



AGENDA  
FOR THE ORDINARY MEETING  
OF COUNCIL  
TO BE HELD IN  
THE COMMUNITY CENTRE, PAYNES FIND  
ON 28 APRIL 2017  
COMMENCING 11.00 AM



# SHIRE OF YALGOO

## NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COMMUNITY  
CENTRE , PAYNES FIND ON 28 APRIL 2017 COMMENCING AT 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 Community Centre, Paynes Find,  
on 28 April 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



**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING**

**Background**

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

**Voting Requirements**

Simple majority

**OFFICER RECOMMENDATION**

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 31 March 2017 be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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**9. REPORTS OF COMMITTEE**

**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).

**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:	19 April 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- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
<b><u>By Program</u></b>						The CEO to provide a verbal update on the status of the capital projects as at 31 March 2017
<b>Governance</b>						
000000- Admin Centre - 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	8,140	(8,140)	Project completed
000000- Admin Centre - Internal Painting	L & B	15,000	0	13,455	(13,455)	Partly completed part of the works carried out earlier than 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 over expenditure Purchased Savings \$ 3,302
000000- Motor Vehicle CEO	P & E	90,000	90,000	87,345	2,655	purchased earlier than 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



		2016-17 ANNUAL BUDGET	2016-17 JULY- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
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 Expenditure not in 2016-17 Budget authorised by Council as per Section 6.8 of the LG Act Project completed subject to an insurance claim
C175203- Laptop HP Spectre CEO	F & E	0	0	2,599	(2,599)	
C175205 - Telephone System - Office	F & E	0	0	12,056	(12,056)	
<b>Housing</b>						
000000- CCTV - Yalgoo Town site	F & E	60,248	60,248	0	60,248	To commence
C175102-Staff Housing - 3 Storage Shed	L & B	17,400	17,400	17,710	(310)	Project completed overspent \$310
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 savings \$958
000000-Staff Housing - 8 Henty street Colorbond Fence Front	L & B	3,000	3,000	1,111	1,889	Project completed savings \$1,889
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

		2016-17 ANNUAL BUDGET	2016-17 JULY- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
<b>Community Amenities</b>						
C175101- Mobile Ablution Block	L & B	15,000	0	11,067	(11,067)	Project completed Budgeted \$15,000 Savings \$3,933 works carried out earlier than anticipated
<b>Recreation and Culture</b>						
000000 - Arts and Crafts Building	L & B	381,837	0	252,850	(252,850)	In progress
C175110 - Furniture - Hall Lotterywest	F & E	0	0	4,283	(4,283)	Project completed funded via Lotterywest
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		
000000- Kubota Utility Parks	P & E	28,000	28,000	27,965	35	Project completed savings \$35
000000- Truck 3 Tonne Parks	P & E	64,000	64,000	57,390	6,610	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

		2016-17 ANNUAL BUDGET	2016-17 JULY- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
000000- Paynes Find Solar Lights <b>Transport</b>	Other	0	0	48,000	(48,000)	To be funded from Paynes Find Beautification above as approved by Council
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	42,690	2,810	Project completed savings \$2,810
000000- Trailer Float Reconditioning	P & E	30,000	30,000	29,813	187	Project completed savings \$187
000000- Mobile Batching Plant	P & E	68,700	68,700	74,300	(5,600)	Project completed overspent \$5,600
000000- 3qm Agitator Truck Second Hand	P & E	35,000	35,000	27,727	7,273	Project completed savings \$7,273
000000- Motor Vehicle Works Foreman	P & E	75,000	75,000	68,823	6,177	Project completed savings \$6,177
000000- Works Truck	P & E	92,000	92,000	82,970	9,030	Project completed savings \$9,030
<b>ROADS TO RECOVERY GRANTS</b>						
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/Ningham Road - Shoulder Binding	Roads	180,000	180,000	177,438	2,562	Project completed within budget estimates
000000- Yalgoo/Ningham 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
<b>RRG SPECIAL GRANT RD WORKS</b>						

		2016-17 ANNUAL BUDGET	2016-17 JULY- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
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	347,869	(347,869)	Project completed over-expenditure
<b>MUNICIPAL FUND</b>						
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
<b>Economic Services</b>						
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 Project completed within budget estimates
C175104- Shade Structure Caravan Park	L & B	2,520	0	2,520	(2,520)	
000000- Caravan Park Sealing of Parking Bays and Driveways	L & B	22,000	0	0		
000000- Caravan Park Sealing of Rammed Earth Walls	L & B	15,000	0	12,000	(12,000)	Project completed underspent \$3,000 completed earlier than anticipated
000000- Caravan Park Auto Reticulation System	L & B	30,000	0	32,134	(32,134)	Project completed overspent \$2,134 completed earlier than anticipated
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

	2016-17 ANNUAL BUDGET	2016-17 JULY- MAR BUDGET	2016-17 JULY- MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
	\$	YTD \$	YTD \$	\$	
000000- Entry Road Sheeting Joker Tunnel Other	15,000	0	24,003	(24,003)	Project completed overspent \$8,003 completed earlier than anticipated
	<b>3,182,204</b>	<b>1,643,516</b>	<b>1,843,159</b>	<b>(199,643)</b>	

199,643

**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 a March 2017.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_ **Motion put and carried/lost**

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

### 11.3 FINANCE

#### 11.3.1 Investments as at 31 March 2017

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

#### Matter for Consideration

That Council receive the Investment Report as at 31 March 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 March 2017:

SHIRE OF YALGOO INVESTMENTS AS AT 31 MARCH 2017								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N <sup>o</sup>	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$1,411,153.98
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$40,868.13
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	\$51,517.81
<b>TOTAL</b>								<b>\$1,563,926.01</b>
<b>RESERVE FUNDS</b>								
NAB	N/A	Term Deposit	97-511-4454	5 mths 22 dys	10.03.2017	01.09.2017	1.75%	\$157,378.40
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	10.03.2017	29.08.2017	1.75%	\$1,041,921.23
<b>TOTAL</b>								<b>\$1,649,836.22</b>
<b>TRUST</b>								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	
<b>TOTAL</b>								<b>\$21,838.51</b>

<b>INVESTMENT REGISTER</b>						
<b>01 JULY 2016 TO 31 MARCH 2017</b>						
<b>NATIONAL AUSTRALIA BANK</b>						
<b>ACCOUNT Nº</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>OPENING BALANCE</b>	<b>INTEREST EARNED TO 31.03.2017</b>	<b>INVESTMENT TRANSFERS</b>	<b>CLOSING BALANCE 31.03.2017</b>
86-538-7363	Ongoing	Variable	\$40,656.41	\$211.72	0	\$40,868.13
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	\$266.78	0	\$51,517.81
77-142-8128	01.09.2017	1.75%	\$153,109.12	\$4,269.28	0	\$157,378.40
89-972-5236	16.04.2017	2.55%	\$448,595.14	\$1,941.45	0	\$450,536.59
14-662-6305	29.08.2017	1.75%	\$1,013,656.59	\$28,264.64	0	\$1,041,921.23

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Investments as at 31 March 2017**

**That the Investment Report as at 31 March 2017 be received.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



### 11.3.2 Accounts for Payment March 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 April 2017
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for Payment list for the period 1 March 2017 to 31 March 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 March 2017 to 31 March 2017 are as follows

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

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
10/03/2017	Murray River North Pty Ltd	C175112 · Yalgoo Art Centre Progress Payment	182,770.45
10/03/2017	Beaurepaire	E144010 · Tyres & Tubes	4,706.52
10/03/2017	C&S Automotive Repairs	E145075 · Vehicle Expenses- YA 0	366.08
10/03/2017	Canine Control	E052015 · Animal Ranger Expenses	1,059.50
10/03/2017	Civic Legal	E145090 · Legal Expenses	11,539.66
10/03/2017	Concept Media Pty Ltd	E132007 · Tourism Promotion	440.00
10/03/2017	Core Business Australia Pty Ltd	E145085 · Consultancy - Engineering	2,794.00
10/03/2017	Courier Australia	Freight Charges	90.85
10/03/2017	David Roche	E113020 · Paynes Find Complex Expenses	75.00
10/03/2017	DFES	L01258 · FESA Liability - ESL 3rd Quarter	4,174.80
10/03/2017	Dominic Carbone & Associates	E145085 · Consultancy Administration and Accounting	5,390.00
10/03/2017	Geraldton Fuel Company	Fuel & Oil	12,839.44
10/03/2017	Geraldton Lock & Key	E113015 · Old Railway Station building - Master Keys and Cylinders	1,634.00
10/03/2017	Geraldton Toyota	E132119 · HCP Vehicle YA800 Servicing	487.09
10/03/2017	Great Northern Rural Services.	E091008 · Staff Housing Expenses - Repairs and Mtce	571.53
10/03/2017	In2Balance Pty Ltd	E145055 · Computer Licence Fee and Support	6,146.80
10/03/2017	Judith Hill.	E145030 · Staff Training	617.76
10/03/2017	Kevin Hebb	E031021 · Rates Refunds	785.50
10/03/2017	Landgate	E031010 · Valuation Expenses	102.60
10/03/2017	Midwest Turf Supplies	C175117 · Caravan Park Retic Upgrade	23,660.00
10/03/2017	Neil Grinham	E041020 · Members Travelling	827.30
10/03/2017	Onedex Communications Pty Ltd	C175109 · Solar Lights Paynes Find	3,300.00
10/03/2017	Robert Grinham	E041022 · Member Communication Allowance 8 months	2,333.36
10/03/2017	Staples Australia Pty Limited	Printing & Stationery, Staff Amenities and Consumables	3,483.30
10/03/2017	Steven Cosgrove.	E145070 · Conference Expenses	68.80
10/03/2017	Terry Iturbide	Rates Refund	785.50
10/03/2017	ThinkWater Geraldton	C175117 · Caravan Park Retic Upgrade	11,686.90
10/03/2017	Urbis Pty Ltd	E106005 · TP Scheme Expenses	603.90
10/03/2017	Yalgoo Districts Jockey Club.	Donation	10,000.00
10/03/2017	Yalgoo Hotel Motel	Accommodation and Meals EHO and Refreshments Meetings	827.31
16/03/2017	Payroll	Various	37,873.95

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
16/03/2017	Bunnings Building Supplies Pty Ltd	Material Purchases	1,198.41
16/03/2017	Courier Australia	Freight Charges	680.18
16/03/2017	Crowe's Electrical	Electrical Mtce -Staff Housing, Toilets and Council Chambers	3,931.59
16/03/2017	Five Star Business Equipment & Comms	E145060 · Office Equip Mtce - Photocopier	710.45
16/03/2017	Geraldton Toyota	Vehicle Servicing and Repairs - CEO and Foreman's	1,343.30
16/03/2017	Holcim (Australia) Pty Ltd	E122055 · Rural Road Maintenance	1,872.29
16/03/2017	Ideal Floral Creations	E116110 · Celebration - Floral Workshop	1,700.00
16/03/2017	Maranalgo Station	E143060 · Travel & Accommodation	1,375.00
16/03/2017	Marketforce	E145035 · Advertising	383.03
16/03/2017	Midwest Chemical & Paper	E132005 · Caravan Park Expenditure	86.49
16/03/2017	Redfish Technologies Pty Ltd	E145148 · Minor Equip - Digital Recorder	392.00
16/03/2017	Sports Turf Technology	E074010 · Water Sampling Expenses	742.50
16/03/2017	Stratco (WA) Pty Ltd	E025.7 · Grid Cleaning/Repairs	633.23
16/03/2017	Tru-Line Excavations & Plumbing P/L	E113004 · Shamrock St Park- Location of Underground Services	1,150.80
16/03/2017	Westrac Equipment Pty Ltd	E144015 · Parts & Repairs - YA890 Multi Tyred Roller, YA457 Backhoe	1,119.72
16/03/2017	Westside Painting Service	E132005 · Caravan Park Expenditure - Repaint Relocated Alfresco Area	1,848.00
23/03/2017	Bunnings Building Supplies Pty Ltd	Material Purchases - Caravan Pk and Workshop	455.41
23/03/2017	Civic Legal	E145090 · Legal Expenses	3,962.75
23/03/2017	Courier Australia	Freight Charges	210.75
23/03/2017	Geraldton Mower & Repair Specialist	E144053 · Replacement tools – Brush-cutter	944.00
23/03/2017	Harvey Norman Computer Store Geraldton	E145045 · Printing & Stationery	119.00
23/03/2017	Judith Hill.	Reimbursements - Staff Training	216.12
23/03/2017	Neil Grinham	E041020 · Members Travelling	629.70
23/03/2017	Security & Keys	E091008 · Staff Housing Expenses - 18a Shamrock Street	94.98
23/03/2017	Social Innovations Pty Ltd	E132026 · Emu Cup event - Consultancy	3,300.00
23/03/2017	Spotlight P/L	E132118 · HCP Project Activity Expenses	952.52
23/03/2017	WA Local Government Association	E145030 · Staff Training	567.00
23/03/2017	Wavecrest Projects Pty Ltd.	E107010 · Public Conveniences- Repair Damages Vandalism	4,642.00
23/03/2017	Westrac Equipment Pty Ltd	E144015 · Parts & Repairs -YA860 Grader	1,518.00
28/03/2017	Maranalgo Station	E143060 · Travel & Accommodation	1,375.00
28/03/2017	Neil Grinham	Meeting Fees and Travel	728.64
28/03/2017	Raul. Valenzuela	E041015 · Members Meeting Fees	118.00
28/03/2017	Ray Pratt	Reimbursement	14.55

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
28/03/2017	Robert Grinham	Meeting Fees and Travel	335.82
28/03/2017	Payroll	Various	3,269.04
28/03/2017	Judith Hill.	Reimbursement	135.66
30/03/2017	Payroll	Various	40,442.40
31/03/2017	Shire of Yalgoo Municipal Fund	Payroll Deduction to Pay of Debt	100.00
31/03/2017	WA Shire Councils Union	Payroll Deduction Union Fees	123.00
31/03/2017	Shire of Yalgoo Municipal Fund	Payroll Deduction to Pay of Debt	300.00
31/03/2017	Child Support Agency	Payroll Deduction- Child Support Agency	352.56
15/03/2017	AMP Flexible Lifetime Super	Superannuation Contributions	262.95
15/03/2017	Australian Super	Superannuation Contributions	365.40
15/03/2017	Colonial First State	Superannuation Contributions	246.71
15/03/2017	Concept One The Industry Superannuation Fu	Superannuation Contributions	265.56
15/03/2017	WA Super	Superannuation Contributions	4,647.47
09/03/2017	Telstra Corporation Ltd	Telephone-Internet	6,665.15
10/03/2017	BOC Limited	E144052 · Workshop consumables - Gases	183.68
10/03/2017	Horizon Power	E122011 · Lighting of Streets	661.98
10/03/2017	Pivotel Satellite Pty Limited	Satellite Phones - Rental	634.00
10/03/2017	Pivotel Satellite Pty Limited	Satellite Phones - Rental	634.00
10/03/2017	Telstra Corporation Ltd	Telephone-Internet	180.44
10/03/2017	Telstra Corporation Ltd	Telephone-Internet	6,833.97
10/03/2017	City of Greater Geraldton	Meeting attendance Midwest Regional Meeting	76.00
16/03/2017	Commander Australia Limited	E145110 · Telephone-Internet	39.95
16/03/2017	BOC Limited	E144052 · Workshop consumables - Gases	165.90
30/03/2017	AMP Flexible Lifetime Super	Superannuation Contributions	788.85
10/03/2017	Ivan Merry.	Rates Refund	170.50
10/03/2017	Water Corporation	Water Charges	7,692.75
16/03/2017	Colonial First State	Superannuation Contributions	320.72
16/03/2017	Colonial First State Super	Superannuation Contributions	149.32
23/03/2017	Alto Metals Ltd	Rates Refund	28.56
23/03/2017	Coventry Enterprises Pty Ltd	Rates Refund	139.32
23/03/2017	Extension Hill Pty Ltd.	Rates Refund	35.58
23/03/2017	Mt Magnet South NL	Rates Refund	672.35
23/03/2017	Ragged Range Mining	Rates Refund	545.91
23/03/2017	TE Johnston & Associates Pty Ltd	Rates Refund	247.08

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
23/03/2017	West Coast Sea Food	E041040 - Refreshments - Council Meetings	268.00
1/03/2017	NAB	Bank Fees	110.95
3/03/2017	Department of Transport	Licencing	41.80
3/03/2017	WATC	Loan 54 Instalment	5,506.99
10/03/2017	Department of Transport	Licencing	358.40
14/03/2017	Department of Transport	Licencing	20.90
14/03/2017	Credit Card	Transfer to Credit Card	3,563.11
15/03/2017	Department of Transport	Licencing	41.80
21/03/2017	Department of Transport	Licencing	38.40
24/03/2017	Department of Transport	Licencing	437.35
29/03/2017	Department of Transport	Licencing	112.80
30/03/2017	Department of Transport	Licencing	29.20
31/03/2017	NAB	Merchant Fees	283.15
31/03/2017	NAB	Bank Fees	54.10
			<b>459,636.84</b>

Voting Requirements

Simple Majority

**OFFICER RECOMMENDATION**

**Accounts for Payment March 2017**

That Council approve the list of accounts paid for the period 1 March 2017 to 31 March 2017 amounting to \$459,636.84 and the list be recorded in the minutes.

Moved:

Seconded:

Motion put and carried/lost

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

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 <sup>th</sup> April 2017
Attachments	<ul style="list-style-type: none"> <li>• Statement of Comprehensive Income ending the 31 March 2017;</li> <li>• Statement of current Financial Position;</li> <li>• Financial Activity Statement;</li> <li>• Summary of Current Assets and Current Liabilities as of 31 March 2017;</li> <li>• Detailed worksheets;</li> <li>• Other Supplementary Financial Reports:                             <ul style="list-style-type: none"> <li>○ Reserve Funds;</li> <li>○ Loan Funds;</li> <li>○ Trust Fund</li> </ul> </li> </ul>

**Financial report provided to elected members 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.

### Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue, and overall results against budget targets.

### Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

### Financial Implications

Payments from Council's Municipal Account as disclosed in the budget or subsequently approved.

### Consultation

Dominic Carbone – Dominic Carbone & Associates

### Comment

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds; and
- Trust Fund.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION

#### **R34 (1) Financial Activity Statements for the Period ended the 31 March 2017.**

**That Council adopts the Financial Activity Statement for the period ended 31 March 2017.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding as at 19 April 2017

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	19 April 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
16 Dec 16	Closure of Noongal Homestead Access Road	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.
22 Jan 16	2014-2015 Budget-Imposition of Rates and Minimum	That Council: 1/. Make application to the State Administrative Tribunal in accordance with	Letter sent to DLGC asking Ministerial approval for rates in the

	Proposal Requiring Ministerial Approval	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.	dollar that exceed 2:1.
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. To be followed up.
27 Oct 16	Employees Collective Enterprise Agreement	Council resolved to authorise CEO to obtain necessary approvals.	The EBA is being reviewed by WALGA to reflect State legislation. WALGA have incorporated the supplied amendments in the draft document inclusive to the wage rate.
16 Dec 16	Settlement of Insurance Claim – Council Property Lot 17 Shamrock Street, Yalgoo	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. CEO to prepare funding applications for the construction of two additional staff houses (units) on the site.	Offer has been accepted. Form of Release authorised. Quotations obtained. Yet to appoint contractor. Consultant has been engaged to begin preparation of funding applications. Waiting on a response from Horizon about disconnecting power.
16 Dec 16 & 26 Feb 17	Closure of Thoroughfare Adjacent to Lots 27, 25, 23 and 19 Gibbons Street , Yalgoo	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; Yalgoo. Chief Executive Officer initiate the process as outlined in the report.	Advice from URBIS received. Letters sent out to all Lot owners 12 <sup>th</sup> April 2017 advising of current status (scope of works and fees - URBIS)
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.	Connection of Sewerage system to leach drains to be completed week of 27 <sup>th</sup> February 2017
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.	RSM have been notified of Council Resolution and are putting together contract for signing.
27 Jan 17	Extraordinary Election	Council resolved to not 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	Received response from the Electoral Commissioner 23 March 2017 setting 10 June 2017 as the date for the Extraordinary Election.

24 Feb 17	Wild Dog Bounty Scheme	That the following amendment be made to clause 2 (b) – “Shire of Yalgoo staff and immediate staff”, to read “Shire of Yalgoo designated staff and immediate family”.	Amendment has been made.
24 Feb 17	Purchase of Lots 134 & 135 Piesse Street, Yalgoo	That Council give consideration to the purchase of Lots 134 & 135 Piesse Street, Yalgoo, and to make an offer not exceeding \$2,000.00 each, to the owner of Matzin Capital Pty Ltd	Council offer accepted. Authorisation of expenditure incorporated in 2016-2017 Budget Review..
24 Feb 17	Recording of Council Meeting Minutes	That Council adopts Policy No. 1.10 Council Meeting Digital Recording of Meetings as detailed in Report C2017-0309 and the Shire’s Policy Manual be updated accordingly.	Policy Manual has been updated.
31 Mar 17	Compliance Audit Return	That the Audit Committee recommend to Council that the draft 2016 Compliance Audit Return be adopted and certified by the President and Chief Executive Officer and forwarded to the Department of Local Government along with the relevant section of the Minutes.	2016 Compliance Audit Return has been certified by President and CEO together with relevant Minutes forwarded to Department.
31 Mar 17	2016-17 Annual Budget Review	A copy of the 2016-17 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.	2016-17 Annual Budget Review together with relevant Minutes forwarded to Department.
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months.	In Progress

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Matters Outstanding as at 19 April 2017**

**That Council receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 19 April 2017.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.4.2 Report on Proposed Rezoning of Lot 65 and Lot 66 from Public Purpose Reserve to Residential

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 April 2017
Attachments	Nil

#### Matter for Consideration

For Council to give consideration to allocating funds in the 2017-18 annual draft budget for the purpose of rezoning of Lot 65 and 66 from Public Purpose Reserve to Residential pursuant to the Shire’s Local Planning Scheme No. 2

#### Background

An amendment to the Shire’s Local Planning Scheme No. 2 (LPS 2) is required to correct an omission as a result of the Shire’s Scheme review process when preparing LPS 2, whereby an amendment to the Scheme was undertaken without notifying the landowner. Accordingly, the scope of the amendment will comprise rezoning the site back to Residential (its former zoning under the Shire’s Local Planning Scheme No. 1).

LPS 1 was gazetted in 1992 and LPS 2 (current) was gazetted in 2011. In No. 1 the land was zoned Residential and in No. 2 it is zoned Recreational.

On 16<sup>th</sup> November 2016 a letter was sent to Ms Susan Mathews, owner of Lot 65 and Lot 66, advising of the lengthy process involved before a new Scheme or an amendment to a scheme can be finalised, and for the land to be rezoned and that she would need to apply to Council to have the land rezoned.

The CEO on 6<sup>th</sup> February 2017, informed Ms Mathews of his discussions with representative’s of the Ombudsman’s Office in relation to her query which confirmed that the Lots in question are in fact zoned “Public Purpose”.

#### Statutory Environment

Nil

#### Financial Implications

Allocation of funds in the 2017-18 annual draft budget.

#### Consultation

Megan Gammon, Associate Director – URBIS

**Comment**

The table below provides the scope of works and fees for the proposed rezoning of Lot 65 and Lot 66 from Public Purpose Reserve to Residential under the Shire’s Local Planning Scheme No. 2

Stage	Tasks	Fees
Preparation of Scheme Amendment Report and Rezoning Plan	<ul style="list-style-type: none"> <li>• Liaison with the WAPC to confirm the classification of the amendment as ‘basic or ‘standard’.</li> <li>• Preparation of Scheme Amendment Report and Plan.</li> <li>• Preparation of Council Report and Resolution to initiate amendment.</li> <li>• Referral to the Environmental Protection Authority (EPA) for review.</li> </ul>	Fixed fee of \$6,000.00
Advertising (if required)	<ul style="list-style-type: none"> <li>• If advertising is required (for a standard amendment), we will coordinate the advertising in accordance with the Planning Regulations, for a period of 42 days. This will include letters to adjoining landowners, Government agencies as well as a notice on-site and on the Shire’s website.</li> <li>• Following advertising, we will review and respond to all submissions received in the form of a schedule of submissions and update the amendment documentation. Our fee assumes review and response to up to 20 submissions. Should additional submissions be received, we will undertake the additional review at hourly rates.</li> <li>• We will then prepare a report to Council, advising whether to adopt (with or without modifications) or not proceed with the amendment, as well as present the schedule of submissions.</li> <li>• We will also prepare letters to all submitters, advising them of Council’s decision.</li> </ul>	Hourly rates (fee estimate of \$4,000.00)
WAPC Approval and Gazettal	<ul style="list-style-type: none"> <li>• If Council supports the amendment, we will send to the Department of Planning to Minister has approved the amendment, we will arrange the endorsement of the documents with the Shire and submit to the WAPC.</li> <li>• In the unlikely event the Minister requires any modifications to be undertaken to the amendment, we will update the amendment text and map as required.</li> <li>• Once the Scheme Amendment has been gazetted, we will prepare a notice of the gazettal for circulation in the local newspaper and notify those who made a submission (if advertised).</li> </ul>	Hourly rates (fee estimate of \$2,000.00)

- The above fee assumes that the amendment will be classified as a ‘standard amendment’. If the Department is comfortable in progressing this as a basic amendment, some cost efficiencies will be achieved.
- Should major modifications to the amendment be required post-advertising (which would warrant re-advertising), this will be undertaken by Urbis at hourly rates.
- The fee assumes that the EPA requires no additional reporting and that no sub-consultant input is required.
- Disbursements such as printing, advertising, travel are not included within the proposed fee above.

- Claims for variations to the proposed scope and fee will be notified to the Client in writing for approval.

Council is requested to allocate funds in the 2017-18 Draft Annual Budget to undertake the scheme amendments.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Proposed Rezoning of Lot 65 and Lot 66 from Public Purpose Reserve to Residential**

**That Council allocate \$12,000 in the 2017-18 Draft Annual Budget for the purpose of initiating a scheme amendment for the rezoning of Lot 65 and Lot 66 from Public Purpose Reserve to Residential.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**11.4.3 Caravan Park Statistics**

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	5 April 2017
Attachments	Caravan Park Statistics for the 2016-17 Financial Year to 31 <sup>st</sup> March 2017 (Pages 1 – 2)

**Matter for Consideration**

That Council note the statistics on visitors’ numbers at the Yalgoo Caravan Park for the period 1 July 2016 to 31 March 2017.

**Background**

Council have requested information on tourists that stay at the Yalgoo Caravan Park and these are to be reported on a quarterly basis.

**Statutory Environment**

Nil

**Financial Implications**

Impact on revenue and expenditure of Caravan Park operations.

**Consultation**

Fiona Newey, Caravan Park Manager

**Comment**

The attached worksheet is a summary of the Caravan Park statistics for the period 1<sup>st</sup> July 2016 to 31<sup>st</sup> March 2017.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Caravan Park Statistics for the Period of 1 July 2016 to 31 March 2017.**

**That Council notes the statistics on visitors’ numbers using the Yalgoo Caravan Park facilities for the period 1<sup>st</sup> July 2016 to 31 March 2017.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_ **Motion put and carried/lost**

#### 11.4.4 Rating Exemption – Murchison Region Aboriginal Corporation

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	19 April 2017
Attachments	Application for Rates Exemption letter (Pages 3 – 6) MRAC Operational Overview (Pages 7 – 11) ABN Details (Pages 12 – 13) ACNC Charity Register Summary (Pages 14 – 16) ATO Charity Tax Concessions (Pages 17 – 18) ATO Deductable Gift Recipient (Pages 19 – 20) MRAC Rule Book (Pages 21 – 47) MRAC Financial Report for the year ended 30 June 2016 (Pages 42 – 70)

#### Matter for Consideration

The Council give consideration to an application received from the Murchison Region Aboriginal Corporation requesting an exemption from rates for various properties within the Shire of Yalgoo.

#### Background

The objectives of the Murchison Region Aboriginal Corporation (MRAC) are as follows:

- Promote, support, sponsor, engage in and facilitate the provision to Aboriginal people of health, housing and other services.
- Acquire, hold and manage land, buildings, fixtures, chattels and other property for the benefit of Aboriginal people in the Midwest and Gascoyne region.
- Provide social, cultural, economic, political, educational and recreational services to Aboriginal organisations, groups, enterprises and individuals in the wards when those services are not provided by other bodies.
- Assist Aboriginal people in the Midwest and Gascoyne regions with relief from poverty, sickness, suffering, destitution, misfortune, distress and helplessness.
- Give effect to the principles of self-management and self-determination for Aboriginal people by;
  - Establishing, owning, investing in, sponsoring, maintaining, managing, leasing and otherwise fostering business enterprises and commercial ventures of any lawful kind, and
  - Promote, supporting and sponsoring the endeavours of Aboriginal organisations, groups, enterprises and individuals in the ward towards social, cultural and economic development.
- Promote, support, sponsor, engage in and facilitate the creation of opportunities for Aboriginal people in education, training, employment and private enterprise
- Help and encourage Aboriginal people in the Midwest and Gascoyne regions to maintain, restore, revitalise and renew their traditional language and culture
- Help build trust and friendship between Aboriginal people and the non-Aboriginal community
- Join with other Aboriginal corporations in undertaking projects of mutual benefit



- Receive and spend grants of money from the Government of the Commonwealth or of the State or from other sources.
- The Corporation operates in the Midwest and Gascoyne regions and covers Geraldton, Northampton, Meekatharra, Mullewa, Mt Magnet, Yalgoo, Sandstone and North Midlands.

MRAC is an entity established under the corporations (Aboriginal and Torres Strait Islander) Act 2006 and is registered under the Office of the Registration of Indigenous Corporation (ORIC) .

Its purpose is to provide eligible Aboriginal people with affordable rental accommodation. Any profit generated through rental revenue is reinvested in upgrading properties and where possible purchasing additional stock.

No commercial activities are conducted by MRAC and is registered as a charity as a public benevolent institution. The Australian Taxation Office has granted MRAC Charity Tax Concession status for GST concession, FBT exemption and income Tax exemption and Deductible Gift Recipient status.

### **Statutory Environment**

**Section 6.26** of the Local Government Act 1995, in part states the following;

#### **Subsection 6.26 (2)**

- (g) Land used exclusively for charitable purpose.
- (j) Land which is exempt from rates under other written laws.
- (k) Land which is declared by the Minister to be exempt from rates.

#### **Subsection 6.26 (4)**

The Minister may from time to time, under subsection (2) (k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

#### **Subsection 6.26 (5)**

Notice of any declaration made under subsection (4) is to be published in the Gazette.

#### **Subsection 6.26 (6)**

Land does not cease to be used exclusively for the purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is a charitable, benevolent, religious or public nature.

### **Financial Implications**

Impact on Rates levied by the Shire

### **Consultation**

Nil

**Comment**

MRAC is requesting rate exemptions for the following properties;

-	91 Henty Street	YALGOO	Rates levied 2016-17	\$379.89
-	25 Henty Street	YALGOO	Rates Levied 2016-17	\$394.51
-	52 Campbell Street	YALGOO	Rates Levied 2016-17	\$395.39
-	92 Henty Street	YALGOO	Rates Levied 2016-17	\$345.00
-	83 Milligan Street	YALGOO	Rates Levied 2016-17	\$360.51
-	87 Milligan Street	YALGOO	Rates Levied 2016-17	\$352.75
-	29 Selwyn Street	YALGOO	Rates Levied 2016-17	\$383.76
<b>Total Rates Levied</b>				<b>\$2,611.81</b>

All properties are currently leased.

In order to obtain rate exemption on the above mentioned properties pursuant to section 6.26 (2) (g) of the Local Government Act 1995, the land must be used exclusively for charitable purpose. The Local Government Act 1995 does not define 'charitable purpose'. Section 5 of the Charitable Collections Act 1946 defines 'Charitable purposes' as follow;

- (a) the affording of relief to diseased, sick, infirm, incurable, poor, destitute, helpless or unemployed person, or to the dependants of any persons;
- (b) the relief of distress occasioned by war, weather occasioned in Western Australia or elsewhere;
- (c) the supply of equipment to any of His Majesty's naval, military, or air force, including the supply of ambulance, hospitals and hospital ships;
- (d) the supply of comforts or conveniences to members of the said forces;
- (e) the affording of relief, assistance or support to persons who are or have been members of the said forces or to the dependants of any such persons;
- (f) the support of hospitals, infant health centres, kindergartens and other activities of social welfare or public character;
- (g) any other benevolent, philanthropic or patriotic purpose.

The above definitions appear to have its origin from the Charitable Uses Act 1601 and the House of Lords Case.

The Charitable Uses Act 1601 lists the purpose as

- Relief of the aged, impotent and poor people;
- Maintenance of sick and maimed soldiers and mariners
- Support and aid for young tradesmen, handicraftsmen and persons decayed

One of the four categories of charitable purpose laid down by the House of Lords in the case of Income Tax Special Purposes Commissioners v Pemsell (1891). These categories are as follows;

- The relief of property;
- The advancement of education
- The advancement of religion; and
- Other purpose beneficial to the community not following within any of the preceding categories.

In relation to the relief of property, it may not be necessary for those benefiting to be an appreciable section of the community for the purpose to be charitable. However, it is otherwise accepted that the purpose must be for the benefit of the community or an appreciable important class of it and not for the benefit of particular private individuals (Williams Trustees v Inland Revenue Commissioners 1947).

The abovementioned statute and judgement were relied upon by the Supreme Court in cases requiring a definition of charitable purpose.

The following factors need to be considered in order to determine whether the land is exempt from rating.

1. The mere ownership of the land by the charitable organisation does not in itself bring that land within the scope of section 6.26 (2) (g) of the Local Government Act 1995.
2. Community Housing is social housing and / or affordable housing owned or otherwise under the legal control of the Community Housing Organisation.
3. Community Housing Organisation is a not for profit organisation incorporated under the law of the Commonwealth of Australia or the State of Western Australia whose primary objective is to provide social housing or affordable housing to eligible persons.
4. Social housing is government subsidised rental housing for people with low to moderate income provided by a Community Housing Organisation, rent is set between 25-30% of household income.

From the above it is concluded that there is a distinction between, on one hand the use of the land for charitable purpose and, or it’s used for the purpose of making what is derived from the activities on the land available to be applied for charitable purpose.

### Voting Requirements

Simple Majority

#### **OFFICER RECOMMENDATION**

#### **Rating Exemption – Murchison Region Aboriginal Corporation**

**That Council:**

**Advise the Murchison Region Aboriginal Corporation that the following properties are considered rateable.**

<b>91 Henty Street</b>	<b>YALGOO</b>	<b>25 Henty Street</b>	<b>YALGOO</b>
<b>52 Campbell Street</b>	<b>YALGOO</b>	<b>92 Henty Street</b>	<b>YALGOO</b>
<b>83 Milligan Street</b>	<b>YALGOO</b>	<b>87 Milligan Street</b>	<b>YALGOO</b>
<b>29 Selwyn Street</b>	<b>YALGOO</b>		

**On the basis that the land is not used for charitable purposes where the land is used for the purpose of raising funds to be used for charitable purposes.**

**Moved: Seconded: Motion put and carried/lost**

### 11.4.5 Shire of Yalgoo Arts and Culture Committee – Establishment and Endorsement of Terms of Reference

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 April 2017
Attachments	Proposed Terms of Reference (Pages 71 – 72)

#### Matter for Consideration

That Council give consideration to the establishment of the Shire of Yalgoo Arts and Culture Committee and determine its terms and reference.

#### Background

The Shire Arts Centre is currently under construction, it is expected to be completed in June 2017, and the establishment of the committee will provide the strategic leadership and community involvement in the operations and management of the facility from the outset.

#### Statutory Environment

##### Local Government Act 1995

##### 5.8. Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

##### 5.9. Committees, types of

- (1) In this section —  
**other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

##### 5.10. Committee members, appointment of

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

**5.11 A. Deputy committee members**

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

*\* Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
  - (a) if the member of the committee is a council member — a council member; or
  - (b) if the member of the committee is an employee — an employee; or
  - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

*[Section 5.11A inserted by No. 17 of 2009 s. 20.]*

**5.11. Committee membership, tenure of**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person’s membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be; or
  - (b) the person resigns from membership of the committee; or

- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

### **Financial Implications**

Nil

### **Consultation**

Nil

### **Comment**

The establishment of the Arts and Culture Committee will provide the framework and forum for the Shire to focus on achieving its strategic objectives and goals with respect to the provision of Arts and Culture services and facilities to its community.

### Proposal.

To advise and make recommendations to Council on a range of strategic issues in relation to the Arts and Culture in Yalgoo

### Objectives

- To develop the Shire's Arts and Culture plan.
- To advocate and develop relationships with the Arts and Culture sector and identify opportunities for partnership ventures.
- To monitor trends, issues and developments occurring at local, regional, state and national levels in the Arts and Culture sector.
- To develop an operations plan for the new Arts and Culture facility
- To monitor the ongoing operations of the new Arts and Culture facility

### Membership

A total membership of up to 6 members, all of whom to be appointed by the Council, comprising

- The Shire President
- Two Councillors
- The Chief Executive Officer
- Two community members who have an interest in the Arts and Culture

Appointment of for up to two (2) years and members are eligible for re-appointment following the Council Ordinary Election.

The Shire of Yalgoo Arts and Culture Committee is to meet at least quarterly throughout the year with an agenda and minutes being administrated by the Chief Executive Officer or delegate.

All recommendations made by the Shire of Yalgoo Arts and Culture Committee to be reported to Council for consideration.

Once Council has approved the establishment of the Committee, nominations from appropriate community representatives for appointment to the Committee will be sought

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION**

**Shire of Yalgoo Arts and Culture Committee – Establishment and Endorsement of Terms of Reference**

**That Council:**

- 1. Approve the establishment of the Shire of Yalgoo Arts and Culture Committee**
- 2. Endorse the Term of Reference refer attachment to report**
- 3. Appoint Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Shire of Yalgoo Arts and Culture Committee.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**12. NOTICE OF MOTIONS****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](http://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.

**Confidential Report**

**14.1 Report on Chief Executive Officer – Performance Review**

**15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Friday 26 May 2017 commencing at 11.00 am.

**16. MEETING CLOSURE**

