



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE
COMMUNITY CENTRE, PAYNES FIND
ON 28 APRIL 2017
COMMENCING AT 11.00 AM



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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
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

The Shire President Neil Grinham declared the Ordinary Meeting open at 11:04 am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil Grinham, Shire President Cr Raul Valenzuela, Deputy Shire President Cr Robert Grinham Cr Joanne Kanny
STAFF	Silvio Brenzi, Chief Executive Officer (CEO) Karen Malloch, Executive Assistant (EA)
GUESTS	
OBSERVERS	Gail Pilmoor David Rocke Mavis Pilmoor Gordon Dalton Don Bell Leah Bell Doug Taylor Reiss Knox Rachel Grant Karry Fisher (J.P. WA 8457)
LEAVE OF ABSENCE	
APOLOGIES	Cr Gail Trenfield

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Prior to the meeting, David Roche, Gail Pilmoor and Karry Lee-Anne Fisher, registered several written questions on behalf of the Paynes Find community to the CEO Silvio Brenzi.

4.1.1 Karry Lee-Anne Fisher, member of Paynes Find community, addressed the question to the CEO.

Q: Why was an Agenda not available prior to the meeting please?

A: The Agenda was emailed to the Councillors on Friday 21st April 2017 and were distributed in hard copy on the same day. This was well within the constitutional framework of 72 hours prior to the meeting. Copies of the Agenda were also available from the Shire office. The staff member whom normally does the Agendas was away until Wednesday 26th April; therefore, the Agenda was not posted on the website until a later date. Please do not hesitate to call the Shire in future for electronic copies of the Agenda or a hard copy if there is enough time to mail a copy out.

4.1.2 David Roche, member of Paynes Find community, addressed the question to the CEO.

Q: Why has the Entry Statement for Paynes Find (the steel cutout of the aboriginal man looking out over Lake Moore with his family) ended up in Yalgoo?

A: The Yalgoo entry statements were erected approximately 12 years ago and no changes have been made since. The entry statement you are thinking of must be similar in design. The office will send you a copy of the Paynes Find designs for you to compare.

4.1.3 David Roche, member of Paynes Find community, addressed the question to the CEO.

Q: What happened with the re-zoning of the Recreational Reserve? It still shows as "Recreational" not "Commercial".

A: The re-zoning of the Recreational Reserve is in the hands of the Department of Lands. The CEO will check up on the re-zoning status and follow up by emailing Paynes Find any relevant documentation.

4.1.4 David Roche, member of Paynes Find community, addressed the question to the CEO.

Q: At a past Shire meeting when we made a submission regarding the re-zoning of the Recreational Reserve, we were assured that nothing would happen or be approved regarding the use of the land without community consultation. It now appears that the Shire has endorsed the procurement of part of this land by "Outback Enterprises"-why was there no public consultation?

A: The land is owned by the Department of Lands. The Shire does not own the land and therefore cannot sell the land. The Shire only holds a "management order". The Department of Lands has the right to do with the land what it wishes as long as there are no objections. The re-zoning as per Question 4.1.3 has not occurred as no sale has taken place. If the area is re-zoned by the Department of Lands then consultation would follow.

4.1.5 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: Is the rear block, FNA/12734 being sold to the Paynes Find Roadhouse (“Outback Enterprises”)?**

A: As mentioned earlier, the Shire only has “Management Orders” over the land in Paynes Find; the land is owned by the Department of Lands. The Department has not notified the Shire of any sale of land.

4.1.6 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: The Paynes Find Roadhouse “Outback Enterprises” has already expanded its’ operations significantly over the last five years without upgrading its waste and effluent disposal. Will it be allowed to expand again and retain the same system?**

A: All upgrades and changes to public facilities, such as kitchens, bathrooms etc are guided by the Department of Health requirements and guidelines. Building licences and approvals are initially assessed by the Shire Environmental Health Officer and Building Surveyor, Mr Bill Atyeo, whom liaises with the Department. All assessments are made on an individual basis. Therefore if the Roadhouse facilities are upgraded then a reassessment would be made by Mr Bill Atyeo and the Department of Health.

The CEO recommended David Rocke to email his specific questions so they can be formally addressed.

4.1.7 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: If part of Lot 305 is to be sold, why is it not going under Tender?**

A: As per question 4.1.4, the land is owned by the Department of Lands. The Shire does not own the land and therefore cannot sell the land. The Shire only holds a “management order”.

4.1.8 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: If part of Lot 305 FNA/13127 gets handed over to private interests, where are the trucks going to park?**

A: The area of land under consideration is ten (10) hectares (8.24 acres) of which only two point eight (2.8 h) will possibly be excised or removed from the Reserve. However, this area is not an exclusion zone – there will not be any fencing or separation of the area. If funding is approved then appropriate use of the area will be considered.

4.1.9 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: The Shire applied for funding to improve the truck parking bay and dust suppression. What will happen to this funding if the land becomes private property?**

A: As per question 4.1.8 the area of land under consideration is ten (10) hectares (8.24 acres) of which only two point eight (2.8h) will possibly be excised or removed from the Reserve. If the Department of Lands goes ahead with the sale, the Shire would be requested to approve the usage and applications for any commercial ventures. Safety would be a significant issue to be addressed.

4.1.10 David Rocke, member of Paynes Find community, addressed the question to the CEO.**Q: In the past Main Roads WA objected to the northern entrance lights because it was on a curve and there was no dedicated turning lane. Is there going to be a turning lane constructed or have Main Roads WA just changed their minds?**

A: Discussion between the Shire and Main Roads WA only concerned the proposed sites for the lighting installations, not road construction or modifications. Main Roads WA will need to be consulted to answer this question.

ATTENDANCE: 11.30 am Cr J Kanny left the meeting.

ATTENDANCE: 11.32 am Cr J Kanny rejoined the meeting.

4.1.11 David Rocke, member of Paynes Find community, addressed the question to the CEO.

Q: At the Shire meeting on 30th September 2016, the CEO stated that he would investigate the option of varying the Shire funds at the 2016-17 Budget Review. Then Council will assess options with the Paynes Find community. When did the discussions take place about money being allocated from the “Beautification Fund” to pay for the entry lights?

A: At the Ordinary Council Meeting on 16 December 2016 (C2016-1227), Council approved a 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. The 2017-18 Budget Review conducted in April 2017, lists the “lighting, Beautification and fencing projects” in Paynes Find. These can be modified as per below question from Leah Bell.

4.2 QUESTIONS WITHOUT NOTICE

The President Neil Grinham and Silvio Brenzi (CEO) responded to the relevant operational areas concerned.

4.2.1 Leah Bell, member of Paynes Find community, addressed the question to the CEO.

Q: Is the fence around the airstrip going ahead?

A: There have been differing opinions from the Paynes Find community regarding the fencing of the airstrip. The funds are still “on hold” until a decision is made.

4.2.2 Leah Bell, member of Paynes Find community, addressed the question to the CEO.

Q: Does the Shire have any By-Laws regarding camping or prospecting on Stations or DPaW land? Local property owners are concerned about the safety aspect of people going onto private land without authorisation.

A: The Shire of Yalgoo does not currently have any Local Laws on camping or prospecting.

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1.1 Consideration of a matter affecting an employee 5.23 (2) (a).

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
	No meetings were attended this month.	

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0401 Minutes of the Ordinary Meeting

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

Moved: Cr R Grinham

Seconded: Cr R Valenzuela

Motion put and carried 4/0

9. REPORTS OF COMMITTEE

Nil

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).

- 10.1.1** The President, Cr Neil Grinham informed Council he has received the “Expression of Interest” for submissions to the 2017 WA Local Government Forum, to be held on Wednesday 2 August 2017 at the Perth Convention and Exhibition Centre.
- 10.1.2** The President, Cr Neil Grinham informed Council he has received an invitation to the Australian Local Government Association National Assembly. A report will be presented at the next Ordinary Meeting on 26 May 2017.
- 10.1.3** Meeting No 2 of 2017 of the Western Australian Local Government Association State Council will be held at the Shire of Meekatharra on Friday 5 May 2017.
Two members have recently resigned from the State Council and President, Cr Neil Grinham proposes to nominate.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

Nil

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 \$	\$	
<u>By Program</u>						
Governance						
000000- Admin Centre - Refurbish Morning Tea / Public Meeting Room	F & E	5,000	0	320	(320)	The CEO to provide a verbal update on the status of the capital projects as at 31 March 2017 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 purchased earlier than anticipated
000000- Motor Vehicle CEO	P & E	90,000	90,000	87,345	2,655	
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
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
C175205 - Telephone System - Office	F & E	0	0	12,056	(12,056)	Project completed subject to an insurance claim
Housing						
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 \$	\$	
Community Amenities						
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
Recreation and Culture						
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 Purchased savings \$6,610 purchased earlier than anticipated
000000- Truck 3 Tonne Parks	P & E	64,000	64,000	57,390	6,610	
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	Other	0	0	48,000	(48,000)	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	42,690	2,810	Project completed savings \$2,810
000000- Tailer 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
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 Project completed within budget estimates
000000- Yalgoo/Ninghan Road - Shoulder Binding	Roads	180,000	180,000	177,438	2,562	
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						

		2016-17 ANNUAL BUDGET	2016-17 JULY-MAR BUDGET	2016-17 JULY-MAR ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	YTD \$	\$	
C165106 - Yalgoo/Ningham Road -Reform and Resheet to 8M Wide Slk 25-32	Roads	322,564	0	320,040	(320,040)	Project completed earlier then anticipated within budget estimates
C165105- Yalgoo/North Road -Reform and Resheet MUNICIPAL FUND	Roads	142,350	0	347,869	(347,869)	Project completed over-expenditure
000000- Warne River Crossover	Roads	20,000	20,000	0	20,000	Project yet to commence
000000- Ningham 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 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		Project completed underspent \$3,000 completed earlier than anticipated
000000- Caravan Park Sealing of Rammed Earth Walls	L & B	15,000	0	12,000	(12,000)	Project completed overspent \$2,134 completed earlier than anticipated
000000- Caravan Park Auto Reticulation System	L & B	30,000	0	32,134	(32,134)	
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
	3,182,204	1,643,516	1,843,159	(199,643)	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0402 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: Cr J Kanny

Seconded: Cr R Valenzuela

Motion put and carried 4/0

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 ^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	\$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
TOTAL								\$1,563,926.01
RESERVE FUNDS								
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
TOTAL								\$1,649,836.22
TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	
TOTAL								\$21,838.51

INVESTMENT REGISTER						
01 JULY 2016 TO 31 MARCH 2017						
NATIONAL AUSTRALIA BANK						
ACCOUNT Nº	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.03.2017	INVESTMENT TRANSFERS	CLOSING BALANCE 31.03.2017
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/COUNCIL DECISION

C2017-0403 Investments as at 31 March 2017

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

Moved: Cr R Grinham

Seconded: Cr J Kanny

Motion put and carried 4/0

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 Rocke	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
			459,636.84

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0404 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: Cr J Kanny

Seconded: Cr R Grinham

Motion put and carried 4/0

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 th April 2017
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 March 2017; • Statement of current Financial Position; • Financial Activity Statement; • Summary of Current Assets and Current Liabilities as of 31 March 2017; • Detailed worksheets; • Other Supplementary Financial Reports: <ul style="list-style-type: none"> ○ Reserve Funds; ○ Loan Funds; ○ Trust Fund

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/COUNCIL DECISION

C2017-0405 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: Cr J Kanny

Seconded: Cr R Valenzuela

Motion put and carried 4/0

ADJOURNMENT: *Lunch 12:22 pm – 1:06 pm.*

The meeting adjourned at 12:22 pm for lunch.

The Paynes Find Observers left the meeting.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:06 pm.

Remaining in the meeting were:

Cr Neil Grinham, Shire President,

Cr Raul Valenzuela, Deputy Shire President,

Cr Bob Grinham,

Cr Jo Kanny,

Silvio Brenzi, Chief Executive Officer (CEO),

Karen Malloch EA.

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	<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.

22 Jan 16	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council: 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.	Letter sent to DLGC asking Ministerial approval for rates in the 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 & 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 initiates the process as outlined in the report.	Advice from URBIS received. Letters sent out to all Lot owners 12 th April 2017 advising of current status (scope of works and fees - URBIS)
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/COUNCIL DECISION

C2017-0406 Report on Matters Outstanding as at 19 April 2017

That Council receives Report N^o 11.4.1 Report on Matters Outstanding as at 19 April 2017.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 4/0

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 because 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 Public Purpose Reserve.

On 16th 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 6th February 2017 informed Ms Mathews of his discussions with representatives 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"> • Liaison with the WAPC to confirm the classification of the amendment as ‘basic or ‘standard’. • Preparation of Scheme Amendment Report and Plan. • Preparation of Council Report and Resolution to initiate amendment. • Referral to the Environmental Protection Authority (EPA) for review. 	Fixed fee of \$6,000.00
Advertising (if required)	<ul style="list-style-type: none"> • 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. • 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. • 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. • We will also prepare letters to all submitters, advising them of Council’s decision. 	Hourly rates (fee estimate of \$4,000.00)
WAPC Approval and Gazettal	<ul style="list-style-type: none"> • 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. • 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. • 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). 	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/COUNCIL DECISION

C2017-0407 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: Cr R Grinham

Seconded: Cr J Kanny

Motion put and carried 4/0

11.4.3 Caravan Park Statistics

Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	5 April 2017
Attachments	P 1-2 Caravan Park Statistics for the 2016-17 Financial Year to 31 st March 2017

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 1st July 2016 to 31st March 2017.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2017-0408 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 1st July 2016 to 31 March 2017.

Moved: Cr R Valenzuela Seconded: Cr R Grinham Motion put and carried 4/0

ATTENDANCE: 1.38 pm Cr R Valenzuela left the meeting.

ATTENDANCE: 1.40 pm Cr R Valenzuela rejoined the meeting.

11.4.4 Rating Exemption – Murchison Region Aboriginal Corporation

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

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 other bodies do not provide those services.
- 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.

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
Total Rates Levied				\$2,611.81

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 follows;

- (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 origins 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 Pemsel (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 above-mentioned 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/COUNCIL DECISION

C2017-0409 Rating Exemption – Murchison Region Aboriginal Corporation

That Council:

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

91 Henty Street	YALGOO
25 Henty Street	YALGOO
52 Campbell Street	YALGOO
92 Henty Street	YALGOO
83 Milligan Street	YALGOO
87 Milligan Street	YALGOO
29 Selwyn Street	YALGOO

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: Cr J Kanny

Seconded: Cr R Valenzuela

Motion put and carried 4/0

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	P 71-72 Proposed Terms of Reference

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 administered 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/COUNCIL DECISION

C2017-0410 Shire of Yalgoo Arts and Culture Committee – Establishment and Endorsement of Terms of Reference

That Council:

- 1. approves the establishment of the Shire of Yalgoo Arts and Culture Committee;**
- 2. Endorses the Term of Reference refer attachment to report; and**
- 3. Appoints Cr Raul Valenzuela and Cr Joanne Kanny to the Shire of Yalgoo Arts and Culture Committee.**

Moved: Cr R Grinham

Seconded: Cr R Valenzuela

Motion put and carried by absolute majority 4/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

13. URGENT BUSINESS

13.1 Use of Common Seal

Comment

This is an administrative matter to acknowledge the application of the Common Seal to the Land Transfer papers for Lot 134 and Lot 135 Piesse Street, Yalgoo in the sale of the Lots from Matzin Capital Pty Ltd to the Shire of Yalgoo.

It is necessary for the final legal documents to be signed by the CEO and the President, and the Shire of Yalgoo Common Seal to be affixed.

Statutory Environment

Local Government Act 1995

Section 9.49A (2) of the Local Government Act 1995 prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.

Section 9.49A (3) requires that the common seal is to be affixed to a document in the presence of the President and CEO.

Voting Requirements

Simple Majority

COUNCIL DECISION

C2017-0411 Use of the Common Seal

That Council acknowledges the use of the Shire of Yalgoo Common Seal on the Land Transfer papers for Lot 134 and Lot 135 Piesse Street, Yalgoo.

Moved: Cr R Valenzuela

Seconded: Cr R Grinham

Motion put and carried 4/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 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.

14.2 MATTERS OF CONFIDENTIAL NATURE

The President at 2:05 pm, advised the gallery that the business before the Council is to be considered behind closed doors.

14.2.1 Motion to Close the Meeting to the Public

Voting Requirements –

Simple Majority

COUNCIL DECISION

C2017-0412 Close Meeting to the Public

That the meeting be closed to the public.

Moved: Cr R Valenzuela

Seconded: Cr R Grinham

Motion put and carried 4/0

ATTENDANCE: 2:06 pm Karen Malloch (EA) left the meeting.

Remaining in the meeting were:

- President NA Grinham
- Cr RW Grinham
- Cr MR Valenzuela
- Cr J Kanny
- CEO, Silvio Brenzi

Voting Requirements

Simple Majority

COUNCIL DECISION

C2017-0413 Confidential Report on the Chief Executive Officer – Performance Review

That Council:

1. In accordance with Section 5.38 of the Local Government Act 1995 and Clause 8.2 of the “Chief Executive Officer Contract of Employment”, has conducted a performance review by undertaking an assessment.
2. Has set the following annual performance targets for the 2018 CEO Performance Review in accordance with Clause 7(2) of the “Chief Executive Officer Contract of Employment”:
 - Implementation of the new accounting and financial software (Ozone) by 3rd July 2017:
 - Achieve a target of greater than 80% for the completion of the Capital Works Programme detailed in the 2016-17 Annual Budget.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 4/0

14.2.2 Motion to Open the Meeting to the Public

At 2:33 pm, the President advised that Council has considered all confidential matters.

It was then moved that the meeting be re-opened to the public.

Moved by Cr J Kanny and seconded by Cr R Valenzuela, 4/0.

ATTENDANCE: 2:34 pm Karen Malloch (EA) re-joined the meeting.

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

There being no further business the President closed the meeting at 2:35 pm.

DECLARATION

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

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

