maximum distance of 2000 metres;
- the location of the advertising sign is dependent on the ground terrain, the nature of the road (straight, curved, road intersection, etc.), required cautionary or regulatory road signs, roadside installation such as verge guide posts, culvert ends, roadside stormwater drainage, etc., and the applicant's preferred location;
- each local business or service provider located within the town or general area is entitled to erect one advertising sign on each of the abovementioned approach roads to town;
- "Main Roads-Roadside advertising Guidelines-2015"; and
- are not to be offensive, degrading, immoral, sexist or racist through the use of depictions, language or the use of swear words. As English is the national language of Australia all words are to be in English only.

Roadside advertising signs **along rural roads,** for businesses or services, located outside a townsite are to be restricted to the following criteria, unless otherwise approved by Council;

- are to advertise a business or service that visitors/clients need to visit on a regular basis but do not include visitors such as fuel or other transport vehicles, business advisers or agents, etc. An exception to this may be a sign to advertise a field day or a farm clearing sale;
- to be located on the two main approach roads into the nearest town;
- to be located on the business property, ideally at or near the access road onto the property; and
- in all other respects are to comply with the criteria for these signs in Southern Cross town-site or for all other town-sites as stated above.

Construction and Installation
Applicants upon receiving approval for the advertising sign are;

- to arrange and pay for the production of the sign by a professional sign writer or sign manufacturer,
- will give the sign to the Shire for installation with the cost of installation to be paid by the applicant,
- will ensure that the sign is covered by the applicant's public liability insurance cover, and
- will be responsible for the ongoing maintenance of the sign.

Owners of advertising signs that are not maintained will be required to either remove the sign, replace or repair it.

If advertising signs are not adequately maintained by the owner, they may be removed by Main Roads or the Shire, with associated costs charged to the owner.

Directional Signs:
A directional sign is defined as a sign erected in a street or public place to indicate the direction to another place. They are commonly known as "finger" signs as they normally have one side shaped in the form of an arrow head to point the direction to travel to get to the particular place.

Directional signs are to be restricted to the following criteria, unless otherwise approved by Council;

- may be located at intersections on main approach roads/streets in the townsite to indicate the most direct route to the place;
- may be located at intersections on lesser roads/streets within the townsite to indicate the most direct route to the place;
- may be located at intersections on rural roads outside a townsite to indicate the most direct route to the place;

- a directional sign must not impede any other signs, especially any cautionary or regulatory road sign, and must not impede the line of sight for drivers at or approaching the intersection;
- within reason, each business within a townsite that is a distance off the main approach roads/streets may have multiple number of directional signs, however, there is not to be a directional sign on each intersection between the main approach road turn-off and the place. The specific number of directional signs is to be at the discretion of the Chief Executive Officer, but shall be no more than 6 signs within a townsite;
- Within reason, each business outside a town-site that is a distance off the main approach roads may have a multiple number of directional signs, with the specific number to be at the discretion of the Chief Executive Officer, but shall be no more than 10 signs;
- directional signs are to state the name of the place, and may also state the distance to the place;
- The applicant is to nominate the wording to be on the sign, and will be responsible for the costs of purchasing the sign and erecting it; however, the Shire will order and erect the sign to ensure compliance with the Australian Standards for road signs, uniformity of size, colour, and word font.

Where several businesses wish to have a directional sign for the one area, Council may require that a "stacked" slat sign is used on the one street corner or intersection. This will ensure that each sign will state the same information, be uniform in design/colour/letter/heights etc., and there may be room for other businesses to have a sign included on this sign in the future. Who pays for the sign slats and the installation will be determined at the time of the application.

POLICY:	**MAINTENANCE OF BUILDINGS UNDER COUNCIL CONTROL**
POLICY NO:	**4.4**
SECTION:	**TOWN PLANNING & BUILDING**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

That structural and major works to any building under direct Council control be the responsibility of Council, whilst minor maintenance to the internal fittings and fixtures be the direct responsibility of the occupier or principal user of the building *except* where the occupier or principal user has entered into a lease or other arrangement with Council which defines such responsibility otherwise.

Maintenance of Council Buildings will be in accordance with Council's Asset Management Policy and Asset Management Plan.

POLICY:	**SWIMMING POOL USAGE**
POLICY NO:	**4.5**
SECTION:	**TOWN PLANNING & BUILDING**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

OBJECTIVE:
To ensure that Council, staff and patrons of the Southern Cross Swimming Pool are familiar with the pool opening hours and general operational usage.

SWIMMING POOL SEASON:
The Swimming Pool Season will commence in the first week of November and close in the last week of March of each year. These dates can be adjusted by the Manager Community Services (MCS), in consultation with the CEO, to suit seasonal conditions.

The Swimming Pool Manager will commence work four weeks prior to the official opening of the pool to have the pool and grounds ready for use.

Normal Hours of Operation:
Normal hours of operation are from 11.00am to 6.00pm throughout the season.

The Swimming Pool Manager may keep the premises open until 8.00pm if the weather is warm and the pool is well patronised.

In the event of inclement weather, the Swimming Pool Manager has the discretion to close the pool for safety reasons.

If the weather is not favourable for swimming, being cold and/or raining, and there have been few or no patrons during the day, then in consultation with the Manager Community Services, the Swimming Pool Manager may close the facility earlier than 6.1 pm. A sign is to be placed at the gate advising patrons that the facility is closed and the reason for the closure.

Other users:
Paid service providers or volunteers:
The Shire of Yilgarn allows private facilitators and volunteers to provide services such as swimming lessons, water gymnastic and similar to be held at the pool.
The following conditions apply:

- All activities need to be approved by the Manager Community Services, in consultation with the Swimming Pool Manger.
- All activities are held during normal pool hours.
- Activities outside normal pool hours will require the private hire of the pool and approval from the Swimming Pool Manager and Manager Community Services.

- Attendees to these activities need to either hold a valid season pass or pay a daily admission fee.
- The registration fee paid by each attendee is the property of the facilitator.
- Should the pool be booked for other functions the activity will have to be postponed.
- The activity does not interfere with other patrons of the pool and does not give sole use of the pool, unless a lane / lanes have been hired.

Early Morning Swimming:
In the event that there is sufficient interest (minimum of 4 regular swimmers), the Swimming Pool Manager can open the pool between 6.00am and 7.00am on nominated days, for early morning swimming.

VAC Swim Lessons:
For two weeks (not including weekends) after school has finished for the year, VAC Swim Lessons will be held at the pool. The exact dates are determined each year by VAC Swim in Perth and the Shire and Swimming Pool Manager are advised of these dates. Lessons commence generally at 9.00am and conclude generally at 1.00pm. During this period the pool is not open to the public, and this is advertised in Crosswords to advise patrons. People attending VAC Swim Lessons must make registration payments directly to VAC Swim WA, however, attendees (including parents watching their children) will still need to purchase a day ticket to enter the Pool facility or hold a valid season ticket.

School Swimming Lessons:
In November and February each year, for two weeks each month, there are swimming lessons held at the pool conducted through the local Schools and the Department of Education WA. Lessons commence generally at 9.00am and conclude at 2.30 pm. During this period the pool is open to the public although patrons need to be mindful of the lessons in progress, and this is advertised in Crosswords to advise patrons.

ADMISSION TICKETS:
The fees and charges for admission to the swimming pool are reviewed annually as part of the Council's Fees and Charges Schedule. These charges are to be advertised separately in Crosswords prior to the commencement of the new swimming season each year.

The following outlines the difference between the daily admission ticket and the season admission ticket.

Daily Admission Tickets:
Entry to the pool during operating hours without limitation for one day.

Season Admission Tickets:
A season ticket will admit unlimited entries into the facility during the whole season.

A Family season ticket is valid for 2 adults and up to 3 children or dependents under the age of 16 years, who are all members of the immediate family, residing at the same address.

Season tickets are non-transferrable (can only be used by the original owner)

GENERAL USE:

General Rules and Warnings of the Swimming Pool Facility

- Pool patrons are required to conduct themselves in an appropriate manner and to comply with the general rules and warning signs that are placed around the facility and obey directions of the Swimming Pool Manager.

Children Under 10 Years of Age

- All children under 10 years of age attending the Pool for any activity must be accompanied by a responsible adult otherwise they will not be allowed entry. A responsible adult is considered a person 16 years old or older who is either related to the child or has been designated by the child's parents or guardian for this purpose. The pool manager may request some form of age identification.

This requirement is a statutory requirement introduced by the WA State Government in 2008 with the adoption of the *Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities*, which is administered by the Shire.

Child Supervision

- While the Swimming Pool Manager is responsible for looking out for all swimmers at the facility, they are not responsible for watching young children in and around the water as this takes their attention off other swimmers.
- Parents who bring very young children to the pool must attend to and be in arms reach of their child/children at all times. Parents must take notice of any directions given to them by the Swimming Pool Manager to watch or control their child/children when in or near the water.
- If these directions are ignored then the Swimming Pool Manager can prohibit parents and children from entry to the Pool Facility.

Resolution of Disputes:
The Swimming Pool Manager will run and manage the Swimming Pool Facility in accordance with the Health (Aquatic Facilities) Regulations 2007, the Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities December 2015 and this Council Policy.

In the case of a pool patron or a group that uses the Pool facility having a dispute with the Swimming Pool Manager, the following procedures should be taken:

1) The patron or executive representative of the group should speak to the Swimming Pool Manager regarding their dispute and try to resolve the matter to the agreement of both parties.
2) If a resolution cannot be achieved following the actions as stated in item 1) above, then the patron or executive representative of the group should discuss the matter with the Manager Community Services.
3) If the patron or group are not satisfied with the decision from the Manager Community Services, then they are to put their grievance in writing addressed to the Chief Executive Officer who will respond to the author accordingly stating his/her decision on the matter.

POLICY:	**OUTBUILDINGS IN RESIDENTIAL AND TOWNSITE ZONED AREAS**
POLICY NO:	**4.6**
SECTION:	**TOWN PLANNING & BUILDING**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

OBJECTIVES

The primary objectives are to:

(a) To provide guidelines for the size, placement, use, and construction of outbuildings in "Residential" and "Townsite" zoned areas or on land used for or developed for Residential purposes.

(b) Council has experienced demand for outbuildings greater in proportions to that listed in the R Codes 'Deeded to Comply' provisions. Council considers it reasonable to put in place a policy in order to properly consider the development of larger outbuildings.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions in the Shire of Yilgarn Town Planning Scheme No 2.

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

"Open Space" generally means that area of a lot not occupied by any building.

"Outbuilding" means an enclosed non-habitable structure that is detached from any dwelling, and is NOT one of the below if attached and part of the main roofed area of the dwelling –

1) "Garage" – is any roofed structure, other than a carport, designed to accommodate one or more vehicles and attached to the dwelling.
2) "Gazebo" – is an unenclosed open-framed structure covered in a water permeable material or unroofed or may have an impermeable roof, which may or may not be attached to a dwelling.
3) "Patio" – is generally an unenclosed structure with an impermeable roof, but may have light weight walls that can be rolled up or down to provide more weather protection, and may or may not be attached to a dwelling.

4) "Pergola" – is an unenclosed open-framed structure covered in a water permeable material or unroofed, which may or may not be attached to a dwelling.
5) "Porch" – is a roofed open platform attached to the front or rear of a dwelling – generally a small covered area at the entrance to the dwelling.
6) "Verandah" – is a roofed open platform attached to a dwelling – generally covering at least half the length of the dwelling.

"Residential Design Codes" or "R Codes" means State Planning Policy 3.1 issued by the Department of Planning, which are subject to amendment from time to time.

"Setback" means the distance from boundaries as defined in the Shire of Yilgarn Town Planning Scheme No 2 or the Residential Design Codes.

"Shire" means the Shire of Yilgarn.

BACKGROUND

Residential and Townsite zoned lots within the townsite of Southern Cross, Bullfinch, Bodallin, Moorine Rock, Marvel Loch, Koolyanobbing, and Yellowdine in the main are 1012m2 in area but some of the newer developed areas within Southern Cross have lots of around 730m2 in area. Land owners often have development potential and desire to build outbuildings greater in size than those land owners in metropolitan areas. Currently the State Planning Policy 3.1 Residential Design Codes commonly referred to as the "R Codes" permits in "Residential" zoned areas to have an aggregate of outbuilding size not to exceed 60m2 in area or 10 per cent in aggregate of the site area, whichever is the lesser, and which have a wall height not exceeding 2.4m and a ridge height not exceeding 4.2m, and are to comply with the other requirements of part 5 of the R Codes.

This Policy will enable the development of outbuildings larger than the R Codes 'deemed to comply' dimensions.

POLICY

Outbuildings that satisfy the following development criteria are regarded as satisfying the Design Principles of the Residential Design Codes 2013 (as amended) and may be approved by the Building Surveyor without referral to Council.

Applications not meeting the policy development criteria and/or are of a contentious nature will be referred to Council in the form of a written development application (available at the Shire Office) for determination. Where an application is to be referred to Council for consideration, comments from adjoining and/or affected owners are to be obtained and confirmed in writing.

Outbuildings applications that comply with this Policy are:-

1) Those that comply with the R Codes (as amended) Deemed-to-Comply requirements, as outlined in the Background information above;
2) Comply with the Building Code of Australia (as amended);

3) Are constructed or new materials. Where second-hand materials are proposed, the Building Surveyor may require a certification from a practicing
4) Structural Engineer as to the structural adequacy of the design and/or materials. The Building Surveyor may also require the cladding of the proposed second-hand outbuilding to be painted in an approved colour or renewed;
5) Are not attached to a dwelling;
6) Are not for human habitation;
7) Are not situated within the primary street or secondary street setback area;
8) Do not reduce the amount of open space required by the R Codes to less than the prescribed amount;
9) Are setback in accordance with the R Code requirements;
10) Do not adversely impact on neighbouring properties and buildings. Generally this require that the outbuilding is either set in away from the lot boundaries or near the rear boundary;
11) Are of size, or comprise an aggregate size of outbuildings on one lot, that does not exceed the specifications contained in Table 1 below.

Table 1

LOT AREA (m2)	LOT DENSITY RATING	MAXIMUM SINGLE OUTBUILDING (m2)	TOTAL OUTBUILDINGS (m2)	MAXIMUM WALL HEIGHT (metres)	MAXIMUM RIDGE HEIGHT (metres)
260 - 450	R30	25	43 - 55	2.4	3.0
451 - 699	R17.5/R15	40	55 - 70	2.4	3.0
700 - 874	R12.5	60	85	3.0	3.6
901 - 1500	R10	90	125	3.0	3.6
1501 - 2000	R10	115	160	3.5	4.0
2001 – 3500	R5	145	265	3.5	4.2
3501 - 5000	R2.5	160	375	3.5	4.5

Note: The sizes specified in Table 1 above are a guide only. Until all factors are considered, a final maximum outbuilding size cannot be provided.

In order for a full assessment of the application to be made to determine the maximum size of the outbuilding or the total aggregate area of outbuildings on the lot, the applicant must provide the necessary information to the Building Surveyor so that this assessment can be made. This means in addition to the standard information to be provided, the applicant or owner will also need to provide information on existing outbuildings and state what the total area of open space on the lot or developed area on the lot is (not including the proposed building). Failure to provide this information will mean that the application may be rejected.

MEASURES TO ENSURE COMPLIANCE WITH PLANNING CONSENT

When an application for planning consent for an outbuilding is considered by Council or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant or owner to:-

a) Specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council; and
b) Apply and have granted a building permit for the proposed outbuilding.

POLICY:	**SEA CONTAINERS & OTHER SIMILAR STORAGE STRUCTURES**
POLICY NO:	**4.7**
SECTION:	**COUNCIL**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DATE TO BE REVIEWED:	**SEPTEMBER 2018**

OBJECTIVES

The primary objectives are to:

(c) To provide guidelines for the placement, use, size, and construction of sea containers or other similar storage structures.

(d) To maintain a high level of visual amenity in the areas in which the sea containers will be located.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions in the Shire of Yilgarn Town Planning Scheme No 2.

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

"Donga" means a transportable building typically utilised as workers' accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

"Other similar storage structure" means a prefabricated structure with a flat roof, regular in shape and is capable of being readily transported (including a donga and a railway carriage).

"Residential Design Codes" or "R Codes" means State Planning Policy 3.1 issued by the Department of Planning.

"Sea Container" means a large metal container originally manufactured to carry goods on a sea vessel, and now used to transport or carry goods by rail and roads as well.

"Setback" means the distance from boundaries as defined in the Shire of Yilgarn Town Planning Scheme No 2 or the Residential Design Codes.

"Shire" means the Shire of Yilgarn.

POLICY STATEMENTS

The location of sea containers and other similar structures within the Shire is regarded as development and will require planning approval.

All applicants will also be required to obtain both Planning Approval and a Building Permit for the sea container or structure.

For the purpose of assessment and approval, the local government will classify a sea container or other similar relocatable storage units as an outbuilding ancillary to the approved use of the land.

No sea container or other similar structure is permitted to be used for human habitation.

EXISTING SEA CONTAINER OR OTHER SIMILAR STRUCTURES

At the time of endorsing this Policy in December 2014 Council is aware of several existing sea containers situated on "Residential" zoned land within the Shire District as well as on "Commercial" and "Industrial" zoned land.

Council has agreed to allow these pre-existing sea containers to remain on-site on these blocks on the following conditions:-

1. That the owner of an existing sea container must apply for Planning Approval for each sea container, if not previously obtained.
2. That the owner of an existing sea container must apply for a Building Permit for the structure to remain on the property as a storage shed or outbuilding, if not previously obtained.
3. The sea containers are able to be used for the current purpose until they are no longer required for this purpose.
4. If a current owner wishes to keep the sea container on the property and use it for another quite different purpose, then the owner will need to apply to Council for permission to keep the sea container for the new purpose(s).
5. Plus all existing sea containers must also comply with the conditions set-out below for proposed sea containers or other similar structures.

PROPOSED SEA CONTAINER OR OTHER SIMILAR STRUCTURES

<u>On "Residential" Zoned Land:-</u>

Council will consider the approval of such a structure on "Residential" zoned land based on the following conditions:-

a) That the owner wishing to install a sea container on his/her property must apply for and obtain Planning Approval for each sea container prior to it being installed on the property.
b) That the owner wishing to install a sea container on his/her property must apply for and obtain a Building Permit for the sea container or structure prior to it being installed on the property.
c) The structure is only to be used for the secure storage of household items including vehicles, collectables and the like, but is not to be for the carrying out of a commercial activity on the property, unless approved by Council.
d) The sea container or other similar structure is to be located in the rear yard of the property (that is behind the dwelling on the property) so that it will not readily be seen from the main access road or thoroughfare. If the property is a corner block then the sea container or other similar structure needs to be setback from the secondary street frontage to meet this same condition for the secondary street, or may need to be screened to the satisfaction of Council.
e) The sea container is to be setback from the rear and side boundaries at least 1.0 metre or greater, with the doors opening into the residential yard.
f) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
g) The structure is to be in good condition and well maintained, painted one uniform colour to match the dwelling or nearby buildings on the property, professionally painted, and is to be treated to control rust.
h) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

The only exception to the above is a structure for temporary storage during the conduct of building works which will be exempt from this requirement, provided that the following criteria are achieved:-

1. The structure is only being used for the secure storage of materials, plant, machinery, or building equipment on a building site.
2. The building site has a current building permit, and when necessary, planning approval.
3. Construction works are actively being undertaken on the site and do not lapse for any period greater than 30 days.
4. The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines.
5. The structure may not be permitted on the building site for a period longer than 6 months, unless specific approval from the Shire is obtained.
6. The structure is removed from the building site at the completion of the building works.

On Other Zoned Land:-

Such structures may be permitted on land zoned "Commercial" on the following conditions:-

i) That the structure is only being used for the secure storage of items or materials used or sold as part of the commercial activity carried out on the property.
ii) The structure is located at the rear of the property, generally out of sight of the main access road or thoroughfare.
iii) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
iv) The structure is in good condition and is well maintained so that is one uniform colour to match the main building or adjoining buildings on the property, and is treated to control rust.
v) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

Sea containers or other similar structures are permitted on "Industrial" zoned land within or outside a gazetted townsite but the owner will still need to seek planning approval from Council and a building permit needs to be obtained from the Shire prior to the structure being placed on-site.

This Policy does not pertain to structures situated on "Rural/Mining" zoned land outside of a gazetted townsite.

No sea container or other similar structure is permitted on Council roads /footpaths or Reserve land unless approved by Council.

POLICY: **MINING TENEMENTS**

POLICY NO: **4.8**

SECTION: **TOWN PLANNING**

ORIGINALLY ADOPTED: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The Shire receives advice from the Department of Mines, Industry Regulation and Safety regarding Mining Tenements within the Shire and requests any objections the Shire may hold. Historically these have been put to Council for consideration.

The Department of Water and Environment Regulation and Department of Mines, Industry Regulation and Safety have very strict conditions placed on the licences of all tenements and so the majority hold negligible risk to the Shire and its residents.

The exception to this can be when tenements approach or include town-sites or private land. In these instances, the matter will be put to Council for their consideration.

Those tenements falling outside of the above scope will still be assessed by the Manager of Regulatory Services, and if deemed contentious can be referred to Council.

POLICY: **CROSSOVERS**

POLICY NO: **5.1**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Council will subsidise one standard crossover per lot to the landowner who applies in writing and will pay the subsidy as listed or 50% of the cost of the standard crossover, whichever is the lower This subsidy shall be applied only if the crossover is constructed in accordance with these specifications and is based on being 50% of the cost of a crossover to the minimum dimensions. Additional work (width, length, material) shall be at the sole expense of the landowner.

Payment of the subsidy shall be as per the following table and be reviewed annually.

Crossover type	**Subsidy** *(GST exc)*
Urban Residential - sealed surface to sealed road – no culvert	$900
Urban Residential - sealed surface to sealed road – culvert	$1,400
Urban Commercial/Industrial – no culvert	$1,000
Urban Commercial/Industrial – culvert	$2,000

Rural - Gravel surface to gravel road – no culvert
50 % of actual cost, estimated by the Executive Manager Infrastructure

Rural - Gravel surface to gravel road – culvert
50 % of actual cost, estimated by the Executive Manager Infrastructure

Note: A sealed surface may consist of sprayed bitumen, asphalt, concrete or brick paving.

Payments
Payments shall be made after completion of all works and inspection by a Council officer, confirming compliance with Council's requirements.

MAJOR UPGRADES:
When major footpath upgrades are carried out, one standard crossover of that same material shall be installed at no cost to the residential landowner.

POLICY: **HEAVY HAULAGE ON LOCAL ROADS**

POLICY NO: **5.2**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The CEO may approve the operation of Extra Mass Vehicles and Road Trains on the following conditions:

Minimum Road Requirements

Road Pavement (running surface) width	:	9.00 metres (includes roadside shoulders)
Road Pavement Thickness	:	150 mm (imported/in-situ)
Crossfall	:	4.0 %
Radii at junctions/intersections	:	20 m

Administration

The approval from Main Roads WA shall be carried within the vehicle at all times and is to be made available to any authorised Council officer on request.

Council may withdraw its approval/support if excessive wear or damage occurs on the approved route.

Heavy Vehicle Cost Recovery

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

Vehicle Specifications

The vehicle shall comply with all laws, regulations and limits imposed by relevant authorities.

POLICY: **PRIVATE WORKS**

POLICY NO: **5.3**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The Shire will carry out private works on the proviso that:

- The person requesting such works has demonstrated that they have been unsuccessful in endeavoured to source a private contractor to undertake such works

POLICY: **ROAD BUILDING MATERIAL – GRAVEL**

POLICY NO: **5.4**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

LEGISLATION:
Section 3.27 of the Local Government Act 1995 states (in part):-
Particular things Local Governments can do on land that is not Local Government property-

1. *A Local Government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not Local Government property and the Local Government does not have consent to do it.*
2. *Schedule 3.2 may be amended by regulations.*
3. *If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site or curtilage of a building or has been developed in any other way, or is cultivated.*

Schedule 3.2:-
Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.

Section 3.36 applies.
Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.

COMPENSATION:
Section 3.22 of the Local Government Act 1995 states (in part):-

(1) If a person who is –

a) the owner or occupier of land granted in fee simple; or

b) the occupier of land held under lease or on conditional terms of purchase from the Crown, except for pastoral or timber purposes, sustains damage through the performance by a Local Government of its functions under this Act, the Local Government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in subsection (5) or in Schedule 3.1 or Schedule 3.2.

POLICY STATEMENT:
This policy is for use in obtaining Road Building Materials from freehold land. It does not apply to other land tenures such as crown land, CALM land or Pastoral Leases.

Initial Approach to Landholders
Where Road Building Materials are required the CEO or his Representative is to approach the landowner concerned at least one (1) month prior to the commencement of work with a request for the material.

A plan showing the block location of the material to be sourced is to be provided to the landholder.

No other forms of compensation are available.

A notice of intended entry is not required under the Act, however some form of written acknowledgement should be provided as per the example at the Appendix to this Policy.

Damages
The Shire will reinstate any fencing and access tracks damaged during the course of works.

Excavation
Existing access tracks where possible are to be utilised and will be maintained by the Shire for the duration of works and on completion.

Topsoil to a depth of approximately 80-100mm is to be removed and stockpiled.

Borrow pit to be a minimum distance of 15metres from any boundary fence. (This will provide access to fences and where applicable will provide a bush buffer zone from road reserves)

Gravel may be extracted to a maximum depth of one (1) metre, unless otherwise negotiated.

Rehabilitation
Council will allocate sufficient funds in its Annual Budget for the rehabilitation of gravel pits in keeping with recognised Natural Resource Management best practice standards.

Rehabilitation will commence within one (1) month of the end of the financial year on exhausted pits. Suitable spoil from Roadworks may be used to backfill the borrow pit. Borrow pit floor is to be ripped.

Top Soil and other overburden is to be pushed back over the borrow pit. Inclines on sides of borrow pit are to be reduced to a suitable back slope. Other requirements are to be negotiated with the landholder in writing before commencement of works.

Compensation
Compensation will be made to the landowner at the following rate:-

- One dollar ($1) per bank cubic metre of Gravel
- Calculation of gravel requirements will be based upon the physical dimensions of the excavation required (ie. 100m x 100m x 1m = 10,000 bank m^3).

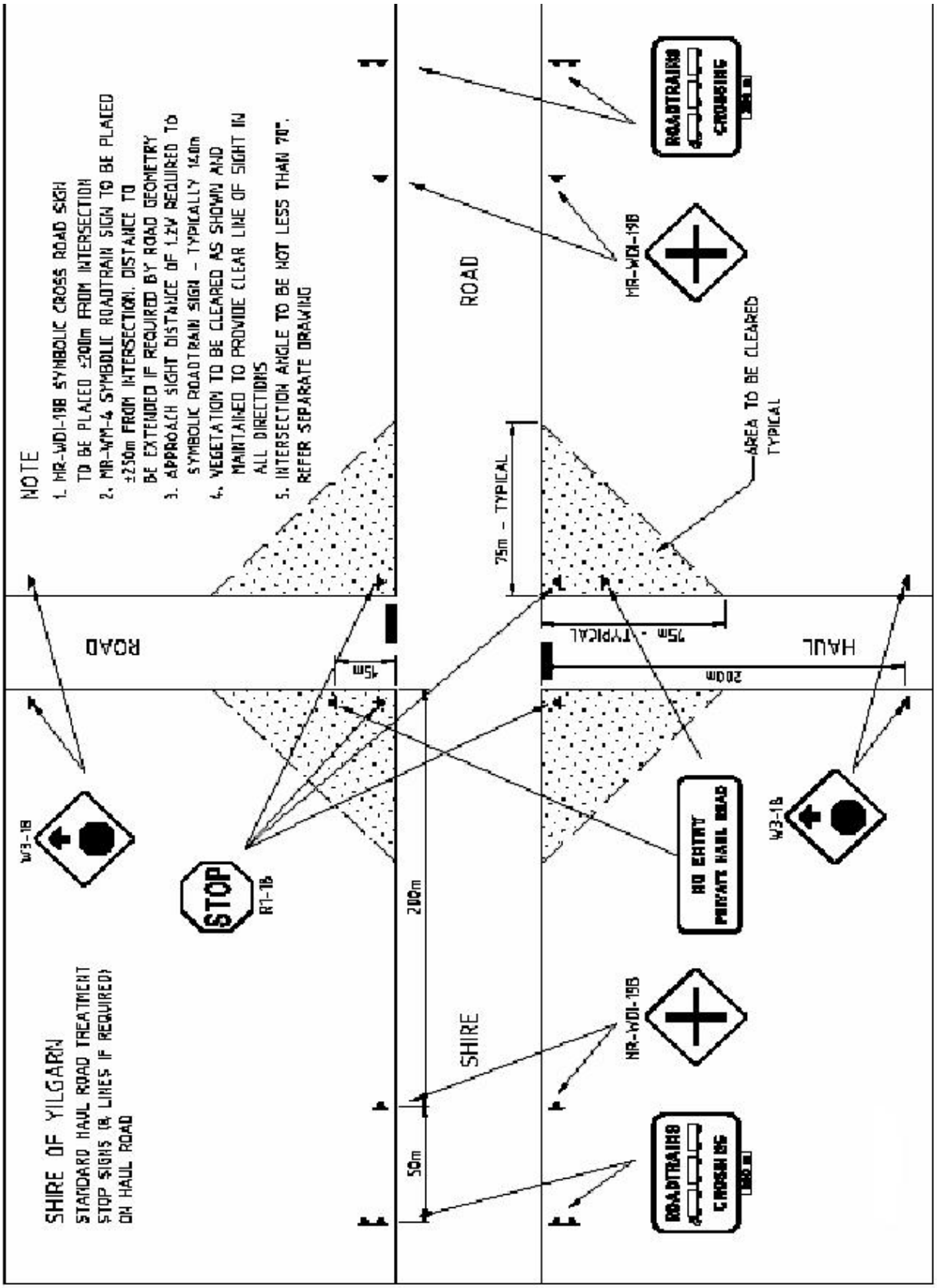
POLICY:	**TRAFFIC INTERSECTION MANAGEMENT PLAN (Private Haul Roads intersecting with roads under Council Control)**
POLICY NO:	**5.5**
SECTION:	**ENGINEERING**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

The following provisions may apply in respect to applications, however all applications are to be treated on their merits –

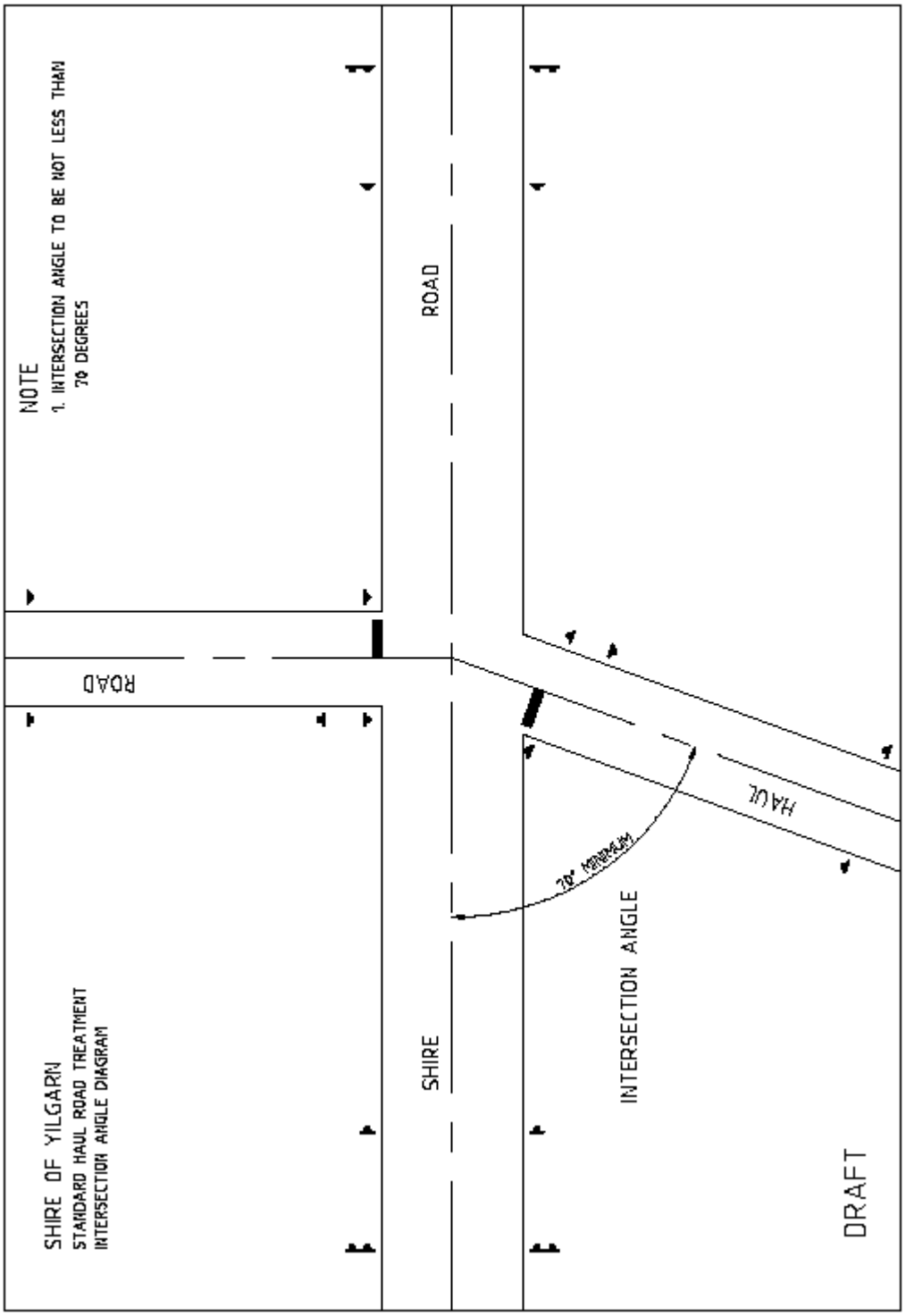
1. The applicant will require that all vehicles and operators of such vehicles routinely using the haul-road will be licensed in accordance with Department for Transport requirements. The applicant may infrequently seek to pass unlicensed vehicles across the intersection, but will only do so after obtaining any necessary permits, and will comply with all conditions imposed.
2. The intersection signage, geometry, and sight distance criteria will be maintained continuously.
3. The intersection will be inspected daily by the applicant and/or approved contractor personnel. The inspection will be documented and records of the inspection maintained. The inspection will identify any non-conformances against the criteria outlined in (2) above. Records will be forwarded to the Shire on a monthly basis.
4. The applicant, through its haulage contractors, will maintain to a high standard the intersection road surfaces and associated drains and signage at its cost. The standard maintained will allow safe passage of traffic which complies with signage on both affected roads. The applicant will liaise with Shire staff in relation to maintenance of all Council controlled roads approaching haul road intersections, and will, subject to on-going approval of the Shire, maintain the approaches for 250 metres from the commencement of the signage either side of the haul road.
5. The applicant will liaise regularly with the Shire to discuss and resolve any issues arising from the use of the roads.
6. The applicant will monitor dust generation 250 metres each side of the haul road and undertake watering if required. Saline water is prohibited on Council controlled roads.
7. The applicant, generally through its haulage contractor, will ensure that all haul road users are properly inducted, and receive specific instruction in relation to the haul road intersections.
8. Council in consultation with the applicant has the right to withdraw approval of haul roads crossing public roads under Council control if the above conditions are not adhered to.

9. Where appropriate, on haul roads crossing a Council road reserve, the provision of adequate lighting towers for night time operation be placed as an additional condition upon the applicant.

Attachment 1 – Sign description and layout



Attachment 2 – Intersection Angles



POLICY: **ROADSIDE MEMORIALS**

POLICY NO: **5.6**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

That Council adopts Main Roads Western Australia's "Roadside Memorials Policy and Guidelines" as its Policy when receiving applications for the erection of memorials on Council controlled roads, subject to –

- Removal of any obligation on Council to provide or subsidise the materials, plants etc., used in any memorial; and
- The removal of the memorial after a period of 5 years.

POLICY: **STOCK ON COUNCIL ROAD RESERVES**

POLICY NO: **5.7**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The Shire will provide guidance on reasonable precautions that should be taken when droving stock across or along a local road reserve and will also permit, in accordance to Main Roads Western Australia specifications, stock underpasses under local roads when traffic exceeds 500 vehicles per day.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

1. DEFINITIONS

Unless otherwise indicated in the text of this Guideline:

AS	means Australian Standards.
Local road	means a road under the control of a Local Government.
MRWA	means Main Roads of Western Australia.
RTC 2000	means The Road Traffic Code 2000.
State road	means a road under the control of Main Roads Western Australia
Traffic signs	means a sign as recognised in the Australian Standards or Main Roads Signs Index.

2. APPLICATION & APPROVAL GUIDELINES

2.1 Background

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline Council's requirements for provision of stock underpasses on local roads exceeding 500 vehicles per day.

The person in charge of moving stock across or along a road does not need formal permission from Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of MRWA is required. **(MRWA Act 1930, Section 28A (4)),** and
- For roads within a town the permission of the Director General is required. **(RTC 2000 Regulation 277).**

A person droving stock on roads shall;

- not leave stock unattended **(RTC 2000 Regulation 275),** and
- Provide reasonable warning and not cause unreasonable delay to approaching traffic **(RTC 2000 Regulations 276)**.

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs **(Regulations 297 & 276)**, and to display an orange flashing warning light on a vehicle **(Regulation 289).**

3. PRECAUTIONS FOR TAKING STOCK ONTO A LOCAL ROAD RESERVE

3.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock, and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

3.2 Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the **Technical Guideline of this Policy (Section 5).**

3.3 Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

4. STOCK UNDERPASS ON ROADS WITH HIGH TRAFFIC VOLUMES

Where a road's annual average daily traffic volume exceeds more than 500 vehicles per day, a stock underpass maybe considered as the preferred method of moving stock across the road.

4.1 General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

4.2 Costs

There is no fee for Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

4.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by Council and the construction shall be undertaken by Council or Council approved consultants and or contractors.

4.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of built up material and repair of any damage to the road infrastructure within the road reserve.

4.5 Applications

A person wishing to install a stock underpass must submit an application to Council.

4.6 Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and Council before commencement of any work in the road reserve and shall indicate the extent, if any, of Council's contribution to funding the underpass.

4.7 Specifications

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements,
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass, or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

4. TECHNICAL GUIDELINES

5.1. General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding warnings.

5.2 Stock Crossings with Sight Distance Greater Than 300 Metres

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per **Figure 1.**

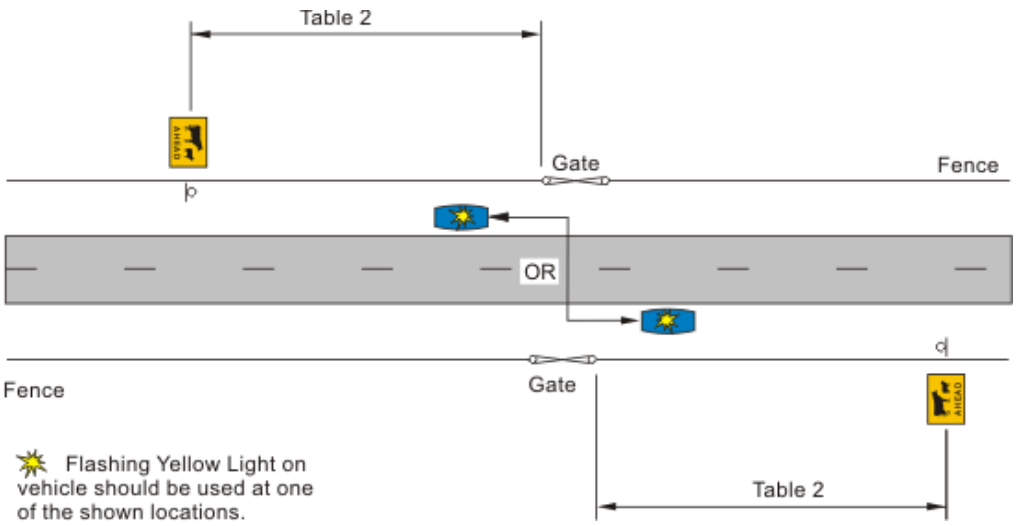


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads/gravel roads.
NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in **Table 2.**

Table 2 – Where the placement of STOCK AHEAD signs equal 2 x the distance of the posted speed limit

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110/ State Limit	220

5.3 Stock Crossings with Sight Distance Less Than 300 Metres

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300 metres away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

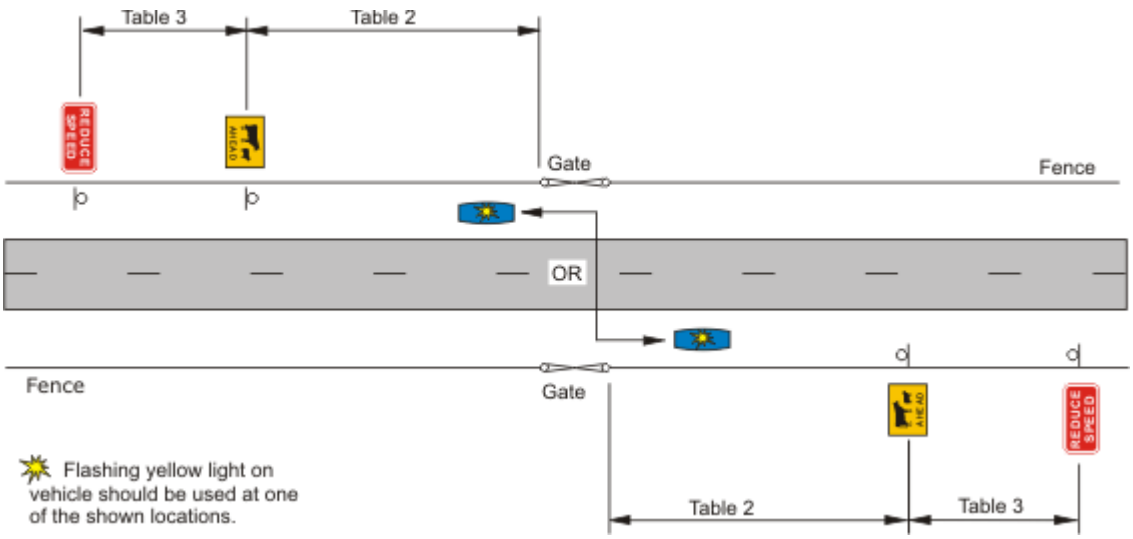


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

TABLE 3 – Where the placement of REDUCE SPEED Signs equals .5 x the posted speed limit

Posted Speed Limit km / hr	Minimum Spacing Distance
60	30
70	35
80	40
90	45
100	50
110/State Limit	55

5.4 *Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations*

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during night time, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 **(See also Sections 6.0 and 7.0),**
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point.
- The sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to **Figure 1**, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

5.5 Droving of Stock along a Road

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with **Figure 3.** In addition, a lead vehicle and/or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in **Table 2.**

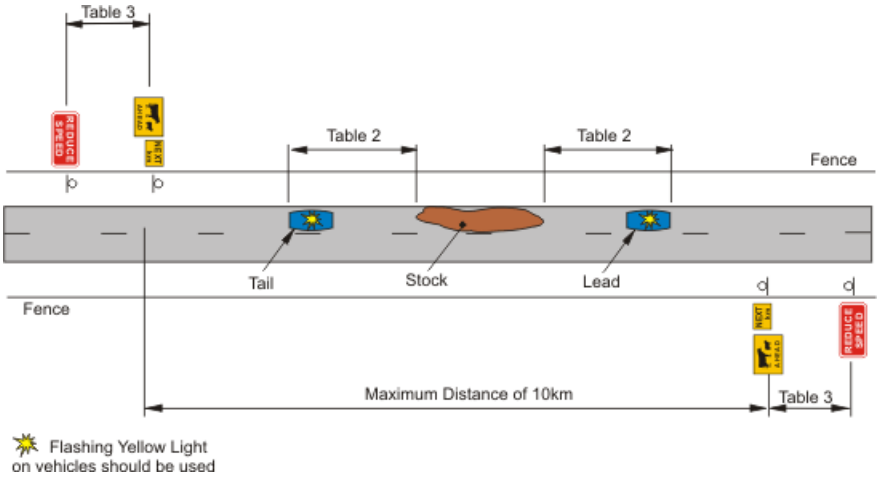


FIGURE 3 - Signing for droving of stock

NOTE: Where stock can be moved along the road reserve without stock or vehicles travelling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

6. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines,
- Occupational Safety and Health Regulations 1996 Act, and
- Relevant Australian Standards.

Therefore, this guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic, and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve.

Signs are a specified treatment in this guideline, and typical signs are listed in **Table 4.**

TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

"STOCK AHEAD" AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)	
"REDUCE SPEED" AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm	
"NEXT ... KM" AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm	
"ON SIDE ROAD" AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm	
"STOCK AHEAD PREPARE TO STOP (With Flashing Yellow)" Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions	

7. VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle) Regulations 2014. Vehicle indicator lights do not constitute a flashing orange warning light.

POLICY: **ROAD WORKS ON COUNCIL ROADS**

POLICY NO: **5.8**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

That Council adopts Main Roads Western Australia's Code of Practice for "Traffic Management for Works on Roads" which includes road works on Council controlled roads.

Contractors working on Council road reserves are required to submit appropriate Traffic Management Plans in accordance with the above Code of Practice for approval by the Executive Manager Infrastructure before proceeding with any works.

POLICY: **PLANT REPLACEMENT**

POLICY NO: **5.9**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Prior to the adoption of the Annual Budget, Council shall review its plan for plant acquisition and disposal for the next 10 years. The review will be based on the relative serviceability, condition, available changeover deals and market factors affecting each item of plant.

POLICY: **ROAD CROSSINGS - DRAINAGE**

POLICY NO: **5.10**

SECTION: **ENGINEERING**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

The following Council Policy applies for road crossings required by drainage works being undertaken by landholders:

- That a Notice of Intent to Drain (NOID) must be completed and approved by the Department of Agriculture.
- A culvert design with all relevant supporting information eg. flow rates etc. to be submitted by the applicant for Council consideration.
- Culverts are to extend the whole width of the road reserve, with ends to be positioned inside landholders fence lines.
- Materials associated with the works be borne by the applicant.
- Installation and reinstatement works to be undertaken/supervised by Council.

POLICY: **RESERVES – NOTIFICATION TO SURROUNDING LANDOWNERS**

POLICY NO: **6.1**

SECTION: **GENERAL ADMINISTRATION**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

That when notice is received concerning any proposed changes in status of land (other than ownership) to Reserves, Council as a matter of courtesy notifies all adjoining landowners of the proposed changes for their information and/or comment.

POLICY: **COUNCIL OPERATED STANDPIPES / MT HAMPTON DAM AND DULYALBIN TANK FACILITIES**

POLICY NO: **6.2**

SECTION: **GENERAL ADMINISTRATION**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

COUNCIL OPERATED STANDPIPES:

1. That Council abides by Water Corporation By-laws on water usage from standpipes being for the purposes of Drought Relief, Fire Fighting purposes and Remote Farms Water Supplies (domestic and stock).

2. In relation to use of water from standpipes for commercial usage, eg. Spraying purposes, drilling companies, etc, Council continues to charge users at the appropriate rate. However, Council also encourages this practice to discontinue as Water Corporation water rates eventually will determine this usage.

3. That Council encourages all users of standpipes to provide their own water supplies where possible and that Council continually monitors the water usage from standpipes.

4. That Council maintains at each standpipe a record book for the recording of water usage by landholders and its purpose, with users being charged at the Local Government Authority standpipe rate.

STANDPIPE CONTROLLERS

- Standpipes with card access controllers, installed at Beaton Road, Garrett Road and Koolyanobbing Road, are only accessible by individuals and companies who have been pre-approved and issued with one or more access cards;
- Cards can either be pre-paid or post-paid. Post-paid accounts must have a direct debit set up with the Shire;
- New or replacement cards will be at the cost of the user, the fee is set at $20;
- Application forms are available from the Shire administration office; and
- In the event of bushfire or other emergency the standpipe controller will be switched to manual to avoid delays in obtaining water for fire fighting or other relevant emergency.

MT HAMPTON DAM AND DULYALBIN TANK FACILITIES:

The primary use of water from the Mt Hampton Dam and Dulyalbin Tank is for the purposes of Drought Relief, Fire Fighting and Remote Farm Water Supplies (domestic and stock use), other purposes are to be authorised by the CEO. It is acknowledged that water is extracted from these water supplies for spraying purposes and that

Council will consider the recommendation of the Mt. Hampton Progress Association prior to adopting a fee.

Users will be required to record such usage in the record books provided at the facilities. Appropriate signage will be installed at both facilities informing users of their obligations.

POLICY:	**COMPLAINTS HANDLING**
POLICY No:	**6.3**
SECTION:	**GENERAL ADMINISTRATION**
LAST REVIEW DATE:	**SEPTEMBER 2017**
DUE FOR REVISION	**SEPTEMBER 2018**

Objectives

The objectives of this policy are:

- To develop a structured systematic approach to dealing with complaints received by the Shire of Yilgarn from external persons.
- To assure the community that complaints may be made without fear of recrimination and that all complaints will be promptly dealt with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate.
- To have complaints dealt with efficiently by an appropriate Officer with minimal referral.

Policy

- The Shire of Yilgarn recognises the right of its customers to make complaints about services or service delivery, and will make it a priority to address those complaints and rectify unsatisfactory consequences.
- The Council and its staff will be open and honest in its dealings with customers, and will explain in "plain English" why, for legislative/legal reasons, cost constraints or some other matter beyond its control, it is unable to act in accordance with a complainant's request.
- The Council recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

Guidelines

- Any person or their representative can lodge a complaint.
- Complaints will be accepted in writing, in person, by email or by telephone. If a verbally received complaint relates to a third party or alleges a criminal offence, corruption or other serious matter, the receiving officer is to advise the complainant that the matter must be submitted in writing.
- Complainants are to be advised that anonymous complaints may not be processed as it is possible that they may be mischievous or vexatious. Depending on the nature of the complaint, it will be at the discretion of the receiving officer to act or refer the complaint or not to deal with the complaint.

- Complaints that are to be dealt with under this policy include, but are not necessarily limited to, expressions of dissatisfaction regarding;
  a) decisions made by Council or staff;
  b) inappropriate behaviour of staff or members such as rudeness, discrimination or harassment;
  c) the standard of works or services provided by Shire.
  d) the standard or condition of a facility provided by Shire.
  e) failure of Council to comply with the Local Government Act, Council policies, Council's local laws and other laws administered by Council.

- The following issues shall not be regarded as complaints and shall not be dealt with under this policy:
  a) requests for services;
  b) requests for information or explanations of policies and/or procedures;
  c) the lodging of a formal objection or appeal in accordance with the Local Government Act and other Acts or in accordance with Council policies or standard procedures;
  d) the lodging of a submission in response to an invitation for comment.
- Complaints regarding elected members are to be directed to the CEO and Shire President. The CEO is responsible for the initial investigation and administrative responses. Matters that may require disciplinary action are to be referred to the Shire President and dealt with under the Council's Code of Conduct.
- Complaints from Councillors, the Ombudsman, the Local Government Department or from Members of Parliament shall be referred to, and dealt with by, the CEO unless the complaints relates to the CEO whereupon the complaint will be dealt with by the Shire President.
- When any complaint is made it shall be forwarded to the CEO, who may delegate the matter to an appropriate Officer.
- Where a complaint cannot be dealt with in a timely manner the complainant is to be advised of the reasons why and advised of the expected time frame.
- All complaints will be responded to by the CEO or relevant officer.
- Where a complaint has been investigated and found to be justified, the CEO or relevant officer who dealt with the complaint will ensure that the remedy is carried out, will advise the complainant that the Shire does acknowledge substance in the complaint and the specific action that will be taken by the Shire to respond to the circumstances of the complaint.
- The CEO shall establish and maintain an appropriate central record of all complaints.

Service Complaint

(Issues with Shire Service)

This form can be used for an expression of dissatisfaction with the Council's policies, procedures, fees & charges, employees, its contractors or agents or the quality of the services and/or works it provides.

It is important to note that a complaint is not the same as a request for service, a request for information, an inquiry seeking clarification of an issue or seeking a review of a Council or Council Officer's decision or conditions relating to a decision.

Name of Complainant/s:_____
Address in Full:_____
_____Phone _____
Email:_____
Complaint: _____
_____
_____
Preferred Solution: _____
_____
_____
_____
Complainants' Signature: _____

POLICY: **ASSISTANCE TO STATE REPRESENTATIVES**

POLICY No: **6.4**

SECTION: **GENERAL ADMINISTRATION**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Residents of the Shire who are selected to represent the Shire or the State in national competition are eligible for a council contribution towards expenses of up to $300.00

The resident is required to put forward a written request for the financial assistance to Council attaching verification of being selected as a state representative.

POLICY:	**INWARD CORRESPONDANCE**
POLICY NO:	**6.5**
SECTION:	**GENERL ADMINISTRATION**
LAST REVIEW DATE	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

Correspondence will be managed within the protocols contained within the requirements of councils records management system and will comply with the State Records Act and its retention and disposal guidelines.

As a general benchmark, inwards correspondence will at least be acknowledged with seven (7) days of receipt

POLICY"	**FUNDING SUBMISSIONS**
POLICY NO:	**6.6**
SECTION:	**GENERAL ADMINISTRATION**
LAST REVIEW DATE	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

In order to maximize the acquisition of external funding applicants for external funding opportunities, the CEO is authorised to prepare and submit funding applications for external grants regardless of whether a specific budgetary allocation exists

Prior to formal acceptance of funding towards an unbudgeted project, the CEO is to obtain a council resolution to vary the budget as a requirement of regulations.

POLICY"	**COMMUNITY ENGAGEMENT POLICY**
POLICY NO:	**6.7**
SECTION:	**GENERAL ADMINISTRATION**
LAST REVIEW DATE	**SEPTEMBER 2017**
DUE FOR REVISION:	**SEPTEMBER 2018**

DEFINITIONS

Community – those who live, work or recreate in the Shire of Yilgarn.

Community engagement – is any process "that involves the public in problem solving or decision-making and uses public input to make decisions". (IAP2)

Community engagement may refer to a range of interactions of differing levels of engagement between the Shire and the community, including;

- Information sharing processes, to keep the community informed and promotes understanding.
- Consultation processes, to obtain feedback.
- Involving community members consistently throughout the process to ensure community concerns and aspirations are understood and considered.
- Collaborating with community members in each aspect of the decision making process.
- Empowering the community.

The Shire of Yilgarn is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Yilgarn to provide good governance and strong leadership, delivering better decisions to guide the Shire's priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

The following principles apply to community engagement undertaken by the Shire of Yilgarn;

Focus and commitment	**1**	The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
	2	Each community engagement will be planned to clarify the level of influence the participants will have over the decision they are being invited to comment on or participate in. The person or body who is responsible for the final decision will be notified.
	3	The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods.
Transparency and openness	**4**	All community engagement processes will be open and transparent.
	5	Comment will be documented and analysed.
	6	The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.
Responsiveness and feedback	**7**	The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decision made and the rationale for the decision will be communicated where necessary.
	8	The best interest of the community will prevail over the individual or vested interests.
Inclusiveness, accessibility and diversity	**9**	Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process.
	10	Community engagement process will be open to all those who wish to participate.
Accountability	**11**	The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.
Information	**12**	Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the process.
Timing	**13**	Community engagement will be undertaken early enough in the process to ensure that participants have enough time to consider the matter at hand and provide meaningful feedback.
	14	All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.
Resources	**15**	The Shire will allocate sufficient financial, human and technical resources to support community engagement.
Evaluation	**16**	The Shire will monitor and evaluate processes to ensure the engagement being undertaken is meeting planned outcomes.

POLICY: **ASSET MANAGEMENT POLICY**

POLICY NO: **6.8**

SECTION: **GENERAL ADMINISTRATION**

LAST REVIEW DATE: **SEPTEMBER 2017**

DUE FOR REVISION: **SEPTEMBER 2018**

Policy Statement

- To approve Council's Asset Management policy and plan.
- To ensure appropriate allocation of Asset Management resources.
- To evaluate Asset Management Plan recommendation for implementation.

Chief Executive Officer (CEO)

- To implement the Council Asset Management policy, strategy and plan with reasonable practical resources.
- To monitor, evaluate and report to Council on Asset Management compliance and milestones.
- To include Asset Management in relevant staff's position descriptions and performance plans.
- To ensure that accurate and reliable information is presented to council for decision-making.

Asset Management Section Managers

- To develop and establish corporate policy, objectives and guidelines with regard to asset management practices and procedures.
- To ensure the long term effectiveness of the asset management programs.
- To raise awareness throughout their section and the organisation as to the benefits of adopting a formal approach to asset management.
- To ensure that the organisation's asset management program is developed and implemented in a logical and structured manner.
- To seek and use outside asset management consultants on activities where necessary.
- To review existing practices, procedures and systems.
- To integrate the Asset Management policy and Asset Management plans into the corporate governance framework.
- To oversee the progress of individual asset management activities including data capture and preparation of Asset Management Plans.
- To ensure that legal and statutory obligations are met.

Policy Non-Compliance

Failure to comply with this policy will result in:

- Unsafe infrastructure and/or;
- Infrastructure unfit for purpose and/or;
- Excess assets and/or;
- An increase in the renewal gap.

Related Documents
Asset management must be integrated with broader Council planning and assets considered with other key resources used in achieving Council's objectives at the Strategic, Operational and Performance Levels.

The current related documents at the strategic level are:
- Community Strategy Plan
- Corporate Business Plan
- Forward Capital Works Plan
- Long Term Financial Plan

In addition, there are many other Strategies and Management / Master Plans which will require link with Asset Management Plans as required.

Policy Implementation
Following adoption of this Policy, internal communication will be utilised to explain the key features of the Asset Management policy to all staff.

POLICY:	**COMMUNITY FUNDING PROGRAM**
POLICY NO:	**6.9**
SECTION:	**GENERAL ADMINISTRATION**
LAST REVIEW DATE:	**SEPTEMBER 2016**
DUE FOR REVISION:	**SEPTEMBER 2017**

Objectives

- To provide a source of funding for non-profit community organisations operating within the district.
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

Eligibility

- Funding is available for activities which will provide benefits directly/in-directly to the people of the Shire of Yilgarn.
- Only non-profit community organisations operating within the Shire of Yilgarn are eligible to apply.
- Organisations who have failed to acquit funds in the previous financial year will not be eligible for the next round of the funding program.

Categories

- Essential equipment/capital items (up to $2,000)
  Types of equipment:
  - Ground maintenance equipment
  - Sporting equipment
  - Office equipment
  - Minor plant equipment
- Training & Travel Assistance for local officials/office bearers (up to $500)

Funding is available to officials and/or office bearers of community organisations who are required to attend regional / state association organised seminars / courses/ meetings as part of their duties. Knowledge gained at these activities must then be used to assist the local community organisation in its continued development.

General Conditions

- Any improvements or additions made to Council assets require the written approval of the Shire
- Applications must be lodged and approved by the Shire of Yilgarn before the intended project begins

- Funds must be claimed by 30 June in the financial year in which they are assigned
- Any variation to the project cost after approval / commencement of the project will be solely at the community organisation's cost.
- Applicant organisations must provide their ABN in order to receive the complete amount funding (The Shire is required to withhold tax of 48.5% of the funding amount if an ABN is not provided).
- On project completion, applicant organisations must complete a grant acquittal form and present original receipts &/or invoices as proof of purchase.
- The project must not duplicate an existing service / facility / project.
- Funds must not be used for wages and salaries or general administration costs.
- A minimum of two quotes will be required if capital items are being purchased/hired.
- Applicants must provide a current financial statement of the organisation.
- Any unexpended funds are to be paid back to the Shire of Yilgarn by 30 June of the funding year.

Timeframes
The Community Funding Program will be advertised on the Shire of Yilgarn's website, twice in the Crosswords (once in September and once in October) and information will be emailed to office bearers of eligible community groups and clubs once in September.

Applications open on the first Monday in October and close on the last Friday at 12.00pm in October each year.

Compliant applications to be presented to the Ordinary Council Meeting in November and all groups will be informed of the outcome within a week after the Council meeting.

Funding to be paid to successful recipients in December.

All funding must be acquitted by 30 June of the financial year.

Responsibility
The Manager Community Services is responsible for the timely implementation of the Community Funding Program.

Selection process
The CEO will assess all applications with the executive management team and make recommendations to council with the successful applications being endorsed by Council at its November ordinary meeting.

REVIEW AND IMPROVEMENT:

The Document Owner shall ensure that this policy is reviewed at least annually.

DOCUMENT REVISION HISTORY:

Revision Events

Rev.	Author	Changes	Date
01	SB	Initial version	24.02.11
02	JS	Revised	25.07.11
03	JS	Revised	20.07.12
04	VP	Revised	19.07.13
05	VP	Revised	18.07.14
06	EP	Revised	18.06.15
07	BJ	Revised	15.09.16
08	BJ	Revised	21.09.17