



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON 24 FEBRUARY 2017
COMMENCING 11.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE

COUNCIL CHAMBERS, YALGOO

24 FEBRUARY 2017, COMMENCING 11.00 AM

Silvio Brenzi

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, Yalgoo,
on Friday 24 February 2017 commencing at 11.00 am.

PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

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

10.1 INFORMATION ITEMS

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

10.2 PRESENTATION

11 MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.1 Progress Report on the Capital Works Program 2016 - 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	Nil

Matter for Consideration

To receive the Progress Report on the 2016 – 2017 Capital Works Program.

Background

The Shire in adopting its 2016 – 2017 Annual Budget has allocated funds amounting to \$3,182,204 for the purpose of acquiring capital assets and undertaking infrastructure works.

Statutory Environment

Nil

Strategic Implications

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

Policy Implications

Nil

Financial Implications

To deliver the Capital Works Program within the budgeted allocations.

Consultation

Nil

Comment

The Capital Works Projects for the 2016-2017 financial year are detailed below:

CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY-JAN BUDGET	2016-17 JULY-JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
By Program						The CEO to provide a verbal update on the status of the capital projects as at 31 January 2016
Governance						
000000 - Admin Cente - Refurbish Morning Tea / Public Meeting Room	F & E	5,000	0	320	(320)	Commenced in January 2017
000000 - Council Chamber Chairs Replacement	F & E	10,000	0	0		
000000 - Council Chamber Improvements	F & E	5,000	0	5,302	(5,302)	TV purchased then anticipated
000000 - Admin Centre - New Front Reception Counter	F & E	8,140	0	0		To commence in February 2017
000000 - Admin Centre - Internal Painting	L & B	15,000	0	13,455	(13,455)	Partly completed part of the works carried out earlier then anticipated
000000 - Admin Centre - Records Fit Cool room Panel to Sea Container	L & B	16,800	0	0		Consultant Kim Boulton
C175103 - Admin Centre - Covered Area Carpark	L & B	11,000	0	12,020	(12,020)	Project completed minor overexpenditure
000000 - Motor Vehicle CEO	P & E	90,000	0	86,698	(86,698)	Purchased Savings \$ 3,302 purchased earlier then anticipated
C175001 - Mobile Phones HCP and Caravan Park	F & E	0	0	2,160	(2,160)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
C175002 - Mobile Phone CGTS	F & E	0	0	1,368	(1,368)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
C175203 - Laptop HP Spectre CEO	F & E	0	0	2,599	(2,599)	Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act
Housing						
000000 - Housing - Security Systems	F & E	60,248	0	0		
C175102 - Staff Housing - 3 Storage Shed	L & B	17,400	0	17,710	(17,710)	Project completed minor over expenditure Budgeted \$17,400 works carried out earlier than anticipated
000000 - Staff Housing - 19b Stanley Street Security Screens	L & B	2,000	0	0		
000000 - Staff Housing - 6 Henty street Replace Carpet with Floor Board	L & B	7,000	7,000	6,042	958	Project completed
000000 - Staff Housing - 8 Henty street Colorbond Fence Front	L & B	3,000	3,000	0	3,000	Project in progress
000000 - Staff Housing - Power to 3 Storage Sheds	L & B	8,000	8,000	0	8,000	Project completed not yet invoiced
000000 - Staff Housing - 75 Weekes Street Landscaping	L & B	5,000	5,000	0	5,000	Project yet to commence
000000 - Staff Housing - 8 Henty Street Landscaping	L & B	5,000	5,000	0	5,000	Project yet to commence
000000 - Staff Housing - 19b Stanley Street Floorboards, Gate, Skylight	L & B	4,500	4,500	0	4,500	Project yet to commence
Community Amenities						
C175101 - Mobile Ablution Block	L & B	15,000	0	10,881	(10,881)	Project completed Budgeted \$15,000 Savings \$4,119 works carried out earlier than anticipated
Recreation and Culture						
000000 - Arts and Crafts Building	L & B	381,837	0	0		
C165233 - Community Hall - Detailed Plan for Renovations	L & B	10,000	0	5,308	(5,308)	Project completed savings \$4,692 Budgeted \$10,000
000000 - Community and Youth Centre CLGF 2012-13 Unspent	L & B	44,222	0	0		

CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY-JAN BUDGET	2016-17 JULY-JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
000000 - Kubota Utility Parks	P & E	28,000	YTD 0	YTD 0		
000000 - Truck 3 Tonne Parks	P & E	64,000	0	57,390	(57,390)	Purchased savings \$6,610 purchased earlier than anticipated
000000 - Replace Playground Equipment - Shamrock Park	Recreation	45,000	45,000	0	45,000	Project yet to commence
000000 - New Fence - Shamrock Park	Recreation	5,000	5,000	0	5,000	Project yet to commence
000000 - 2 Replacement Irrigation Pumps	Recreation	8,000	8,000	0	8,000	Project yet to commence
000000 - Community/ School Oval Shared Use Development	Recreation	400,000	0	0		
000000 - Paynes Find Beautification	Other	78,658	78,658	0	78,658	Project yet to commence
000000 - Paynes Find Solar Lights	Other	0	0	45,000	(45,000)	To be funded from Paynes Find Beautification above as approved by Council
Transport						
000000 - Ablution Block Depot	L & B	20,000	20,000	0	20,000	Project yet to commence
000000 - Electric Boundary Fence Depot	L & B	45,500	45,500	0	45,500	Project yet to commence
000000 - Trailer Float Reconditioning	P & E	30,000	0	29,813	(29,813)	Project completed savings \$187 purchased earlier than anticipated
000000 - Mobile Batching Plant	P & E	68,700	0	74,300	(74,300)	Project completed overspent \$5,600 purchased earlier than anticipated
000000 - 3qm Agitator Truck Second Hand	P & E	35,000	0	27,727	(27,727)	Project completed underspent \$7,273 purchased earlier than anticipated
000000 - Motor Vehicle Works Foreman	P & E	75,000	0	68,823	(68,823)	Project completed underspent \$6,177 purchased earlier than anticipated
000000 - Works Truck	P & E	92,000	0	82,970	(82,970)	Project completed overspent \$9,030 purchased earlier than anticipated
ROADS TO RECOVERY GRANTS						
000000 - Paynes Find Airstrip Fence	Other	45,000	0	0		
000000 - Yalgoo/Morawa Road - Widen	Roads	400,000	400,000	0	400,000	Project yet to commence
000000 - Yalgoo/Ninghan Road - Shoulder Binding	Roads	180,000	90,000	177,438	(87,438)	Project completed within budget estimates
000000 - Yalgoo/Ninghan Road - Seal	Roads	212,310	212,310	0	212,310	Project yet to commence
000000 - Yalgoo/Morawa Road - Reseal Program	Roads	5,255	0	0		Completed not yet invoiced
RRG SPECIAL GRANT RD WORKS						
C165106 - Yalgoo/Ninghan Road -Reform and Resheet to 8M Wide Slk 25-32	Roads	322,564	0	320,040	(320,040)	Project completed earlier than anticipated within budget estimates
C165105 - Yalgoo/North Road -Reform and Resheet	Roads	142,350	0	338,143	(338,143)	Project completed overexpenditure
MUNICIPAL FUND						
000000 - Warne River Crossover	Roads	20,000	20,000	0	20,000	Project yet to commence
000000 - Ninghan Homestead Road Floodway Crossover	Roads	20,000	20,000	0	20,000	Project yet to commence
Economic Services						
000000 - Caravan Park Multiple Store Shelving	F & E	1,200	1,200	0	1,200	Project yet to commence
000000 - Caravan Park Washing Machine Replacement	F & E	0	0	2,450	(2,450)	Not budgeted replacement
C175104 - Shade Structure Caravan Park	L & B	2,520	0	2,520	(2,520)	Project completed within budget estimates

CAPITAL WORKS PROGRAMME 2016-17

The following assets and works are budgeted to be acquired or undertaken during the year:

		2016-17 ANNUAL BUDGET	2016-17 JULY-JAN BUDGET	2016-17 JULY-JAN ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
000000 - Caravan Park Sealing of Parking Bays and Driveways	L & B	22,000	YTD 0	YTD 0		
000000 - Caravan Park Sealing of Rammed Earth Walls	L & B	15,000	0	0		Works in progress
000000 - Caravan Park Auto Reticulation System	L & B	30,000	0	0		Obtaining quotations
000000 - Shelter and Seating Jokker Tunnel	L & B	15,000	15,000	10,946	4,054	Material Delivered
000000 - Shelter and Visitors Board at Railway Station	L & B	15,000	0	10,946	(10,946)	Material Delivered
000000 - Entry Road Sheeting Jokker Tunnel	Other	15,000	0	0		Works in progress
		3,182,204	993,168	1,412,369	(419,201)	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Progress Report on the Capital Works Program 2016 - 2017

That Council receive the Progress Report on the Capital Works Program 2016 – 2017 as at January 2017.

Moved:

Seconded:

Motion put and carried/lost

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.3 FINANCE

11.3.1 Accounts for Payment January 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 January 2017 to 31 January 2017 as detailed in the report below.

Background

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

Statutory Environment

Local Government Act 1995

6.10 Financial Management regulations

Regulations may provide for –

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

Local Government (Financial Management) Regulations 1996

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

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

3. A list prepared under subregulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

Strategic Implications

Nil

Financial Implications

Nil

Consultation

Nil

Comment

The list of accounts paid for the period 1 January 2017 to 31 January 2017 are as follows

SHIRE OF YALGOO
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 JANUARY 2017 TO 31 JANUARY 2017

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
23/01/2017	Canine Control	E052015 · Animal Ranger Expenses	929.50
23/01/2017	Courier Australia	Freight Costs	72.85
23/01/2017	Crowe's Electrical	E091008 · Housing Expenses - Electrical Repairs 16 Shamrock St	972.94
23/01/2017	Five Star Business Equipment & Comms	E145060 · Office Equip Mtce Photocopier Mtce Expenses	1,677.93
23/01/2017	Freemans Liquid Waste	E091008 · Housing Expenses - Waste Removal	2,957.00
23/01/2017	Geraldton Mower & Repair Specialist	E144015 · Parts & Repairs	25.00
23/01/2017	Geraldton Toyota	PLANT:YA778 Foreman's Vehicle 10,000 km service	395.25
23/01/2017	Gina Wright	E132118 · HCP Project Activity Expenses	2,530.00
23/01/2017	Great Northern Rural Services.	E091008 · Housing Expenses - Pump and Fittings	675.21
23/01/2017	K9 Electrical	Electrical Repairs to Hall Admin Bldg Railway Station	159.28
23/01/2017	Landgate	E031010 · Valuation Expenses	37.90
23/01/2017	Major Motors Pty Ltd	E144045 · Licensing (Reg/Ins) - YA453 Crew Cab Truck	390.35
23/01/2017	Marketforce	E145035 · Advertising	157.39
23/01/2017	Mick Davey Butchers	E116110 · Celebration- Meat	151.00
23/01/2017	Mt Magnet Waste Disposal	E091008 · Housing Expenses - Waste Removal	2,305.00
23/01/2017	Pemco Diesel Pty Ltd	E144015 · Parts & Repairs YA881 Hino	549.81
23/01/2017	Pirtek Geraldton	E144015 · Parts & Repairs Fuel Tank	75.85
23/01/2017	Pool & Spa Mart	E113090 · Water Park Mtce	630.00
23/01/2017	Precision Laser Systems	E144050 · Survey and Microcom Equipment	340.00
23/01/2017	Proudlove's Smash Repairs	E132119 · HCP Vehicle YA800 - Excess to repairs	600.00
23/01/2017	RSM Bird Cameron	E145080 · Audit Fees	18,092.83
23/01/2017	Security & Keys	E143064 · Depot Mtce (Works) Expenses - Master Keys and Padlocks	877.53
23/01/2017	Staples Australia Pty Limited	E145045 · Printing & Stationery	43.40
23/01/2017	Truck Centre(WA) Pty Ltd	E144015 · Parts & Repairs YA795 Iveco Tip Truck	6,486.65
23/01/2017	Veolia Environmental Services	E101005 · Household and Commercial Refuse Collection	5,007.42
23/01/2017	WA Local Government Association	E145030 · Staff Training	567.00
23/01/2017	Westrac Equipment Pty Ltd	E144015 · Parts & Repairs	2,272.03
23/01/2017	Yalgoo Hotel Motel	Catering and Accommodation Expenses for Consultants	3,654.74
24/01/2017	Beaurepaires	E144010 · Tyres & Tubes YA361 and YA840	1,742.22
24/01/2017	Five Star Business Equipment & Comms	E145060 · Office Equip Mtce Photocopier Mtce Expenses	415.36
24/01/2017	Linaire Hodge.	E116110 · Celebration Reimbursements	123.48
24/01/2017	Ray Pratt	E144015 · Parts & Repairs YA1614 Winch for Car Trailer Reimbursements	509.99
31/01/2017	Shire of Yalgoo Municipal Fund	Payroll Liability - Electricity	100.00

SHIRE OF YALGOO
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 JANUARY 2017 TO 31 JANUARY 2017

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
31/01/2017	Shire of Yalgoo Municipal Fund	Payroll Liability - Electricity	100.00
31/01/2017	WA Shire Councils Union	L01334 · WA Councils Union - Payment of Fees Collected Via Payroll Deductions	123.00
31/01/2017	Child Support Agency	L0140 · Child Support Agency Payroll Deductions	416.20
31/01/2017	AMP Flexible Lifetime Super	E143035 · Superannuation Contributions	525.90
31/01/2017	Fiona Newey	E132005 · Caravan Park Expenditure - Reimbursements	39.75
31/01/2017	Gail Trenfield.	Members Meeting Fees and Communication allowance	763.67
31/01/2017	Joanne Kanny	Members Meeting Fees, D/Presid,Travel & Communication allowances	1,048.02
31/01/2017	Neil Grinham	Members President & Communication allowances	1,113.67
31/01/2017	Raul. Valenzuela	Members Meeting Fees, D/Presid,Travel Allowances	1,447.92
31/01/2017	Steven Cosgrove.	E145030 · Staff Training Reimbursements	64.26
31/01/2017	Payroll	Various	38,974.44
13/01/2017	BOC Limited	E144052 · Workshop consumables -Gases	183.68
13/01/2017	Telstra Corporation Ltd	E145110 · Telephone-Internet	185.80
13/01/2017	Horizon Power	E122011 · Lighting of Streets	729.16
16/01/2017	Telstra Corporation Ltd	E145110 · Telephone-Internet	6,430.84
13/01/2017	Yalgoo Gymkhana Club.	L0142 · Trust Bonds - Refund	1,000.00
20/01/2017	Cash Cheque	E143040 · Wages Allowances	1,011.05
24/01/2017	Target	E132118 · HCP Project Activity Expenses	270.00
24/01/2017	Water Corporation	Water Charges- Housing,caravan pk,railway station,health centre,water park,toilets	7,200.62
31/01/2017	Australian Super	E143035 · Superannuation Contributions	730.82
31/01/2017	Colonial First State	E145010 · Superannuation Contributions	493.42
31/01/2017	Concept OneThe Industry Superannuation Fund	E143035 · Superannuation Contributions	531.12
31/01/2017	WA Super	Superannuation Contributions	9,685.89
1/01/2017	Shire of Yalgoo Municipal Credit Card	Transfer of Funds	4,556.99
3/01/2017	WA Treasury Corporation	Loan 56 Prinicipal and Interest Repayment	28,351.70
9/01/2017	NAB	Bank Fees	5.00
10/01/2017	Department of Transport	Transfer of Licence Fee Collected	317.60
12/01/2017	Shire of Yalgoo Municipal Credit Card	Transfer of Funds	910.28
16/01/2017	Shire of Yalgoo Municipal Credit Card	Transfer of Funds	5,000.00
17/01/2017	Department of Transport	Transfer of Licence Fee Collected	41.80
18/01/2017	Communication Systems Geraldton	Telephone	36.32
20/01/2017	Department of Transport	Transfer of Licence Fee Collected	33.20
23/01/2017	Hoppys Parts R Us	Parts	185.11

**SHIRE OF YALGOO
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 JANUARY 2017 TO 31 JANUARY 2017**

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
23/01/2017	LG Professionals Australia WA	Subscriptions	1,295.00
23/01/2017	Department of Transport	Transfer of Licence Fee Collected	160.30
23/01/2017	WA Treasury Corporation	Admin . Fees	2,383.97
27/01/2017	NAB	Bank Fees	70.24
30/01/2017	Department of Transport	Transfer of Licence Fee Collected	41.80
31/01/2017	NAB	Bank Fees	51.70
			487,868.46

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Accounts for Payment January 2017

That Council approve the list of accounts paid for the period 1 January 2017 to 31 January 2017 amounting to \$487,868.46 and the list be recorded in the minutes.

Moved:

Seconded:

Motion put and carried/lost

11.3.2 Report on Budget Amendment – Financial Contribution towards the Shearers and Pastoral Workers Social Club

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	Invitation

Matter for Consideration

That Council give consideration to making a contribution of \$2,000.00 towards the video production “Shearers – The Truck Days”

Background

This item was presented to Council at its Ordinary Council Meeting held on 27th January 2017. The Presiding Member advised that Item 11.3.2 Report on Budget Amendment – Financial Contribution towards the Shearers and Pastoral Workers Social Club requires an Absolute Majority and on the basis that only 3 members were present at the meeting an Absolute majority could not be attained.

Based on the Presiding Members advice the Report was deferred to the next Ordinary Council Meeting to be held 24th February 2017. With the agreement of members present the item was deferred and is now duly presented to Council for consideration

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)
 - (c) it is to be reported to the next ordinary meeting of the council.

Shire Policy

7.7 Donations and Sponsorship

1. As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.
2. Sponsorship of individuals will not be considered, unless it is determined by Council that:
 - the person is representing the Shire as a community,
 - is acting for the Shire’s benefit to some extent, and
 - is authorised by a non-profit and non-government organisation which benefits the community.

3. The following Policy Schedules are adopted, and form part of this Statement –
 - 7.7 (a) – Request for Support.
 - 7.7 (b) – Criteria for Assessment of Requests

Business Implications

\$2,000.00 be contributed by the Shire towards the video production “Shearers – The Truck Days”. Funds to be charged to Account E132007 – Tourism Promotion.

Consultation

Daryl Grey

Comment

The Shearers & Pastoral Workers Social Club is seeking a financial contribution to produce a video on an archival story to capture the era of shearing in WA from 1900 to 1960.

The video will be titled “Shearers – The Truck Days”.

This video is designed to show case the memories and oral histories of the few remaining shearers and team staff members of this bygone era. The story will be told through interviews and a montage of archive photographs of the time. WA’s leading television producer Ron Reddingius will, professionally produce this historic video. Ron has worked in television for more than 40 years and currently produces Channel 7 Perth’s Home in WA.

Pre-production is planned for December with the shooting to commence January 2017.

All participants from shires, councils, business and individuals will all receive a credit acknowledgement at the conclusion of the story.

Council is requested to give consideration to making a \$2,000.00 contribution towards the production of the video on the basis that it will promote Yalgoo. The contribution to be charged to Account N^o E132007 - Tourism Promotion.

It is noted that this account has a budget allocation for the 2016-2017 Financial year of \$10,000 and expenditure to date is \$29,032. Adjustment to the Annual Budget to be undertaken when the Annual Budget Review is undertaken in February 2017.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Financial Contribution towards the Shearers & Pastoral Workers Social Club

That Council:

1. **Make a contribution of \$2,000.00 to the Shearers & Pastoral Workers Social Club for the production of a video entitled “Shearers – The Truck Days”.**
2. **Pursuant to Section 6.8 of the Local Government Act 1995 authorises the following expenditure contribution of \$2,000.00 to the video production “Shearers – The Truck Days”.**

Moved:

Seconded:

Motion put and carried/lost

11.3.3 Financial Activity Statements and Accounts Paid for the Period ended the 31 January 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 January 2017; • Statement of current Financial Position; • Financial Activity Statement; • Summary of Current Assets and Current Liabilities as of 31 January 2017; • Detailed worksheets; • Other Supplementary Financial Reports: <ul style="list-style-type: none"> ○ Reserve Funds; ○ Loan Funds; ○ Trust Fund

Note: Attachments to be provided to members prior or at the meeting.

Matter for Consideration

Adoption of the Monthly Financial Statements.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

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

11.3.4 Investments as at 31 January 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 31 January 2017.

Background

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

Statutory Environment

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) *deleted*]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government 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 12 months;
 - (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.

Strategic Implications

Nil

Consultation

Nil

Comment

The worksheet below details the investments held by the Shire as at 31 January 2017:

SHIRE OF YALGOO INVESTMENTS AS AT 31 JANUARY 2017								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$619,141.03
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$40,828.53
NAB	N/A	Term Deposit	89-977-1574	6 mths	16.10.2016	16.04.2017	2.55%	\$60,386.09
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,467.90
TOTAL								\$771,823.55
RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-445	5 mths 22 dys	16.09.2016	10.03.2017	2.60%	\$155,386.05
NAB	N/A	Term Deposit	89-972-5236	6 mths	16.10.2016	16.04.2017	2.55%	\$450,536.59
NAB	N/A	Term Deposit	11-186-3992	5 mths 19 dys	19.09.2016	10.03.2017	2.60%	\$1,028,730.92
TOTAL								\$1,634,653.56
TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	
TOTAL								\$21,838.51

INVESTMENT REGISTER						
01 JANUARY 2017 TO 31 JANUARY 2017						
NATIONAL AUSTRALIA BANK						
ACCOUNT N^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.01.2017	INVESTMENT TRANSFERS	CLOSING BALANCE 31.01.2017
86-538-7363	Ongoing	Variable	\$40,656.41	\$172.12	0	\$40,828.53
89-977-1574	16.04.2017	2.55%	\$409,475.52	\$910.57	\$350,0000	\$60,386.09
24-831-4222	Ongoing	Variable	\$51,251.03	\$216.87	0	\$51,467.90
77-142-8128	10.03.2017	2.60%	\$153,109.12	\$2,276.93	0	\$155,386.05
89-972-5236	16.04.2017	2.55%	\$448,595.14	\$1,941.45	0	\$450,536.59
14-662-6305	10.03.2017	2.60%	\$1,013,656.59	\$15,074.33	0	\$1,028,730.92

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Investments as at 31 January 2017

That the Investment Report as at 31 January 2017 be received.

Moved:

Seconded:

Motion put and carried/lost

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 24 February 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 February 2017
Attachments	Nil

Matter for Consideration

That Council note the report on outstanding matters.

Background

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions, and Urgent Business.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

Matters outstanding are detailed below with comments in relation to status.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
22 Jan 16	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council:	Letter sent to DLGC asking Ministerial approval for rates in the dollar that exceed 2:1.
		1/. Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed:	
		- GRV-Town Vacant Land Minimum \$600	
		- UV-Mining/Mining Tenement 35:75 cents	
		- UV-Exploration and Prospecting 18:99 cents	
2/. The Department of Local Government and Communities be advised of (1) above.			
22 Jan 16	Application for Funding Round Five of the Building Better Regions Program.	That council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Building Better Regions Program.	Consultant has been engaged. Application in progress

18 Aug 16	Establishment of an Emergency Services Training Centre in Yalgoo.	That Council engage the services of a suitable consultant to undertake a review of the Business Case for the construction of a Volunteer Emergency Services Training and Operations Centre/VESTOC in Yalgoo	Consultant yet to be engaged.
30 Sept 16	Wild Dog Bounty Scheme	Council resolved to form a working group comprising 3 elected members, the CEO and an independent advisor.	Meeting of the Working Group arranged for 27 th February 2017.subject to change as some members not being available. New meeting date
27 Oct 16	Employees Collective Enterprise Agreement	Council resolved to authorise CEO to obtain necessary approvals.	Letter has ben sent to Mr Andrew Johnson - LGRCEU
16 Dec 16	Settlement of Insurance Claim – Council Property Lot 17 Shamrock Street, Yalgoo	<ol style="list-style-type: none"> 1. Accept the offer of \$96,350 net GST and policy excess made by LGIS; 2. CEO to sign the “form of release”; 3. CEO to obtain quotations in accordance with Policy 7.2 (4) for the demolition of the dwelling located on Lot 17 Shamrock Street, Yalgoo. Appoint a suitable contractor. <p>CEO to prepare funding applications for the construction of two additional staff houses (units) on the site.</p>	Offer has been accepted. Form of Release authorised. Quotations obtained. Yet to appoint contractor. Consultant has been engaged to begin preparation of funding applications. Ongoing
16 Dec 16	Closure of Noongal Homestead Access Road	<ol style="list-style-type: none"> 1. Initiates the closure of Noongal Road in accordance with Section 58 of the Land Administration Act 1997. 2. Advertise for the proposed road closure for 35 days and seek comments from providers of public utility services and the general public. 3. Following the public advertising period, considers the proposal in light of any objections or if no objections are received the matter be referred to the Minister for Lands for implementation. 4. Inform the owners of Noongal Station that all costs associated with the closure and amalgamation including advertising will be at their own expense. 	Letter has been sent to Owners of Noongal Station advising of Council resolution. Awaiting response from owner before proceeding further.
16 Dec 16	Closure of Thoroughfare Adjacent to Lots 27, 25, 23 and 19 Gibbons Street , Yalgoo	CEO carry out the required procedures to permanently close the thoroughfare adjacent to Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo.	Matter subject to a report in this Agenda.

16 Dec 16	Budget Amendment for Road Lighting at Paynes Find	Budget amendment from the Paynes Find Beautification account for \$60,000 to fund new solar lights at the Paynes Find entry intersection with the Great Northern Highway.	CEO has contacted MRWA who has offered support for the project regarding process and maintenance of new lights. Lighting towers will be delivered in 2 weeks.
16 Dec 16	Sewerage system for the Shire staff housing Units	CEO to enquire into the status of the sewerage for the Shire staff housing units	New leach drains will be installed in the Shamrock St. Park . This being the most cost effective option. Materials have been ordered.
16 Dec 16	Appointment of Auditors for 2016-17 Financial Year	Council resolved to approve Request for Quotation and that the CEO obtain quotations from at least three suitable suppliers.	Three suppliers have been requested to provide a quotation. This will be the subject of a report to the Audit Committee.
27 Jan 17	Public Health Act 2016 Delegations	Council resolved 1. Pursuant to Section 21(1)(b)(ii) Part 2 of the Public Health Act 2016 delegates all the powers and duties conferred or imposed on the Shire by the Public Health Act 2016 to the Environmental Health Officer. 2. Pursuant to Section 21(2) the delegation as per (1) above be in writing.	Subject to Part 2 of the Resolution the CEO to inform the Environmental Health Officer in writing of the Delegation. CEO has addressed accordingly. Letter sent out 2 nd February 2017.
27 Jan 17	Financial contribution towards the Shearers and Pastoral Workers Social Club	Consideration of the Report was deferred to the Ordinary Council Meeting to be held on 24 th February 2017.	Matter subject to a Report in this Agenda.
27 Jan 17	Council Delegates Development Assessment Panel	Council nominated CR. R Valenzuela and CR N Grinham as the Local Members and CR J Kanny and CR G Trenfield as alternative Local Members.	Nominated councillors have been registered with Department of Planning – Development Assessment Panel and advised of registration accordingly.

27 Jan 17	Shire support for the proposal by the Department of Land to sell Part of Reserve 38039-Part lot 305 on Deposited Plan 45605-Shire of Yalgoo	1. Inform the Department of Lands that it supports the proposal to excise portion of Reserve 38039 for the purpose of installing a self-bunded fuel tank high flow bowsers to service large trucks. 2. Subject to (1) above the CEO be authorised to complete and sign the Statutory Declaration.	Letter to Department of Lands with signed Statutory Declaration posted on 1 st February 2017.
27 Jan 17	Extraordinary Election	Consideration of Report was deferred.	Matter subject to a Report in this Agenda.
27 Jan 17	Yalgoo and District Jockey Club	That Council inform Ms Evans (Representative of the Yalgoo and Districts Jockey Club Inc) that the following assistance will be provided to the Yalgoo and Districts Jockey Club Inc subject to the race meeting going ahead: <ul style="list-style-type: none"> • The Grader will be made available mid February to early March for approximately a day maybe two and then again in April for final touch ups just prior to the Race Meeting on the 8th April 2017; • The Water Cart will be made available for work mid February to early March for approximately a day maybe two and then again the night before the Race Meeting and on standby for Race Day depending on the rainfall that month and the Stewards recommendation on Race Day; • The Loader and Truck will be made available in mid February to early March for approximately a day maybe two to cart dirt to areas that may have been blown off over time; • The Loader will be on standby on Race day in case of the disposal of an animal; • Shire to facilitate with Security Fencing, Rubbish Bins and Removal; and • Approve a monetary contribution to the Yalgoo Jockey Club amounting to \$10,000 on the condition that if the race meeting does not go ahead this monetary contribution is to be refunded to the Shire. 	Letter sent to Yalgoo and Districts Jockey Club on 31 st January 2017.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 24 February 2017

That Council receives Report N^o 11.4.1 Report on Matters Outstanding as at 24 February 2017.

Moved:

Seconded:

Motion put and carried /lost

11.4.2 Report on the Extraordinary Election

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachment	Nil

Matter for Consideration

That pursuant to Section 4.17(3) of the Local Government Act 1995 (LG Act) the Council seeks approval from the Electoral Commissioner to allow the vacancy to remain unfilled in accordance with Section 4.17(4A).

Background

The item was presented to Council for consideration at its Ordinary Council Meeting held on 27th January 2017. The matter under consideration required an Absolute Majority decision and the Deputy President advised the elected members accordingly on the basis that only three members were present at the meeting. Council resolved that this matter be deferred to the next Ordinary Council Meeting.

Statutory Environment

Local Government Act 1995

2.31. Resignation

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
 - (a) resign from the office of councillor;
 - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies; or
- (b) resigns from the office; or
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or
- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member’s office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member’s office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
 - (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) If a councillor’s office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

* *Absolute majority required.*

- (4A) Subsection (3) applies —
 - (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled; or
 - (b) if —
 - (i) the office is for a ward for which there are 5 or more offices of councillor; and
 - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

Consultation

West Australian Electoral Commission.

Comment

Pursuant to Section 4.17(3) and (4A) the Council may with the approval of the Electoral Commissioner allow the vacancy to remain unfilled and on that basis the term of the member who held the office is to be regarded to end on the day on which it would have ended if the vacancy had not occurred.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Report on the Extraordinary Election

That Council:

Seek approval from the Electoral Commissioner to allow the extraordinary vacancy to remain unfilled in accordance with Section 4.17(3) and (4A) of the Local Government Act 1995.

Moved: Seconded: Motion put and carried/lost by Absolute Majority

11.4.3 Report on Closure of Pedestrian Access Ways and Right of Ways

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 February 2017
Attachments	<ul style="list-style-type: none"> • Procedural Guidelines- Closure Of Pedestrian Access Ways and Rights Of Way Having A Connectivity Function. • Map of the area

Background

Council at the Ordinary Meeting held on December 16th 2016, adopted the following resolution:

“That the CEO carry out the required procedures to permanently close the thoroughfare adjacent to Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo.”

It is noted that the lane-way is at the rear of the Lots and not as stated above.

The report was presented to Council for consideration at its Ordinary Council Meeting held on 27th January 2017. As CR Raul Valenzuela declared an interest on the matter and left the Chamber accordingly it then resulted in a quorum not being present and no decision could be made. The Report is now duly presented to Council for consideration.

Statutory Environment

- Procedural Guidelines - Closure Of Pedestrian Access Ways and Rights of Way Having a Connectivity Function
- Planning Bulletin N^o 57/2009A
- Government Land Policy N^o 5.1.12

Business Implications

Nil

Consultation

Nil

Comment

It is understood that the content of Cr Raul Valenzuela’s motion was for the CEO to investigate the procedures involved in the closure of the lane-way and report back to Council. If this is the case Council when confirming the Minutes for the 16 December 2016 Ordinary Meeting should have regard to what is recorded in the minutes and amend accordingly if members agree.

The Department of Regional Development and Lands in November 2009, developed procedural guidelines for the closure of Pedestrian Access Ways and Right of Ways.

Pedestrian Access Ways and Right of Ways. are either vested in the Crown or are owned by the Crown. While it is recognised that some Pedestrian Access Ways (PAWs) and Right of Ways (ROWs) are a cause of community concern, their closure should only proceed with great care.

Closure of a PAW or ROW should not proceed without an information report outlining reasons for closure (e.g. anti-social or criminal behaviour) and addressing the following issues:

- (i) consideration of equity of access, particularly with regard to disability and age;
- (ii) agreement being reached for either acquisition and inclusion of the subject land in adjoining properties, or for other acceptable land management arrangements;

- (iii) evidence that arrangements have been made to protect or relocate any public services located within the PAW or ROW
- (iv) evidence that reasonable objections by adjacent property owners and owners and residents of properties served by the PAW or ROW have been satisfactorily addressed;
- (v) evidence that relevant transport and planning considerations have been taken into account and issues raised by Department of Planning (DoP) and other relevant government departments have been properly considered;
- (vi) referral to, and preliminary agreement by, DoP;
- (vii) referral to service agencies;
- (viii) A resolution of the relevant Local Government recommending closure.

Amalgamations of Crown land with adjacent freehold properties must be effected by subdivisional plan, which requires approval by West Australian Planning Commission (WAPC). Where WAPC opposes amalgamation, closure cannot proceed.

As a general principle each adjoining landowner should have opportunity to share equally in the land in a closed PAW or ROW. This principle does not apply where services requiring easements dictate unequal land allocations for good planning reasons.

Local Government Procedures

Initial Assessment

The Local Government has the initial responsibility for determining whether an application to close a PAW or ROW should be progressed. This initial assessment should include:

- (i) consideration of the impact of closure of the access way on local pedestrian/cycle connectivity - that is, the additional distance required to be travelled to get from one end of the PAW to the other after closure - as well as the impact on traffic and activity on remaining PAWs or ROWs;
- (ii) consideration of the impact of closure of the PAW or ROW on safe access to neighbourhood and district facilities, including:
 - schools and other educational facilities,
 - shopping facilities,
 - parks and recreation facilities,
 - community facilities,
 - employment,
 - public transport services, including bus stops and train stations, and
 - aged person and disabled facilities.
- (iii) consideration of the length of alternative routes and their safety, extend of surveillance, amenity, useability, gradient and convenience of use, especially for the disabled and elderly;
- (iv) consideration of the role of the PAW or ROW as part of a wider pedestrian/cycle network or continuous access routes, as reflected in any local access plan or in any Local Planning Strategy;
- (v) consideration of the crime/social difficulties being experienced by the adjoining landowners. This should be documented and supporting evidence provided.
- (vi) the views of the adjoining landowners in relation to the PAW or ROW closure and a general commitment to purchase. The application will not proceed unless the land can be sold or reserved.

- (vii) assessment of alternatives to PAW or ROW closure, including:
- temporary closure, where practical;
 - improvements to safety and security e.g. lighting, active graffiti removal where funding is available;
 - longer term redevelopment opportunities through local planning reviews to allow up-coding of lots adjacent to essential PAWs or ROWs, conditional on widening of PAWs or ROWs to laneways and new frontage development
 - Gates, open during daylight hours and locked at nights.

This assessment should be documented in a report which should include a walkability assessment (“ped shed”) analysis, notionally for all affected areas within 400m of neighbourhood facilities and bus stops, and for all affected areas within 800 metres of a town centre, rail station, arterial bus route, high/technical school and district open space;

Where the Local Government proceeds with the closure request the following actions are to occur in parallel.

Preparation of Closure Report

A Closure report shall be prepared for public inspection during the advertising period .

Placement of Signs

Signs shall be placed at each end of the PAW or ROW – stating that closure is being considered, that a Closure Report outlining issues relating to closure is available for public inspection during the advertising period, and that submissions should be made to Council by a specified date;

Advertisement

An advertisement should be placed in a community newspaper and an advisory letter should be delivered to residents and/or establishments within the affected area as indicated by the “ped-shed” analysis;

Referrals

Comments should be sought from other relevant public authorities and parties including:

- Service agencies, with regard to service relocation and easement requirements.
- Other Government agencies, where closure will affect access to facilities.
- School principals and P & C committees, if a school is likely to be affected by the proposed closure.

Department of Planning (DoP) Statutory Planning Referral

Referral to DoP Statutory Planning for comment. The Local Government is to provide Statutory Planning with a full copy of the Closure Report, amended to include an assessment of the public and agency comments received. Where there is objection from DoP’s Statutory Planning, DoP should liaise with the Local Government to afford DoP a better awareness of local issues; and discussions should occur between the two parties, toward achieving resolution

Local Government Consideration

In forming its view on a proposed closure, the Local Government should have due regard to:

- (i) factors driving the proposed closure, such as anti-social or criminal behaviour;
- (ii) the impacts of closure as outlined in the Closure Report;
- (iii) the advice of relevant public authorities and parties ;

- (iv) relevant transport, planning and disabilities policy considerations; in particular, the need to give special consideration to maintain pedestrian links -

Proceeding with Closure

Where the Local Government has resolved to proceed with the closure, the report prepared for public comment should be updated and amplified to include the following:

- (i) details of the consultation process;
- (ii) summary of the content of public submissions and agency comments, and comments on them;
- (iii) copies of letters from the adjoining landowners concerning the land sharing arrangement;
- (iv) copies of all letters from service agencies;
- (v) sketch showing the proposed land disposition;
- (vi) confirmation that the LG has resolved to recommend PAW or ROW closure.

The updated report should then be submitted to DoP's Statutory Planning.

Advice to Adjoining Landowners and Objectors

The Local Government should advise the adjoining landowners by letter of its recommendation to State Land Services in relation to closure. Any objectors should be advised of the Local Government's recommendation and the reason for it.

Purchase and Disposal Arrangements

During the preliminary stages the Local Government may request SLS to provide an upfront conditional purchase price based on market values in the absence of service relocation or easement costs, so that the adjoining land owners can be informed as soon as possible. The purchase price may be reduced depending on the impact of any easements or costs to relocate services.

Coordination

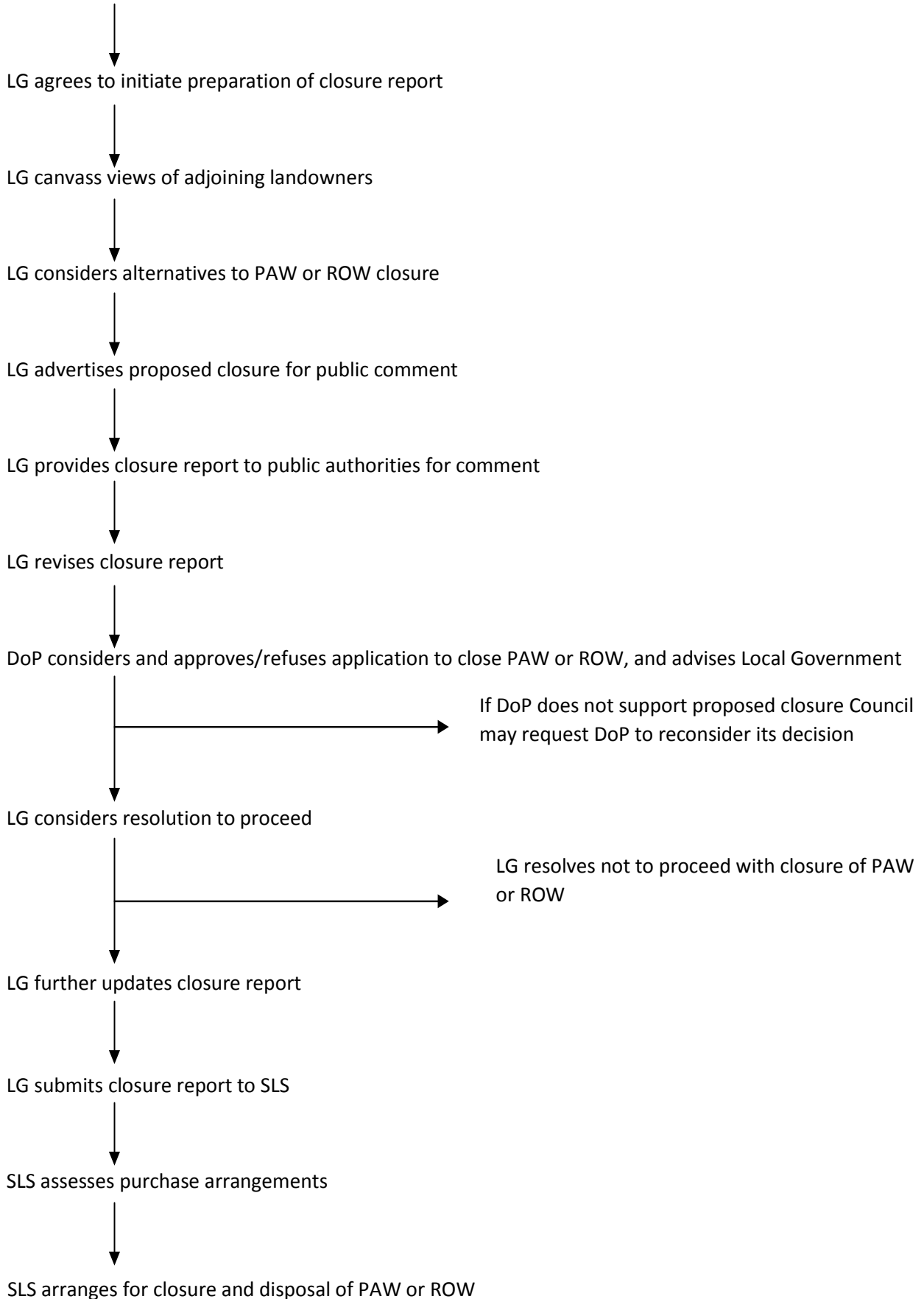
Closure and disposal procedures can be expedited should a Local Government undertake coordination of the exercise, in liaison with affected adjoining landowners. Under this arrangement, the Local Government would obtain necessary signatures to documents and payments.

Survey, Valuation

SLS will arrange survey and valuation.

Once all of the above-mentioned have been addressed by the Local Government the proposal for closure will be subject to the Department of Planning consideration and State Land Service assessment.

A diagrammatic summary of the process for progressing of a PAW or ROW closure is illustrated below:



Council is requested to give consideration as to whether it wishes to proceed with the proposed closure of the lane-way at the rear of Lots 27, 25, 23, 21 and 19 Gibbons Street, Yalgoo and for the Chief Executive Officer to follow the procedures as outlined in the guidelines and report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Closure of Pedestrian Access Ways and Right of Ways

That Council:

- 1. Proceed or do not proceed with the proposal for the closure of the lane-way located at the rear of Lots 27, 25, 23, 21 and 19 Gibbons Street;**
- 2. Subject to (1) above the Chief Executive Officer initiate or not initiate the process as outlined in the report.**

Moved:

Seconded:

Motion put and carried/lost

11.4.4 Report on Re-Scheduling Date for the March 2017 Audit Committee Meeting

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 February 2017
Attachment	Nil

Matter for Consideration

For Council to re-schedule date and time of the Audit Committee Meeting to be held in March 2017.

Background

Council is required under the Local Government Act to give local public notice of dates and times of Council meetings and those committee meetings which are open to the public.

Council at its Ordinary Meeting held on December 16th 2016 set dates for 2017 calendar year for Council and Committee meetings.

An Audit Committee Meeting date is scheduled for 31st March 2017 at 10.00am. As this is on the same day as the scheduled Ordinary Council Meeting, it is requested that Council re-schedule the March Audit Committee Meeting from Friday 31st March to Friday 24th March 2017 to allow Committee Members more time to discuss the relevant issues of the Audit Committee Meeting.

Statutory Environment

Local Government (Administration) Regulations 1996

12. (2) A local government is to give local public notice of any change to the date, time and place of a meeting.

Financial Implications

Cost of the advertising in accordance with the regulation.

Consultation

Nil

Comment

Council is requested to give consideration to re-scheduling the March 2017 Audit Committee Meeting on Friday 31st March 2017 10.00am to Friday 24th March 2017 at 10.00am.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Re-Scheduling Date for the March 2017 Audit Committee Meeting

That Council:

Re-Schedule the March 2017 Audit Committee Meeting from Friday 31st March 10.00am to Friday 24th March 2017 at 10.00am and advertise the re-scheduled date in accordance with the Reg 12(2) of the Local Government (Administration) Regulations 1996.

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Report on Minutes of the Electors Meeting 9 February 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	15 February 2017
Attachment	Minutes of the Electors Meeting held on 9 February 2017 in Yalgoo

Matter for Consideration

To receive the minutes of the Electors Meeting and to give consideration to all decisions made at the Elector's Meeting.

Background

Council at its Special Council Meeting held on 24th January 2017 resolved in part that the Annual Electors Meeting be held at Yalgoo at 10.00am on Thursday 9 February 2017.

Statutory Environment

Local Government Act 1995

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Financial Implications

Nil

Business Implications

Nil

Consultation

Nil

Comment

No decisions were made at the meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Minutes of the Electors Meeting 9 February 2017

That Council receive the Minutes of the Electors Meeting held at Yalgoo on 9 February 2017.

Moved:

Seconded:

Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

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

Local Government Act 1995

s5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or

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

s5.92 Access to information by council, committee members

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

s5.93. Improper use of information

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

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10,000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

s6. Use of information

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

14.1 Matters of a Confidential Nature

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Chambers, Yalgoo on Friday 31 March 2017 commencing at 11.00 am.

16. MEETING CLOSURE

