



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, YALGOO
ON FRIDAY 29 JUNE 2018
COMMENCING AT 11.00 AM





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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, Yalgoo
on Friday 29 June 2018, 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

President Cr Joanne Kanny declared the meeting open at 10.02 am

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Jo Kanny, Shire President Cr Gail Trenfield Cr Tamisha Hodder Cr Percy Lawson Cr Robert Grinham
STAFF	Silvio Brenzi, CEO Diane Hodder, Finance/Admin Officer
GUESTS	Professor Ross Dowling, Midwest Development Commission Adam Murszewski, Midwest Development Commission Wendy ,Dowling Midwest Development Commission
OBSERVERS	Doug Taylor Kathrin Otto Graham Bassell Karen Cosgrove

LEAVE OF
ABSENCE

APOLOGIES Cr Gregory Payne, Deputy Shire President

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting:

Nil

Change of order of Business

President Cr Joanne Kanny requested a motion be moved to change the order of business bringing forward Item 10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters before Item 4. PUBLIC QUESTION TIME.

The Motion was moved by Cr Gail Trenfield and second by Cr Tamisha Hodder.
The being no further debate on the matter the motion was carried 5/0.

Professor Ross Dowling and Adam Murszewski of the Midwest Development Commission presented to Council a power point presentation in regards to GEO Tourism throughout the Murchison region.

The President thanked Professor Ross Dowling and Adam Murszewski for their presentation.

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

In relation to the question and answers provided at the meeting held on 9 June 2018 Mr Neil Grinham asked the subsequent questions.

4.0.1 Neil Grinham's question directed to Cr Tamisha Hodder.

Q. Was Cr Hodder's personal interest declared in relation to the violent restraining order placed on her by the employee by a court of Law?

A. There is no Violent Restraining Order.

4.0.2 Neil Grinham's question directed to Cr Tamisha Hodder.

Q. Was this violent restraining order on Cr Hodder put in place by the employee after Cr Hodder was sworn in as a councillor?

A. As per response to 4.0.1

4.0.3 Neil Grinham's question directed to Cr Tamisha Hodder.

Q. Did the incidents that brought about the violent restraining order issued happened while the employee was working?

A. As per response to 4.0.1.

4.0.4 Neil Grinham's question directed to Cr Tamisha Hodder.

Q. Has council viewed the Yalgoo Shires CCTV footage involving the violent incident that took place at the Yalgoo store?

A. No.

4.0.5 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. Item 12.1.1 March meeting to rescind item 11.4.4 from February meeting does not involve the same information on the program and employee

If this was voted in favour of to rescind the motion which required an absolute majority would this involve the same program and officer to be re-instated.

Would this not require Cr Hodder to declare the same personal interest.

If Cr Hodder had declared the same personal interest this may have effected the outcome of item 12.1.1 as there would not of been an absolute majority is this not true?

A. The motion to rescind the previous resolution of Council required an absolute majority. This was not achieved so the motion lapsed. The declaration of interest is the responsibility of each elected member to declare whether they have a full interest or seek a ruling from Council in relation to the interest. Council originally resolved to continue the service for an interim period until it could determine what to do, there was no obligation to continue to employ the officer or the service.

4.0.6 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. Because the Police have no jurisdiction of the public including young children riding motor bikes with no helmets with-in the town common, is the Yalgoo Shire liable if there is an accident on the Shire common?

A. The Shire's insurance covers against any claim if the Shire was found to be negligent.

4.0.7 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. Could President Joanne Kanny please give a more detail to what programs/activities that were actually held by the Yalgoo Shire for reconciliation week?

A. The original question did not ask about programs held by the Shire of Yalgoo, I can re-iterate that I represented the Shire at reconciliation week programs in Geraldton as listed in meetings attended by elected members.

4.0.8 Neil Grinham's question directed to the Shire President Cr Joanne Kanny

Q. Prior to the ordinary meeting to be held at Paynes Find on the 25-05-2018 when was the last time the Yalgoo council had to adjourn an ordinary meeting due to no quorum? And no elected members were in attendance at all?

A. None that I am aware of during my current tenure as an elected member.

4.0.9 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. The question I have to ask is, has Councillor's participated in drug and alcohol testing since this Council decision was passed on the 22nd September 2017 item 13.2? this is not about individuals results. As Councillor's do not come under the fitness for work policy and is a lead by example to employee's this is why the council voted to participate?

A. I refer to the previous answer, as per the Code of Conduct sect 4.8.

4.0.10 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. Is Council's only employee the CEO?

A. As the ex-Shire President I believe Mr Grinham knows the answer and no response needs to be given.

4.0.11 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. When council goes behind closed doors do they have to quote the regulation section or going behind closed doors?

A. Section 5.23(3) of the Local Government Act 1995 states that a decision to close the meeting or part of a meeting and the reason for the decision be recorded in the minutes of the meeting. The section of the Act does not need to be recorded so long as the Council complies with it.

4.0.12 Neil Grinham's question directed to the Shire President Cr Joanne Kanny.

Q. Councils decision from behind closed doors (regardless of the discussion while behind closed doors), should this relate to the regulation section for which council went behind closed doors?

A. No.

4.0.13 Neil Grinham's question directed to the CEO Silvio Brenzi.

Q. Does the CEO believe that the decision by council was adversely different as stated in the officer's recommendation below?

A. The CEO is not the decision maker, it is up to Council to make the decision and state reasons if the motion is substantially different.

4.0.14 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. In your media release I quote you saying, “Similar Shires were looked at for comparison” is so.

(a) Who did the research?

(b) Why was this not included in the officer’s report?

(c) Could council supply details of the information to support these comparison’s?

A. The officers report did not state any comparison to surrounding Local Governments. Council members did their own investigation and took it into account in making a determination on the matter.

4.0.15 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. When there is significant changes made to programs that come under the Yalgoo Community Strategic Plan, was the correct consultation followed by council prior to discontinuing a program that has a major impact on the social wellbeing of the children and families in Yalgoo.

A. The Council took into account the affordability of the service as it had to meet the financial shortfall which was previously met by Centacare. Council is currently in the process of reviewing the service in relation to affordability. The Community Strategic Plan deals with delivering the Community aspirations by taking into account the ability of the Shire to fund the service.

4.0.16 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. Your answer to the question at the meeting held on the 08.06.2018 as below was NO. Yet in the Officer’s report in item 11.4.4 at 23rd February meeting there was a full detailed breakdown of costs associated to staff members involved including personal income. For clarity for ratepayers, residents and others can you supply a detailed breakdown of both programs justifying the \$2000,000 cost stated in your media release.

A. The officers report detailed the estimated shortfall of \$55,574 per annum. This did not include accommodation costs. The \$200,000 stated in the media release incorporated the Healthy Community Project.

4.0.17 Neil Grinham’s question directed to the Shire President Cr Joanne Kanny.

Q. In your media release I quote you saying in the 2nd “paragraph” it was decided to cease funding to the program as it was believed that this role was not financially viable to the shire.

Then in the 4th paragraph I quote you saying “Programs specifically run by the family Service Officer and have confidence that they will continue, just under a different format”.

- (a) Have these programs continued**
- (b) If so which programs**
- (c) If it is not financially viable for the Shire how are the programs going to continue under a different format financially**
- (d) Where are the finance’s to run these programs under a different format coming from**
- (e) Why were the programs discontinued at such short notice if the programs are to continue under a different format**
- (f) Why was the officer dismissed at such short notice if the programs were continuing under a different format.**

A. Council is currently undertaking a review of the former Centacare program and Healthy Community Project in conjunction with the community and will be subject of a report to Council.

4.1 QUESTIONS WITHOUT NOTICE

4.1.1 Doug Taylor’s question directed to the CEO Silvio Brenzi.

Q. When will the Urbis Report be completed.

A. The CEO responded that the report has been completed and the report is incorporated in the Agenda for meeting.

Mr Bassell asked a number of questions without notice however the Shire’s voice recording equipment failed.

Mr Bassell was requested to supply the questions in writing, which he duly did along with the responses from the Council members and the CEO. Mr Bassell has been requested to inform the Council how he compiled the responses. Subsequent communication from Mr Bassell does not reveal his source.

The questions asked by Mr Bassell are detailed below along with the responses. The responses have been verified by the Chief Executive Officer and appear in order.

4.1.2 Graham Bassell question directed to the CEO Silvio Brenzi.

Q. I refer to the minutes of the Ordinary Meeting from the 25 May, held on the 8 June, in particular to question 4.1.1, the question taken on notice regarding conflict resolution, and your response Mr Brenzi was that the recommendation is noted and training will occur when appropriate courses are available and a time is allocated. Now, according to the improvement notice 90010559, 557 not 559, it says in the improvement notice *'finally all managers responsible for receiving complaints must be provided with adequate training in mediation and/or conflict management skills to ensure these complaints are handled effectively'*. Now my question is, so given that the initial improvement notice was dated the 12 December 2017, why have you not to date taken the opportunity to have that training?

A. My response I suppose, to any of the queries and instructions from an improvement notice is currently being dealt with WorkSafe, so I have had discussions with them up until as late as this morning and those matters have been dealt with.

4.1.3 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. And so, the fact that you on the 7 May declared that the improvement notice in relation to the training had been completed is not correct?

A. Once again, the same answer applies to that question. WorkSafe were fully aware of the situation and circumstances that we are currently in. They are fully aware of it.

4.1.4 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. Mr Brenzi, if I may direct the next question to CEO. Are you aware that as CEO of the Shire of Yalgoo pursuant to Section 5.41, the Local Government Act 1995, you are responsible to ensure that the records of the Shire are properly kept, that includes the minutes of council meetings.

A. Yes, I am aware

4.1.5 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. Did you review the minutes of the Ordinary Council Meeting on the 25 May 2018 that was held on the 8th of June?

A. Probably.

4.1.6 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. So given that, did you then consider that the meeting is to be clear, accurate, concise and a complete record of the business of the meeting.

A. I will take it on notice Mr Bassell if you do not mind.

4.1.7 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. Alright, well the point that I am getting to is; why is it in Question 4.2.2, why is the answer not accurately recorded in the minutes that are published as unconfirmed minutes. They are not accurate as to the actual conversation that took place during the meeting?

A. I will take it on notice if there is something inaccurate, I will discuss it with the Shire president. We will listen to the recording. It is not an issue.

Well it is an issue, because it is fabricated. Excuse me.

4.1.8 Graham Bassell's question directed to the CEO Silvio Brenzi.

Q. I apologise. I refer to Question 4.2.7 of the, recorded in the unconfirmed minutes from the May Ordinary Meeting held on the 8th of June. I asked you for the name of the company undertaking the anonymous risk assessment to which you replied, that to, "what risk assessment I was referring to", and then I advised you that the risk assessment was the one with the improvement notices from WorkSafe, to which your response, "no I have not allocated a company to accommodate the risk assessment". My question to you is why then did you did declare on the 7th of May to WorkSafe that that risk assessment had been completed?

A. The case of. I had discussions once again with WorkSafe up until as early this morning. Those issues have been addressed. The clarification as to why those statements were made, have also been made to WorkSafe. They are fully aware of the statement that was made. The reason that the paperwork was sent back, and the comments and answers made to the question originally asked by yourself, just reiterated then. Once again I can say that WorkSafe are fully aware of who was conducting the risk assessment and when that will be completed, and that was as early as this morning. You would probably be unaware of, but the Shire president is very well aware of.

4.1.9 Graham Bassell's question directed to the Shire President Cr Joanne Kanny.

Q. Have you read, the local publications guidelines to the meetings?

A. I believe I have, sorry, I am sure I have, but yes, okay.

4.1.10 Graham Bassell's question directed to the Shire President Cr Joanne Kanny.

Q. Entry introduction. In the introduction I refer you to Page 6 of the Guideline. It says that the legislative requirements of the council are based on the Principles of the Act and relevant supporting regulations for achieving, among other things, good governments of and by local government and also ethical, and that includes dealing honestly, and legal behaviour, of elected members and local government employees.

So can you give me a reason why this failure of duty of care to the community should not be referred to the standards panel, given that the document among other things sets out the duty of care to the councils, have the duty of care to the community by making decisions in the public interest, and ensuring that ethical, that is honest and legal behaviour, to council as local government employees of the CEO?

A. Can I take that one on notice please, Mr Bassell.

4.1.11 Graham Bassell's question directed to the Shire President Cr Joanne Kanny.

Q. My basic question is, can you give me a reason why I should not refer that to the standard?

A. You can do as you please Mr Bassell.

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 – Chief Executive Officer’s Contract of Employment

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
26/06/2018	Budget Review	President Cr Joanne Kanny Cr Tamisha Hodder Cr Percy Lawson Cr Greg Paynes
12/06/2018	MRVC Meeting	Cr Robert Grinham
26/06/2018	Gundawa Meeting	Cr Lawson,

8. CONFIRMATION OF MINUTES

8.0 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

C2018-0601 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 25 May 2018 and adjourned to Friday 8 June 2018 be confirmed

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried 5/0

8.1 SPECIAL MEETING OF COUNCIL HELD FRIDAY 8 JUNE 2018

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0602 Minutes of the Special Meeting of Council

That the Minutes of the Special Meeting of Council held on 8 June 2018 be confirmed.

Moved: Cr Robert Grinham

Seconded: Cr Percy Lawson

Motion put and carried 3/2

9. REPORTS OF COMMITTEE MEETINGS

9.0 FINANCE COMMITTEE MEETING HELD ON 29 JUNE 2018 AT 10.00 AM

9.1 Report on 2018-19 Preliminary Draft Annual Budget

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 June 2018
Attachments	Preliminary Draft Annual Budget 2018-19 Work Sheets

Matter for Consideration

That the finance committee give consideration to the Preliminary Draft Annual Budget that excludes the surplus/deficit to be carried forward and recommend accordingly to Council for endorsement.

Background

Council is in the process of preparing the 2018-19 Annual Budget.

Statutory Environment

Local Government Act 1995

Section 6.2 Local Government to prepare Annual Budget.

Strategic Implications

The 2018-19 Preliminary Draft Annual Budget has taken into account the needs detailed in the Shire's Strategic Community Plan (SCP), the Corporate Business Plan (CBP), and the Long Term Financial Plan (LTFP) when determining items for inclusion in the proposed budget.

Comment

Attached is a draft of the 2018-19 Preliminary Annual Budget comprising of the Rate Setting Statement and detailed worksheets for the Finance Committee consideration.

In preparing the Budget worksheets, external and internal influences have been taken into account as well as a review of the Shire's operations and services to be provided. Economic efficiencies like the review of the old Centacare Program and increasing the revenue sources of the Caravan Park.

Please note that the surplus for the 2017-18 financial year is yet to be incorporated and is estimated \$856,919 in order to balance the 2018-19 Budget.

Voting Requirements

Simple Majority

FINANCE COMMITTEE RECOMMENDATION / COUNCIL DECISION

C2018-0603 Report on the 2018-19 Draft Annual Budget

Council adopts the Finance Committee recommendation that the items of revenue and expenditure detailed in the work sheets attached to this report be incorporated in the 2018-19 Draft Annual Budget with no following amendments.

Moved: Cr Gail Trenfield

Seconded: Cr Robert Grinham

Motion put and carried 5/0

9.2 Differential Rating 2018/ 19 Proposed Rates and Minimums and Objects and Reasons

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 June 2018
Attachments	Shire of Yalgoo Rating Methodology and it's Differential Rating Model for 2018-2019

Matter for Consideration

Determination of the rate in the dollar and the minimum rates of the various differential rating categories for the 2018/19 financial year and the advertising for the Shire's intention to impose.

Background

The Valuer General's Office (Landgate) provides Council with a rateable value for each rateable property within the Shire. Properties located in the townships of Yalgoo and Paynes Find are valued based on a gross rental value (GRV). Pastoral/rural, mining and exploration/prospecting are valued based on unimproved value (UV). Council will then set a "rate in the dollar" (RID) and minimum rate.

The rateable value (as advised by the Valuer General's Office) is multiplied by the rate in the dollar to produce the annual rates to be charged to the property. If this value is less than the minimum rate value agreed by Council, then the ratepayer will be charged the minimum rate value.

In May 2017 Council reviewed and adopted the Objects and Reasons for the differential rating categories in the Shire of Yalgoo.

The annual differential rating proposal is to be advertised for public comment for a period of 21 days prior to its adoption by Council. Submissions from ratepayers and electors are to be invited and if any submissions are received, Council is required to consider them and decide whether to impose the proposed rates and minimum with or without modification.

If a Local Government has a differential rate that is more than twice the lowest differential rate imposed, approval from the Minister for Local Government must be obtained before the rates are formally adopted by Council.

Once Council has advertised for the required time, processed any submissions from ratepayers and Ministerial approval has been granted, Council can then adopt the Annual Budget on or prior to 31 August of each calendar year.

Statutory Environment

Local Government Act 1995

- s.6.32 – States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- s.6.33(1) – Provides that a local government may impose differential general rates according to a number of characteristics.
- s.6.33(3) – States that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.
- s.6.34 – States that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.
- s.6.35 – States a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate.

- s.6.36 – Requires that a local government before imposing any differential general rates provides at least 21 days local public notice of its intention to do so.

Strategic Implications

The Local Government is to ensure that it raises enough rates to generate the revenue required to fund its operating and capital expenditure commitments.

Rates Revenue as per the Long Term Financial Plan for the 2018-2019 financial year is estimated at \$2,222,050 based on a 5.2% increase over the previous year.

Policy Implications

- Policy 7.5 Rates Calculation – outlines the steps for staff to prepare a draft budget using Local Government Cost Index (LGCI).
- Policy 7.6 Preparation of Budget – outlines the steps and timetable leading to the adoption of the Budget.
- The Council adopted an increase rate in the dollar as part of the Long Term Financial Plan

Financial Implications

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure commitments, however, it is allowed to adopt a budget that has a deficit or a surplus that doesn't exceed 10% plus or minus of its rates revenue.

Comment

Factors such as the growth of the Shire, need for additional resources to meet growth demands, the rising cost of labour and materials, previous rate increases approved, and a perception of the affordability of a reasonable rate increase are some of the factors taken into account when considering the percentage by which rates in the dollar and minimum rates are recommended to be increased.

Section 6.33 of the Local Government Act 1995 allows Local Governments to impose differential general rates to shift the revenue raising effort to certain sectors of the Community to maintain equity based on the level of services provided by the Shire. The differential land use rating adopted by the Shire allow it to impose different rates in the dollar and minimums for the following categories.

Gross Rental Value (GRV):

Town Improved - Consists of properties located within the townsite boundaries with a predominately residential, commercial and industrial use. This category is considered by Council to be the base rate by which all other GRV properties are assessed and have a different demand and requirement on Shire services and infrastructure.

Townsite Vacant - Consists of vacant properties located within the townsite boundaries that are vacant (no residential, commercial or industrial structures built on the land). The rate in the dollar is the same as the Town Improved category however the minimum rate is higher in order to encourage landowners to undertake development.

Unimproved Value (UV)

Pastoral/Rural - This rating applies to all pastoral leases and land with a predominately rural land use. The proposed rate is comparatively lower when compared to the mining/mining tenement and

exploration/prospecting categories on the basis that the pastoral industry has minimum impact or requirement on the Shire services and infrastructure.

Mining/Mining Tenement - This category applies to all mining leases located within the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category on the basis that mining operations require additional ongoing maintenance of the roads network that service this land use, along with additional costs associated with the administration of mining tenements.

Exploration/Prospecting - This rating category applies to exploration, prospecting and other general purpose leases located in the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category and lower than the mining tenement category on the basis that the mining operations require additional and ongoing maintenance of the road network that services the land use, the additional cost associated with the administration of exploration and prospecting leases and the Shire wishes to encourage exploration.

The objects and reasons for each of the rating categories have been reviewed in relation to the Shire’s Local Planning Scheme which states the objectives of the various zones. The objects and reasons have been reviewed with no changes made.

The table below details the rate in the dollar and minimum imposed by the Shire in the 2017-18 financial year for each differential rating category and compares them against other surrounding Local Governments.

Categories		Shire of Yalgoo 2017/18	Shire of Cue 2017/18	Shire of Morawa 2017/18	Shire of Mt Magnet 2017/18
Differential General Rate		Rate in \$	Rate in \$	Rate in \$	Rate in \$
GRV	Townsites Improved	0.07454640	0.1036	0.07507	0.10477
GRV	Townsites Vacant	0.07454640	0.1036	--	--
UV	Pastoral/Rural	0.06575168	0.0822	0.023043	0.068969
UV	Mining/Mining Tenement	0.37430250	0.3132	0.289681	0.322245
UV	Exploration/Prospecting	0.19882530	--	--	0.322245
Mininum Rate		Per Annum	Per Annum	Per Annum	Per Annum
GRV	Townsites Improved	\$270.00	\$440.00	\$290.00	\$425.00
GRV	Townsites Vacant	\$620.00	\$530.00	--	--
UV	Pastoral/Rural	\$270.00	\$440.00	\$290.00	\$425.00
UV	Mining/Mining Tenement	\$270.00	\$440.00	\$656.00	\$482.00
UV	Exploration/Prospecting	\$270.00	\$440.00	--	\$482.00

When adopting the 2016-17 Annual Budget advice was received from the Legislation Officer, Department of Local Government and Communities (DLGC) that the proposed rates in the dollar to be imposed by the Shire, were regarded to be to high in particular for the categories Exploration and Prospecting and Mining Tenements from which 95% of the rates revenue is derived.

The table below details the rates in the dollar imposed for 2017-18 and proposed for the 2018-19. The rates revenue will increase by an estimated \$55,235 resulting for an increase in valuations.

SHIRE OF YALGOO RATES MODELLING FOR 2018-19

OPTION 1

SHIRE OF YALGOO RATES MODELLING FOR 2018-19					OPTION 1					2017-18	2018-19	DECREASE/INCREASE	%	NATURAL
RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2017-18 Budgeted Total Revenue \$	RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2018-19 Budgeted Total Revenue \$	% TO TOTAL RATES LEVIED	% TO TOTAL RATES LEVIED	RATES LEVIED	MOVEMENT	GROWTH IN VALUATIONS
Differential General Rate					Differential General Rate									
GRV Town sites Improved	0.07454640	32	261,026	19,459	GRV Town sites Improved	0.07678270	35	356,986	27,410	1.1%	1.5%	7,952	40.9%	95,960
GRV Town sites Improved Vacant	0.07454640	0	0	0	GRV Town sites Improved Vacant	0.07678270	0	0	0	0.0%	0.0%	0	0.0%	0
UV Pastoral / Rural	0.06575168	23	864,252	56,826	UV Pastoral / Rural	0.06772420	20	734,908	49,771	3.3%	2.8%	(7,055)	-12.4%	(129,344)
UV Mining / Mining Tenements	0.37430250	125	3,883,575	1,453,632	UV Mining / Mining Tenements	0.37430250	146	4,154,367	1,554,990	84.1%	87.1%	101,358	7.0%	270,792
UV Exploration and Prospecting	0.19882530	116	818,281	162,695	UV Exploration and Prospecting	0.19882530	104	590,193	117,345	9.4%	6.6%	(45,350)	-27.9%	(228,088)
Sub-Totals		296	5,827,134	1,692,611	Sub-Totals		305	5,836,454	1,749,517					
Minimum Payment \$					Minimum Payment \$									
GRV Town sites Improved	270	5	8,840	1,350	GRV Town sites Improved	280	3	9,067	840	0.1%	0.0%	(510)	-37.8%	227
GRV Town sites Improved Vacant	620	10	1,240	6,200	GRV Town sites Improved Vacant	620	10	1,240	6,200	0.4%	0.3%	0	0.0%	0
UV Pastoral / Rural	270	5	4,786	1,350	UV Pastoral / Rural	280	3	4,573	840	0.1%	0.0%	(510)	-37.8%	(213)
UV Mining / Mining Tenements	270	29	17,160	7,830	UV Mining / Mining Tenements	280	20	9,854	5,600	0.5%	0.3%	(2,230)	-28.5%	(7,306)
UV Exploration and Prospecting	270	74	52,145	19,980	UV Exploration and Prospecting	280	77	57,865	21,560	1.2%	1.2%	1,580	7.9%	5,720
Sub-Totals		123	84,171	36,710	Sub-Totals		113	82,599	35,040					
		419	5,911,305				418	5,919,053						
Discounts				0	Discounts				0					
Total Amount Raised from General Rate				1,729,321	Total Amount Raised from General Rates				1,784,557					
Interim Rating				0	Interim Rating				0					
Specified Area Rates				0	Specified Area Rates				0					
Total Rates				1,729,321	Total Rates				1,784,557	100.0%	100.0%	55,235	-1	7,748

The option detailed above falls short of achieving the Long Term Financial Plan estimated rates revenue yield of \$2,222,050 with a proposed rate increase of 5.2%. On that basis it is recommended that Council give consideration of determining the following rates in the dollar and the minimum rates for the various differential rating categories for the 2018-19 financial year and advertise accordingly.

Differential General Rate	Rate in the \$	Minimum Payment	Minimum \$
GRV – Townsite Improved	0.0767827	GRV – Townsite Improved	280
GRV – Townsite Vacant	0.0767827	GRV – Townsite Vacant	620
UV – Pastoral / Rural	0.0677242	UV – Pastoral / Rural	280
UV – Mining / Mining Tenement	0.37430250	UV – Mining / Mining Tenement	280
UV – Exploration / Prospecting	0.19882530	UV – Exploration / Prospecting	280

It is proposed that the differential general rates and minimum payments for each of the differential rate categories be advertised on Wednesday 4 July 2018 and an invitation for submissions be for a period of 21 days closing on Friday 27 July 2018 at 4:00 pm. The advertisement to include the time and place where the Shire of Yalgoo Rating Methodology and its Differential Rating Models describing the objects and reasons for the 2018-2019 Financial Year may be inspected and be available on the Shire’s website.

Voting Requirements

Simple Majority

FINANCE COMMITTEE RECOMMENDATION / COUNCIL DECISION

C2018-0604 Differential Rating 2018/2019 – Proposed Rates and Minimums

The Finance Committee recommends to Council that:

1. **Advertise the intention to impose the following differential general rates and minimum payments applying to each of the differential rate categories in accordance with Section 6.36 of the Local Government Act 1995 be placed in the Geraldton Guardian newspaper and the Bulldust.**

Differential General Rate	Rate in the \$	Minimum Payment	Minimum \$
GRV – Townsite Improved	0.0767827	GRV – Townsite Improved	280
GRV – Townsite Vacant	0.0767827	GRV – Townsite Vacant	620
UV – Pastoral / Rural	0.0767827	UV – Pastoral / Rural	280
UV – Mining / Mining Tenement	0.37430250	UV – Mining / Mining Tenement	280
UV – Exploration / Prospecting	0.19882530	UV – Exploration / Prospecting	280

2. **That the advertisement in (1) above also provide for an invitation for submissions to be made by an elector or a ratepayer for a period of 21 days closing at 4:00 pm on Friday 27 July 2018 and detail the**

time and place where the Shire of Yalgoo Rating Methodology and it's Differential Rating Model may be inspected and a copy be placed on the Shire's website.

3. That all rural/pastoral ratepayers be provided with a copy of the Shire of Yalgoo Rating Methodology and its Differential Rating Model and be invited to make submissions.
4. That Council adopts the Objects and Reasons for the following differential rating categories;
 - Town Improved- consists of properties located within the townsite boundaries with a predominate residential, commercial and industrial use. This category is considered by council to be the base rate by which all other GRV properties are assessed and have a different demand and requirement on shire services and infrastructure.
 - Townsite Vacant – Consists of vacant properties located within the townsite boundaries that are vacant (no residential commercial or industrial structures built on the land) The rate in the dollar is the same as the Town Improved category however the minimum rate is higher in order to encourage landowners to undertake development.
 - Pastoral/Rural- this rating applies to all pastoral leases and land with a predominate rural land use. The proposed rate is comparatively lower when compared to the mining/mining tenement and exploration / prospecting categories on the basis that the pastoral industry has minimum impact or requirement on the shire services and infrastructure.
 - Mining/ Mining Tenement- this category applies to all mining leases located within the shire. The proposed rate is comparatively higher when compared to the pastoral/rural category on the basis that mining operations require additional ongoing maintenance of the roads network that services this land use along with additional costs associated with the administration of mining tenements.
 - Exploration / Prospecting – This rating category applies to exploration, prospecting and other general purpose leases located within the shire. The proposed rate is comparatively higher when compared to the pastoral/rural category and lower than the mining tenement category on the basis that the mining operations require additional and ongoing maintenance of the road network that services the land use, the additional cost associated with the administration of exploration and prospecting leases and the shire wishes to encourage exploration.

Moved: Cr Gail Trenfield

Seconded: Cr Robert Grinham

Motion put and carried 5/0

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

10.0 INFORMATION ITEMS

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

The matter was brought forward

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.1 Progress Report on the Capital Works Program 2017-18

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 June 2018
Attachments	Nil

Matter for Consideration

To receive the Progress Report on the 2017-2018 Capital Works Program.

Background

The Shire in adopting its 2017-2018 Annual Budget has allocated funds amounting to \$3,213,634 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 2017-2018 financial year are detailed be:

CAPITAL WORKS PROGRAMME 2017-18

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					
Governance					
000000-Refurbish Morning Tea /Public Meeting Room	F & E	5,000	0	5,000	The CEO to provide a verbal update on the status of the capital projects as at 31 May 2018 Check Account Allocation Posting to incorrect account
000000- Computus Shelving for Record Management	F & E	4,000	2,436	1,564	Purchase of Shelving complete
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	5,000	2,508	2,492	New Hard Drive Ordered to Cater for CCTV and Replacement of CEO Mobile
000000-Council Chamber -Table	F & E	4,000	0	4,000	Matter for further consideration
000000- Admin Centre - Garden Reticulation	L & B	7,000	0	7,000	Check Account Allocation Posting to incorrect account
000000- Admin Centre -Records Fit Coolroom Panels to Sea Container	L & B	16,800	19,132	(2,332)	Complete
000000- Motor Vehicle CEO	P & E	86,030	89,370	(3,340)	Complete
000000- Motor Vehicle CGTS	P & E	66,485	0	66,485	Matter for deferred to Replace in 2018-19
Law Order Public Safety					
000000-CCTV Yalgoo Townsite	F & E	60,248	57,369	2,879	Complete Still waiting on DEC Approval at the School Site

		2017/18 ANNUAL BUDGET	2017/18 JULY- MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					The CEO to provide a verbal update on the status of the capital projects as at 31 May 2018
000000- Firearm	F & E	0	1,786	(1,786)	Approved via budget review -243 TIKKA Licenced and Collected
Housing					
000000-Staff Housing - Security	L & B	65,000	0	65,000	Project commenced
000000-Two Units 17 Shamrock Street	L & B	300,000	0	300,000	Project not commenced deferred to 2018-19
Recreation and Culture					
000000 - Furn. & Equip - Art Centre	F & E	15,430	14,894	536	Complete
000000 - Furn. & Equip - Day Care Centre	F & E	15,596	18,946	(3,350)	CEO to provide comment at the meeting
000000 - Furn. & Equip - Community Hall	F & E	0	7,936	(7,936)	Complete
000000 - Arts and Crafts Building	L & B	40,488	85,101	(44,613)	To Complete Landscaping
000000-Power Supply Mens Shed and Rifle Club	L & B	19,000	17,260	1,740	Complete
000000-Payne Find Complex - External Painting	L & B	8,000	7,364	636	Complete
000000-Payne Find Complex - Internal Painting	L & B	4,000	3,800	200	Complete Balance to Purchase Blinds
000000 -Community and Youth Centre CLGF 2012-13 Unspent - Shade Sails	L & B	44,222	32,064	12,158	Completed Unspent portion of grant refunded \$12,158
000000 - Community Hall - Air Conditioner	L & B	10,500	9,351	1,149	Complete
000000-Ride on Mower	P & E	25,000	25,850	(850)	Complete

		2017/18 ANNUAL BUDGET	2017/18 JULY- MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					The CEO to provide a verbal update on the status of the capital projects as at 31 May 2018
000000- Community/School Oval Shared Use Development	Recreation	937,000	674,926	262,074	In Progress
000000- Picnic Shelter Shamrock Park	Recreation	0	7,521	(7,521)	Shelter received – to be installed
Transport					
000000- Machinery Shed Depot	L & B	135,000	127,607	7,393	Complete - lights to be installed
000000-Flood Control -Fuel Station	L & B	27,300	15,889	11,411	Pumping System Purchased, Drainage Channel Quoted and Ordered
000000- Depot -Electric Boundary Fence and Gate	L & B	25,000	25,410	(410)	Project not commenced
000000- Catapillar Wheel Loader 950M	P & E	314,350	315,154	(804)	Complete
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	Project not commenced
000000-Solar Lights Paynes Find	Other	12,000	50,580	(38,580)	Complete
000000-Paynes Find Beautification	Other	18,658	223	18,435	Project not commenced allocation to be checked

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

		2017/18 ANNUAL BUDGET	2017/18 JULY- MAY ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
By Program					
ROADS TO RECOVERY GRANTS					The CEO to provide a verbal update on the
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	530,119	513,000	17,119	Complete
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ningham Road - Seal to width 4m SLK48.8 to SLK 36.6	Roads	293,500	22,981	270,519	Quotations received , quadrio to Commence in March 2018
MUNICIPAL FUND					
000000- North Road - Crossing	Roads	10,000	0	10,000	Project not commenced
Economic Services					
000000-Caravan Park - Sealing of Parking Bays and Driveways	L & B	22,000	22,000	-	Complete
000000 - Storage and POS Facility - Caravan Park	L & B	18,800	18,120	680	Complete
000000- Shelter and Seating Jokker Tunnel	L & B	4,054	0	4,054	Quotations being Sought for Signage
000000- Shelter and Visitors Board at Railway Station	L & B	4,054	0	4,054	Quotations being Sought for Signage
Other Property and Services					
000000-Mens Shed Upgrade	L & B	15,000	35,216	(20,216)	Complete
		3,213,634	2,223,794	989,840	

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0605 Progress Report on the Capital Works Program 2017 - 2018

That Council receive the Progress Report on the Capital Works Program 2017 – 2018 as at May 2018.

Moved: Cr Robert Grinham Seconded: Cr Tamisha Hodder Motion put and carried 5/0

Attendance: Graham Bassell and Karen Cosgrove left the meeting at 11.55 am.

Attendance: Cr Gail Trenfield left the meeting at 11.55 am

Attendance: Cr Gail Trenfield returned to the meeting at 11.58 am

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Final Adoption of Local Planning Scheme Amendment No. 2

Author:	Urbis Pty Ltd
Interest Declared:	No interest to disclose
Date:	19 May 2018
Attachments	Copy of Submission, Scheme Amendment Report and Map, EPA Correspondence (dated 6 March 2018)

Matter for Consideration

Council initiated Scheme Amendment No.2 (Amendment) to Local Planning Scheme No.2 (LPS 2) at its Ordinary Council Meeting of 25 January 2018 to rezone Lot 65 (No.42) and 66 (No.44), Gibbons Street, Yalgoo, from ‘Public Purposes’ to ‘Residential (R10)’. The Amendment was subsequently advertised for public comment. The purpose of this report is for Council to consider the submissions received during the public advertising period of and to consider whether to finally adopt the Amendment.

This report further recommends that the Shire forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Clause 53(1) of *the Planning and Development (Local Planning Scheme) Regulations 2015*. It also recommends Council requests the Honourable Minister for Transport, Planning and Lands to grant final approval to the Amendment

Background

This Amendment was initiated following a request by the landowner of the above lots to the Ombudsman of Western Australia. The subject land was previously zoned Residential R10 under the former Town Planning Scheme No.1 and was reclassified to Public Purposes as part of a Scheme Review process in 2010. On reflection, this reclassification was an administrative error with no intent by the Shire to pursue public purpose land uses on this freehold site. Accordingly, this Amendment seeks to revert to the previous Residential R10 zoning.

The Amendment is being progressed by the Shire, with the assistance of its consultant planners, Urbis, ahead of consideration by the Western Australian Planning Commission/Hon. Minister for Transport, Planning and Lands.

Discussion

Proposal

The proposal involves the following amendments to LPS 2:

- a) Reclassify Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo WA 6635 from ‘Public Purposes’ to ‘Residential (R10)’ as indicated on the Scheme Amendment Map.
- b) Modifying the Scheme Map accordingly

Copies of the Scheme Amendment Maps are attached.

Statutory Environment

Local Government Act 1995

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

Planning and Development Act 2005

Part 5, Section 75 states that - A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- a) prepared by the local government, approved by the Minister and published in the Gazette; or
- b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Amendments to Local Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act (2005)* (as amended) and the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Planning and Development (Local Planning Scheme) Regulations 2015

As part of the preparation of the Amendment, liaison with the A/Planning Director (Mr Justin Breeze) from the Department of Planning, Lands and Heritage was undertaken, during which it was confirmed that an application of this nature would be considered a 'standard' amendment consistent with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations). Note that under the Planning Regulations, scheme amendments either fit into a basic, standard or complex category, with the process differing for each (primarily relating to the advertising timeframes).

The Amendment was deemed to be 'standard' due to the following:

- a) The Amendment is considered to have minimal impact on land in the scheme area that is not the subject of the amendment;
- b) The Amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area; and
- c) The Amendment is not considered to be either complex or basis in nature.

In this regard, Division 3 of the *Planning and Development (Local Planning Scheme) Regulations 2015* sets out the required processes for standard amendment to a local planning scheme.

The Amendment was initiated at its Ordinary Council Meeting of 25 January 2018 for the purpose of advertising. It was then forwarded to the Environmental Protection Authority (EPA) for comment pursuant to Section 81 of the *Planning and Development Act 2005* as explored above. Following EPA advice and consistent with Clause 47(4) of the Planning Regulations (relating to standard amendments), the Amendment was advertised for a period of 42 days.

Shire of Yalgoo Local Planning Framework

The proposed Amendment is generally aligned with the key objectives of the Shire's Local Planning Strategy as well as the objectives of the proposed zones/reserves within the Shire's LPS 2.

The Amendment seeks to correct an administrative error that was borne out of the Shire's Scheme Review process in 2010. It is also noted that future development applications for both lots will need to have due regard to the specific provisions of the Residential zone and broader provisions within the Scheme as well as any other relevant planning considerations appropriate to the development (e.g. environmental/bushfire/servicing considerations).

Strategic Implications

The Amendment is consistent with the Shire's Strategic Community Plan and all relevant State and Regional policies in that it will revert land back to a Residential zone in order to facilitate the development of the lot for residential purposes. This will in turn create the opportunity to increase population and housing stock in the Shire, in appropriate locations.

Policy Implications

Nil

Financial Implications

All costs associated with the preparation and advertising of this amendment have been borne by the Shire

Consultation

Following Council initiation of the Amendment (dated 25 January 2018), the documentation was referred to the Environmental Protection Authority (EPA) as required under Section 81 of the *Planning and Development Act 2005*, and Section 48 of the *Environmental Protection Act 1986*.

Correspondence was received back from the EPA on the 6 March 2018, confirming that the EPA considers that the scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*. No advice or recommendations were provided (copy of EPA correspondence attached).

Following EPA advice and consistent with Clause 47(4) of the Planning Regulations (relating to standard amendments), the Amendment was advertised for a period of 42 days via the following methods:

- Referral to the following relevant State Government Agencies:
 - Department of Biodiversity, Conservation and Attractions;
 - Department of Mines, Industry Regulation and Safety;
 - Department of Communities;
 - Department of Health;
 - Department of Primary industries and Regional Development;
 - Department of Water and Environmental Regulation;
 - Horizon Power;
 - Main Roads Western Australia;
 - Mid-West Development Commission;
 - Water Corporation.
- Referral to adjoining landowners in Yalgoo.
- Copy made available on the Shire's website.
- Copy made available at the Shire Offices.

The Shire received a total of eight (8) submissions all being from Government agencies and no submissions received from private landowners. The various matters raised in the submissions are summarised in the Attachment.

It is noted that no objections were raised by any of the submissions received. Notwithstanding, it is noted that the following recommendations / general comments were included:

- Both lots are currently not connected to water services.

- Both lots are currently not connected to power services.
- It was considered unlikely that any future development would have a significant detrimental impact on the level of service, amenity or safety to users of the Main Roads network.
- Both lots are required to connect to the scheme water and be in accordance with the *Draft Country Sewerage Policy*.

Conclusion

The proposed Amendment seeks to correct an administrative zoning error as a result of the Shire’s 2010 Scheme review process. Having regard for the nature of submissions received during the public advertising period and the merit of the proposals, Officers consider Scheme Amendment No.2 to Local Planning Scheme No.2 suitable for the purposes of final adoption.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0606 Final Adoption of Local Planning Scheme Amendment No. 2

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)* and Clause 50(3)(a) of the *Planning and Development (Local Planning Scheme) Regulations 2015* resolve to support Amendment No.2 without modification and subsequently adopt Scheme Amendment No.2 to Local Planning Scheme No.2 by:
 - i. Reclassify Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo from ‘Public Purposes’ to ‘Residential (R10)’ as indicated on the Scheme Amendment Map.
 - ii. Amend the Scheme Map accordingly.
2. That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Clause 50 of *the Planning and Development (Local Planning Scheme) Regulations 2015*.
3. That Council notes the submissions received during the formal advertising period, as set out in the Schedule of Submissions and the Officer recommendation in respect of each submission.
4. That Council forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Clause 53(1) of *the Planning and Development (Local Planning Scheme) Regulations 2015*.
5. That Council request the Honourable Minister for Transport, Planning and Lands to grant final approval to Scheme Amendment No.2 to Local Planning Scheme No.2.
6. That Council inform those agencies and persons who made a submission on Scheme Amendment No.2 to Local Planning Scheme No.2 of its decision.

Moved: Cr Gail Trenfield

Seconded: Cr Percy Lawson

Motion put and carried 5/0

11.2.2 Paynes Find Planning Compliance Assessments - Lot 4317, Goodingnow Road, Paynes Find WA 6612 (PilRoc Retreat) and Lot 4234, Great Northern Highway, Paynes Find WA 6612 (Paynes Find Roadhouse & Tavern)

Author:	Urbis Pty Ltd.
Interest Declared:	No interest to disclose
Date:	28 May 2018
Attachments	-Paynes Find Planning Due Diligence and Compliance Assessment – Paynes Find Roadhouse - Paynes Find Planning Due Diligence and Compliance Assessment – Pilroc Retreat

Matter for Consideration

Based on a series of complaints arising from a neighbour dispute, Urbis was appointed by the Shire of Yalgoo to undertake a Planning Compliance Assessment, specifically related to the land uses at Lot 4317, Goodingnow Road, Paynes Find WA 6612 – PilRoc Retreat and Lot 4234, Great Northern Highway, Paynes Find WA 6612 – Paynes Find Roadhouse & Tavern.

It is therefore requested that Council consider the associated reports and their recommendations accordingly. Attached with each report is an associated site plan for the respective property. As noted within the report, it is requested that Council consider both site plans and subsequently approve, in order to set a current approval and record of the above assessments for the properties in question. In doing so, this will ensure compliance is met with all current land uses and any additional uses proposed thereon would require appropriate approvals to be sought. Additionally, this process will allow a level of transparency and formality to both the Shire, landowners and neighbouring properties.

Further recommendation that the Shire forwards the final reports and resulting determination to the respective landowners to maintain transparency of the above determination process.

Background

Context

Urbis was appointed by the CEO to undertake a Planning Compliance Assessment, specifically related to the land uses at the below properties within Paynes Find:

- Lot 4317, Goodingnow Road, Paynes Find WA 6612 – PilRoc Retreat
- Lot 4234, Great Northern Highway, Paynes Find WA 6612 – Paynes Find Roadhouse & Tavern

The assessment was requested following concerns regarding the ongoing uses and the level of planning/building compliances associated with the aforementioned properties.

Additional assistance was sought from Mr. Atyeo – Shire Environmental Health officer, who has recently provided the Shire with a summary and outline of processes (dated 21 July 2017) which describes several recommendations for Council consideration. Documents relevant to both properties for both planning and building approvals were also received from Mr. Atyeo where applicable on the 14 February 2018 which assisted in the determination of planning compliances at the sites.

Site visits were undertaken by Urbis representatives on 14 March 2018 to facilitate the Planning Compliance Assessment with the agreement of the respective landowners.

Discussion

Following the assessment of both properties, no non-compliances were identified. However, it was noted that a record of planning documentation was not available for review. As per the assessment reports, the following recommendations are provided:

Lot 4317, Goodingnow Road, Paynes Find WA 6612 – PilRoc Retreat

It is identified that there is an anomaly, associated with the site being reserved for 'Public Purpose', however this neither reflecting the use nor there being any intention of the Local Government to acquire the site for a public purpose.

It is therefore recommended that the zoning of the land be modified to more accurately reflect the existing land uses on site. Two potential options for such zoning could be:

- Special Use Zone
- Rural Zone

In addition to the rezoning of the property, it is recommended that a current site plan be issued to the Shire, incorporating all existing land uses, which should subsequently be approved in order to set a current approval and record of the above assessments for the property. In doing so, this will ensure compliance is met with all current land uses and any additional uses proposed thereon would require appropriate approvals to be sought. Additionally, this process will allow a level of transparency and formality to both the Shire, landowners and neighbouring properties.

Lot 4234, Great Northern Highway, Paynes Find WA 6612 – Paynes Find Roadhouse & Tavern

It is recommended that Council initiate a modification to the extent of the current 'Special Use Zone No.2' zoning of the land to incorporate Lot 4234 in its entirety. This will ensure that the existing short-term accommodation situated to the rear of the lot is contained within the SUZ2 description and consistent with its use.

Based on the review of the site, we have suggested the landowner consider seeking a road closure to facilitate the development of the future fuel bowsers and enable a contiguous site in line with orderly and proper planning.

In addition to the rezoning of the property, it is recommended that a current site plan be issued to the Shire, incorporating all existing land uses, which should subsequently be approved in order to set a current approval and record of the above assessments for the property. In doing so, this will ensure compliance is met with all current land uses and any additional uses proposed thereon would require appropriate approvals to be sought. Additionally, this process will allow a level of transparency and formality to both the Shire, landowners and neighbouring properties.

Copies of the Planning Compliance Assessment Reports and Site Plans are attached.

Conclusion

As previously outlined, Urbis was appointed by the Shire of Yalgoo to undertake a Planning Compliance Assessment, specifically related to the land uses at Lot 4317, Goodingnow Road, Paynes Find WA 6612 – PilRoc Retreat and Lot 4234, Great Northern Highway, Paynes Find WA 6612 – Paynes Find Roadhouse & Tavern.

It is therefore requested that Council consider the associated reports and their recommendations accordingly and in turn provide approval for the respective site plans as provided. Officers consider that both properties have no identified non-compliances, however through lack of available records, recommend that Council approve the site plans to provide a base level of planning approval and compliance across both properties.

Under Clause 10.3 of the Shire of Yalgoo Local Planning Scheme No.2, in determining an application for planning approval the local government may –

- a) Grant its approval with or without conditions; or
- b) Refuse to grant its approval.

In this instance, it is considered that the application appropriately meets all statutory requirements and is therefore recommended that approval be granted. It is considered that in doing so, the Shire is providing for the good government of their persons within the district and follow orderly and proper planning procedures.

Voting Requirements

Simple Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0607 Paynes Find Planning Compliance Assessments - Lot 4317, Goodingnow Road, Paynes Find WA 6612 (PilRoc Retreat) and Lot 4234, Great Northern Highway, Paynes Find WA 6612 (Paynes Find Roadhouse & Tavern)

That Council:

- 1. Pursuant to Clause 10.3 of the Shire of Yalgoo Local Planning Scheme No.2 approve the respective site plans for Lot 4317, Goodingnow Road, Paynes Find WA 6612 (PilRoc Retreat) and Lot 4234, Great Northern Highway, Paynes Find WA 6612 (Paynes Find Roadhouse & Tavern);**
- 2. Advise the owners of the property that:**
 - i. Any future development upon the site that requires associated planning approval are to be determined and approved by the Council accordingly;**
 - ii. Approval of the respective site plans do not constitute approval for any applications which may be pending determination by Council, and do not guarantee future approvals on the site.**
 - iii. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 3. Provide the Compliance Assessment Report and a copy of this determination to the respective landowners.**
- 4. Seek confirmation from the landowners in relation to the recommended scheme amendments identified in the assessment reports prior to initiation.**

Moved: Cr Percy Lawson

Seconded: Cr Robert Grinham

Motion put and carried 5/0

11.2.3 Sporting Pavilion – Reserve 6936 – Planning Approval

Author:	William .V. Atyeo
Interest Declared:	No interest to disclose
Date:	20 th June 2018
Attachments	- Application for Planning Approval - Certificate of Crown Land Title

Matter for Consideration

Application for Planning Approval – New Pavilion for Recreation Development.

Background

1. Council has been progressing the development of the sporting facilities located on Recreational Reserve R 6936.
2. This concept has had the full backing of the Shire Council since inception.
3. The oval is complete and the application is for the development of a pavilion to enhance the facilities available and will be utilised by the persons using the rifle range when completed.
- 4.

Statutory Environment

Shire of Yalgoo – Local Planning Scheme No 2

PART 3—RESERVES

3.4 Use and development of Local Reserves

3.4.2 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve

Under Clause 10.2, these considerations are considered when dealing with any application for a development requiring Planning Approval.

Strategic Implications

The pavilion will be able to be utilised by all sporting activities in the town.

Policy Implications

NIL

Financial Implications

Nil

Consultation

- Silvio Brenzi - Chief Executive Officer for the Shire of Yalgoo.

Comment

The Local Reserve 6936 is zoned as “Recreation” under the Shire of Yalgoo Town Planning Scheme No 2. The development, complies with the said Scheme and will enhance the available sporting facilities to the Town. The use of the proposed new pavilion will allow for change rooms, toilets and meeting areas for all of the sports that may utilise the facilities.

In determining an application for planning approval the Local Government may;

- Grant its approval with or with consultations, or
- Refuse to grant its approval

In this instance the application appropriately meets the statutory requirements and is therefore recommended for approval.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0608 Sporting Pavilion – Reserve 6936 – Planning Approval

That Council

- 1. Grants a planning approval for the proposed development of a pavilion on Local Reserve 6936 as applied for by Modularis Pty Ltd Trading As Modular WA.**
- 2. That the Chief Executive Officer be authorised or ensure that all required building permits are obtained in order to expedite the development**

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried 5/0

11.3 FINANCE

11.3.1 Accounts for Payment May 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 June 2018
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 May 2018 to 31 May 2018 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 May 2018 to 31 May 2018 are as follows:

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
REFUND*2018	RED DRAGON MINES NL	2/05/2018	Rates CREDIT REFUND	142.50
REFUND*2018	WCP RESOURCES LTD	2/05/2018	Rates Refund T/DEATH SCH nO. M2017/7	600.61
REFUND*2018	RAGGED RANGE MINING PTY LTD	2/05/2018	Rates Refund Tenement Death 26.7.2017	281.36
REFUND*2018	MACARTHUR LITHIUM PTY LTD	3/05/2018	Rates Refund TENEMENT DEATH	218.24
REFUND*2018	SEREMIN PTY LTD	3/05/2018	Rates Refund Tenement Death	301.52
REFUND*2018	RED DRAGON MINES NL	3/05/2018	Rates Refund TENEMENT DEATH	85.94
REFUND*2018	MURCHISON REGION ABORIGINAL CORPORATION	3/05/2018	Rates Refund SAT MATTER	2,580.66
REFUND*2018	APHEX MINERALS PTYLTD	3/05/2018	Rates Refund TENEMENT DEATH	121.63
1400*2018	MURCHISON REGION ABORIGINAL CORPORATION	8/05/2018	Rates Refund SAT MATTER	5,192.47
1005*2018	AMPAC Debt Recovery (WA) Pty Ltd	14/05/2018	Debt Collection Fees	3.85
1007*2018	ATOM Supply	14/05/2018	Depot: Safety Eyewash & Shower	1,463.00
1009*2018	Austral Mercantile Collection Pty Ltd	14/05/2018	Debt collection fees	169.40
1015*2018	Beaurepaire	14/05/2018	Tyres & Fitting YA-1643, YA-1613 , YA-479	2,368.31
1018*2018	BOQ Asset Finance & Leasing Pty Ltd	14/05/2018	Photo Copier Rental Contract	329.50

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1021*2018	Bunnings Building Supplies Pty Ltd	14/05/2018	Hardware CARAVAN PARK , DEPOT	386.35
1024*2018	Canine Control	14/05/2018	Ranger Service: 6 March 2018 , 26 & 27 April, 1 & 3 May 2018	1,898.06
1028*2018	Civic Legal	14/05/2018	Legal Fees Review of Rates Exemption, Return of Regional Road Funding Grant	15,414.47
1044*2018	Rocke, David	14/05/2018	Paynes Find: Cleaning of Complex, replace cones	1,572.48
1056*2018	Five Star Business Equipment & Comms	14/05/2018	Photocopier Maintenance Copier Reading Service	1,686.18
1065*2018	Geraldton Mower & Repair Specialist	14/05/2018	PARTS FOR KUBOTA MOWER YA-844 and repairs to brush cutter	489.50
1067*2018	Geraldton Toyota	14/05/2018	Vehicle Service for YALGOOCEO 70,000km	876.66
1075*2018	Hallinan Refrigeration & Airconditioning	14/05/2018	As per Quote# 40940 Supply and Install new Airconditioner at Admin Filing Room and Admin Main Office	10,505.56
1083*2018	J R & A Hersey	14/05/2018	Works Depot Consumables	638.77
1091*2018	Landgate	14/05/2018	Valuations Rates	2,855.55
1100*2018	Market Creations Pty Ltd	14/05/2018	Web Page: DNS Hosting	33.00
1101*2018	Marketforce	14/05/2018	Advertising Local Planning Scheme No2	411.86
1119*2018	Mt Magnet Waste Disposal	14/05/2018	8 Henty St: Pump out septic	1,900.00
1130*2018	Novus Autoglass Midwest	14/05/2018	Stone Chip Repair- Toyota Land Cruiser YA-778	93.50
1147*2018	Proudlove's Smash Repairs	14/05/2018	Ceo Vehicle Insurance Claim Excess	300.00

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1171*2018	WINC AUSTRALIA PTY LIMITED	14/05/2018	Credit Adjustment Note Office Stationery Supplies & Cleaning Supplies	616.89
1174*2018	Sun City Plumbing	14/05/2018	8 Henty St: Unblock drains, Back Flow Valve Installation 43 GIBBONS ST, REPAIRS TO TOILETS, Shamrock St - Unblock Drains	3,422.10
1189*2018	Urbis Pty Ltd	14/05/2018	Planning Fees RE-ZONING OF LOT 65 & 66 GIBBON ST and Paynes Find Tavern & Pilroc Retreat Compliance Audit	1,850.92
1191*2018	Veolia Environmental Services	14/05/2018	Rubbish Collection Service Fee	9,013.36
1197*2018	WBHO Civil Pty Ltd	14/05/2018	Railway Station: Service Locating	1,818.30
1207*2018	Yalgoo Hotel Motel	14/05/2018	BILL ATYEO ACCOMMODATION 19,20 & 21 FEBRUARY 2018, COUNCIL MEETING LUNCH: 23 FEBRUARY 2017, BILL ATYEO ACCOMMODATION & MEALS 20,21,22 MARCH, Lunches for Councillors - Meeting held on the 23 March, Lunch - Ordinary Council Meeting Held on the 27 April, DOMINIC CARBONE MEALS - JAN, FEB & MARCH, ACCOMMODATION & MEALS FOR BILL ATYEO 25 TO 27 April.	2,190.20
1225*2018	WALGA	14/05/2018	Training Tamisha Hodder - Training in Meekatharra, Preparing Agendas & Minutes Elisha Hodder	667.00
1236*2018	U R SAFE PTY LTD	14/05/2018	Depot: Alarm Monitoring	165.00
1240*2018	Westrac Equipment Pty Ltd	14/05/2018	YA860: SERVICE	1,252.35
1251*2018	Atyeo's Environmental Health Services PL	14/05/2018	Consultant Fees -EHO	3,776.90
1337*2018	HILLE, THOMPSON & DELFOS	14/05/2018	Survey Fees Town Oval: Setting out Building Alignments and Oval Infrastructure	1,617.00
1374*2018	MIDWEST TURF SUPPLIES	14/05/2018	Yalgoo Oval variation of works	7,818.25
1377*2018	ACO PTY LTD	14/05/2018	Water Drainage for Fuel Station	4,320.80

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1381*2018	MURCHISON CLUB HOTEL	14/05/2018	Accommodation & Meals - Cr Gail Trenfield and Cr Joanne Kanny	332.00
1391*2018	REDI HIRE SOLUTIONS	14/05/2018	Equipment Hire Genset Hire: Ninghan Road 1week Hire	1,810.85
1398*2018	YALGOO DISTRICTS JOCKEY CLUB	14/05/2018	Alcohol Bond Refund	1,000.00
1402*2018	NOVOTEL PERTH LANGLEY	14/05/2018	Silvio Brenzi Accommodation & Meals	202.50
1405*2018	WAGGA WAGGA STATION	14/05/2018	Wild Dog Bounty	550.00
1015*2018	Beaurepaires	25/05/2018	Repaires to John Deer Grader Tyre - YA465	180.00
1048*2018	Dominic Carbone & Associates	25/05/2018	Consultancy Fees - Finance and Admin	5,500.00
1059*2018	Trenfield, Gail	25/05/2018	Arts & Culture Meeting - 18.05.18 and May 2018 Communication Allowance	409.67
1085*2018	Kanny, Joanne	25/05/2018	Meeting Fees LEMC Meeting: 11.05.18, Arts & Culture Meeting: 18 and Accommodation and travel - Walga Diploma Training	2,472.87
1171*2018	WINC AUSTRALIA PTY LIMITED	25/05/2018	Office Stationery Supplies and Caravan Park: Pinup Board	987.40
1199*2018	WestCoast SeaFood	25/05/2018	Morning Tea for Council Meetings	131.00
1225*2018	WALGA	25/05/2018	Training Effective Letter & Report Writing: Elisha Hodder	567.00
1234*2018	DATACOM SOLUTIONS (AU) PTY LTD	25/05/2018	Financial Software -Ozone Annual Licence 30 January 2018 - 29 January Remote Support: David Ferris & Steve Carter	58,520.00
1294*2018	DFES	25/05/2018	2017/18 ESL Quarter 4 payment	1,477.50
1311*2018	HODDER, TAMISHA	25/05/2018	May 2018 Communications Allowance	291.67

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due
1314*2018	BIO DIVERSE SOLUTIONS	25/05/2018	MAPPING & DOCS FOR LIFTING THE BUSHFIRE PRONE AREA	572.00
1372*2018	DARREN LONG CONSULTING	25/05/2018	Consultancy Fees - Balance Bank Reconciliations	3,740.00
1374*2018	MIDWEST TURF SUPPLIES	25/05/2018	Weed Spraying- SPORTS OVAL	1,680.25
1391*2018	REDI HIRE SOLUTIONS	25/05/2018	Equipment Hire -Genset Hire: Ninghan Road	1,579.97
1393*2018	EXTERIA STREET AND PARK OUTFITTERS	25/05/2018	Stadium benches, Sports Table, Sports Benches	5,525.30
1405*2018	WAGGA WAGGA STATION	25/05/2018	Wild Dog Bounty Scheme Claim	110.00
1409*2018	CAMERELLI ASSOCIATES	25/05/2018	Concultanct Fees - KPI Workshop	764.00
1410*2018	PRINCE-WRIGHT PRODUCTIONS	25/05/2018	The Decadent & Depraved Community Screening	1,000.00
TOTAL				180,853.98

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0609 Accounts for Payment May 2018

That Council approve the list of accounts paid for the period 1 May 2018 to 31 May 2018 amounting to \$180,853.98 and the list be recorded in the Minutes.

Moved: Cr Percy Lawson

Seconded: Cr Gail Trenfield

Motion put and carried 5/0

11.3.2 Investments as at 31 May 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 June 2018
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 31 May 2018.

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 May 2018.

SHIRE OF YALGOO INVESTMENTS AS AT 31 May 2018								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$801,782.49
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,125.21
NAB	N/A	Term Deposit	89-977-1574	30 days	28.05.2018	27.06.2018	2.02%	\$62,579.94
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,841.90
TOTAL								\$957,329.54

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	30 Days	28.05.2018	27.06.2018	2.02%	\$162,078.69
NAB	N/A	Term Deposit	89-972-5236	30 Days	28.05.2018	27.06.2018	2.02%	\$449,904.11
NAB	N/A	Term Deposit	11-186-3992	1 Month 1 Day	28.05.2018	29.06.2018	1.50%	\$1,073,263.92
TOTAL								\$1,685,246.72

TRUST								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$21,738.51
TOTAL								\$21,738.51

INVESTMENT REGISTER						
01 JULY 2017 TO 31 MAY 2018						
NATIONAL AUSTRALIA BANK						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.05.2018	INVESTMENT TRANSFERS	CLOSING BALANCE 31.05.2018
86-538-7363	Ongoing	Variable	\$40,929.28	\$195.93	0	\$41,125.21
89-977-1574	27.06.2018	2.02%	\$61,392.89	\$1,187.05	0	\$62,579.94
24-831-4222	Ongoing	Variable	\$51,594.90	\$247.00	0	\$51,841.90
97-511-4454	27.06.2018	2.02%	\$158,650.69	\$3,428.00	0	\$162,078.69
89-972-5236	27.06.2018	2.02%	\$440,410.14	\$9,493.97	0	\$449,904.11
11-186-3992	29.06.2018	150%	\$1,050,564.24	\$22,699.68	0	\$1,073,263.92

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018 0610 Investments as at 31 May 2018

That the Investment Report as at 31 May 2018 be received.

Moved: Cr Gail Trenfield

Seconded: Cr Robert Grinham

Motion put and carried 5/0

Attendance: Cr Robert Grinham left meeting at 12.10 pm

Attendance: Cr Robert Grinham returned to the meeting at 12.13 pm.

11.3.3 Financial Activity Statement for the Period ended the 31 May 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 June 2018
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 May 2018; • Financial Activity Statement; ending 31 May 2018 • Summary of Current Assets and Current Liabilities as of 31 May 2018; • Statement of Current Financial Position as at 31 May 2018; • 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

2.4 Material Variance

Financial Implications

The Financial Activity Statements reflect the financial situation of the Shire as at year to date.

Consultation

Nil

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 column.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0611 R34 (1) Financial Activity Statement for the Period ended the 31 May 2018.

That Council:

Adopts the Financial Activity Statement for the period ended 31 May 2018.

Moved: Cr Percy Lawson

Seconded: Cr Tamisha Hodder

Motion put and carried 4/0

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 20 June 2018

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 June 2018
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
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	Funds to be allocated in the Draft 18/19 annual budget.
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	Funds to be allocated in the Draft 18/19 annual budget
23 March 2018	Application for a prospecting licence	Council authorises the CEO to locate a suitable prospecting area close to the Yalgoo town site and make application to the Mining Registrar for registration.	Application to be lodged - Works Foreman to Lodge 27/6/2018

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
25 January 2018	Proposed Amendment No.2 to Local Planning Scheme No.2	That Council Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), resolve to adopt Scheme Amendment No.2 to Town Planning Scheme No.2 for the purpose of advertising: by: 1. Reclassify Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo from 'Public Purposes' to 'Residential (R10)' as indicated on the Scheme Amendment Map. 2. Forward Scheme Amendment No.1 to: a. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the <i>Planning and Development Act 2005</i> . b. The Western Australian Planning Commission for information. 3. As per Regulation 47 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> , subject to no objections being received from the EPA, advertise the amendment for public comment for a period of 42 days to the satisfaction of the Chief Executive Officer.	Report in this Agenda for Council consideration.
23 March 2018	Bi Monthly Community Development Officer Program	Report for January – February 2018 not prepared to Council for Consideration	Report to be completed when Community Development Officer returns from leave.
27 April 2018	CCTV extension to service Police Station	Council approved a wireless link from the Shire Administration Centre to Yalgoo Police Station.	\$3,500 be incorporated in the 2018-19 Draft Annual Budget.
8 June 2018	Request to utilise the Yalgoo Arts and Culture Centre	The CEO to request a formal proposal from North Midlands Project to use the facility as a Training Hub.	Letter was sent.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
8 June 2018	Request to relinquish management orders to Geraldton Alternative Settlement Agreement	The Council advise the Shire’s Solicitors that the Shire wishes to retain the management orders.	<p>Approved Council decision for 9 listed reserves has been sent to GASA.</p> <p>Additional Reserves have been received from GASA.</p> <p>A letter requesting a complete list has been sent to finalize any further requests in whole</p>
8 June 2018	Community Survey	That the CEO to arrange for a consultant to conduct a community survey to gain information from residents prior to the Annual Budget	<p>Survey was undertaken.</p> <p>Report in this Agenda for Council consideration.</p>

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0612 Report on Matters Outstanding as at 20 June 2018

That Council:

Receives Report N° 11.4.1 Report on Matters Outstanding as at 20 June 2018.

Moved: Cr Gail Trenfield Seconded: Cr Robert Grinham Motion put and carried 5/0

11.4.2 Community Survey

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 June 2018
Attachments	Community Survey

Matter for Consideration

That Council give consideration to the responses received from the conduct of the community survey.

Background

Council resolved at its meeting held on 8 June 2018, that the CEO arrange from a consultant to conduct a community survey to gather information from the residents prior to the annual budget workshop.

Statutory Environment

Nil

Business Implications

Nil

Consultation

- Yalgoo Community
- Consultant

Comment

The responses received from the community survey conducted on Tuesday 19 June 2018 have been collected and attached to this report. The Council is requested to review the information received and take into account when formulating the 2018-19 Annual Budget.

The responses received have been overwhelming with the majority of resident participating . a number of request can be implemented as they are operational, other will need further investigation to ascertain their need and costs involved.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0613 Community Survey

That Council

- 1. Thank the Yalgoo Community for their responses**
- 2. Subject to (1) above that this be communicated to residents via the Bulldust, email and on the internet.**

Moved: Cr Percy Lawson

Seconded: Cr Gail Trenfield

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

13. URGENT BUSINESS

Nil

Adjournment: 12.27 pm – 1.28 pm

President Cr Joanne Kanny requested a motion be moved to adjourn the meeting for lunch. The motion was moved by Cr Robert Grinham and seconded by Cr Gail Trenfield. There being no debate the motion was put and carried 5/0. Adjourned at 12.27 pm

President Cr Joanne Kanny reopened the adjourned meeting at 1.28 pm

Returning to the meeting were;

Cr Joanne Kanny, Shire President
Cr Robert Grinham
Cr Tamisha Hodder
Cr Gail Trenfield
Cr Percy Lawson
Silvio Brenzi, Chief Executive Officer
Diane Hodder, Finance/Admin Officer

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

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

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

Local Government Act 1995

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.

The President Cr Joanne Kanny moved a motion to go behind closed doors to consider confidential Item 14.1, which was duly seconded by Cr Percy Lawson. There being no debate on the matter the motion was carried 5/0.

ATTENDANCE: Diane Hodder, Finance/Admin Officer left the room at 1.29 pm

Door closed at 1.29 pm

14.1 Chief Executive Officer’s Contract of Employment

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	21 June 018
Attachments	Nil

OFFICER RECOMMENDATION / COUNCIL DECISION

C2018-0614 Chief Executive Officer’s Contract Employment

That Council:

- 1. Set the annual performance targets for the 2019 CEO performance review in accordance with Clause 7(2) of the Chief Executive Officer Contract of Employment as detailed in the report.**
- 2. Authorises the preparation of a Draft Chief Executive Officer Contract of Employment based on the conditions agreed upon by the Council and the Chief Executive Officer.**
- 3. Subject to (2) above a further report be prepared to Council for consideration**

Moved: Cr Robert Grinham Seconded: Cr Percy Lawson Motion put and carried 5/0

Meeting was resumed with open doors at 1.34 pm.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers Shire of Yalgoo 27 July commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the Ordinary meeting closed at 1.35 pm

DECLARATION

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

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