



UNCONFIRMED MINUTES
OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBERS, YALGOO
ON FRIDAY, 30 AUGUST 2019
COMMENCING AT 10.00 AM





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CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME	4
4.0	QUESTIONS TAKEN ON NOTICE	4
4.1	QUESTIONS TAKEN WITHOUT NOTICE	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE	5
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED	5
7.0	MEETINGS ATTENDED BY ELECTED MEMBERS.....	5
8.	CONFIRMATION OF MINUTES.....	6
8.0	ORDINARY COUNCIL MEETING	6
	C2019-0801 Minutes of the Ordinary Meeting	6
9.	REPORTS OF COMMITTEE MEETINGS	7
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	7
10.0	INFORMATION ITEMS	7
11.	MATTERS FOR DECISION	7
11.0	MATTERS BROUGHT FORWARD	7
11.1	TECHNICAL SERVICES	8
11.1.1	Technical Services Monthly Report 31 July 2019.....	8
	C2019-0802 Technical Services Monthly Report 31 July 2019	10
11.2	DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH	11
11.3	FINANCE	11
11.3.1	Accounts for Payment July 2019	11
	C2019-0803 Accounts for Payment July 2019	15
11.3.2	Investments as at 31 July 2019	16
	C2019-0804 Investments as at 31 July 2019	18
11.3.3	Financial Activity Statement for the Period ended the 31 July 2019	19
	C2019-0805 R34 (1) Financial Activity Statement for the Period ended the 31 July 2019.	20
11.3.4	Differential General Rates 2019-20.....	21
	Differential General Rating 2019/2020	22
	C2019-0806 Differential General Rating 2019/2020	22
11.3.5	Payment of Rate Charge 2019-20	23
11.3.6	Imposition of Fees and Charges for 2019-20.....	25
11.3.7	Rate Payment Incentive Scheme for 2019-2020	26
	C2019-0807 Rate Payment Incentive Scheme for 2019-20	26
11.3.8	2019-20 Annual Budget.....	27
11.3.9	Write-off Rates Outstanding	30
	C2019-0808 Write-Off Rates Outstanding	31
11.4	ADMINISTRATION	32
11.4.1	Report on Matters Outstanding as at 23 August 2019	32
	C2019-0809 Report on Matters Outstanding as at 23 August 2019	34
11.4.2	CA07 Application – Grime Haulage – Wanarra East Road.....	35
	C2019-0810 CA07 Application – Grime Haulage – Wanarra East Road	38

12.	NOTICE OF MOTIONS	39
13.	URGENT BUSINESS	39
13.1	Appointment of Acting CEO after 30 October 2019	39
	C2019-0811 Appointment of Acting CEO	39
13.2	Yalgoo Primary School Request for the use of the Sports Complex (Core Stadium and Oval)	40
	40
	C2019-0812 Yalgoo Primary School Request for the use of the Sports Complex	40
	(Core Stadium and Oval)	40
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	40
14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	40
15.	NEXT MEETING	42
16.	MEETING CLOSURE.....	42



Minutes for the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, Yalgoo
On Friday 30 August 2019 commencing at 10.00 am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

In the absences of the Shire President, the Deputy President Cr Gregory Payne assumed the chair and declared the meeting opened at 10.07 am

The Deputy President welcomed the Principle of the Yalgoo Primary School Mrs Ellie Tompsett.

Deputy President advised the Council that he received a letter from the Shire President Cr Joanne Kanny, advising that she has resigned from Council as of the 30 August 2019.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Gregory Payne, Deputy President Cr Robert Grinham Cr Gail Trenfield Cr Tamisha Hodder
STAFF	Dominic Carbone, Finance Consultant Elisha Hodder. Executive Assistant
GUESTS	Ellen Tompsett, Principle of the Yalgoo Primary School
OBSERVERS	Nil
LEAVE OF ABSENCE	Nil
APOLOGIES	Cr Percy Lawson

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.
Nil

4. PUBLIC QUESTION TIME

4.0 QUESTIONS TAKEN ON NOTICE

4.0.1 Tammy Balzer's question directed to the CEO Silvio Brenzi

Q. When the North road is newly graded, why is there all the big rocks / boulders left over the road?

Due to this happening I have been through approximately 5 new tyres which is not cheap. Can this please be addressed?

A: The works foreman has been advised of the complaint. It is inevitable that some rocks will remain on the road surface after grading. Staff will endeavour to limit the chances of this.

4.1 QUESTIONS TAKEN WITHOUT NOTICE

4.1.1 Mrs Ellen Tompsett asked the following questions.

Q1. Can the Yalgoo Primary School utilise Core Stadium's Oval and Facilities on the following dates

- 1. 4th September 2019, for the purpose of the Clontarf Football Academy conducting a clinic with the Students of the Yalgoo Primary School.**
- 2. 19th or 24th September 2019, or the purpose of conducting the Yalgoo School Sports Carnival.**

Q2. Council assistance is sought to accommodate 8 university volunteers who will be visiting the Yalgoo Primary School. The reason for the request is that the volunteers can no longer camp in the School grounds and utilizing School facilities.

A: Consultant Dominic Carbone informed Mrs Tompsett there are Scheduled Fees and Charges that Council will be adopting in relation to the Oval and Stadium, it may be best that Mrs Tompsett write and list what the school requirements so that a report can be presented to Council for consideration at the Septembers Ordinary Meeting of Council.

Deputy President Gregory Payne advised in relations to the use of Core Stadium this request will be addressed today, as for the assistance with accommodating the University volunteers a request in writing needs to be sent to the CEO for a report to be presented at the September Ordinary Meeting of Council.

ATTENDANCE: Ellie Tompsett left the Meeting at 10.26 am

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
6-9 August 2019	WALGA WEEK	Cr Gregory Payne Cr Tamisha Hodder Silvio Brenzi, CEO

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

C2019-0801 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 26 July 2019 be confirmed as a true and correct record of proceedings.

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

9. REPORTS OF COMMITTEE MEETINGS

Nil

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).

Nil

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.1 Technical Services Monthly Report 31 July 2019

Author:	Ray Pratt, Works Foreman
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

That Council receives the Technical Services Monthly Report as at 31 July 2019.

Background

Nil

Statutory Environment

Nil

Statutory Implications

Nil

Consultation

Nil

Comment

1 ROAD CONSTRUCTION – CAPITAL

Roads 2 Recovery

- Rowe Contractors have pushed up gravel on the Yalgoo Morawa road for future road works.

2 ROAD MAINTENANCE - OPERATIONS

2.1 Works During June

- Graded Melangata Road
- More grading on Dalgaranga Road
- Sheeting and Grading Yalgoo North Road
- Grading Noongal Road
- Sheeted sections of Badja Woolshed Road along with maintenance grading.

3 OTHER INFRASTRUCTURE MAINTENANCE

3.1 Plant and Equipment

- New batteries in John Deer Grader
- Isuzu crew cab had its 80,000 km service
- Damaged pump in Cat Truck has been replaced
- John Deer grader has been serviced.

3.2 Buildings

- Ellis and Sons contractors have built a shelter over the BBQ at Core Stadium, this was done to protect the BBQ from wind and rain.

3.3 Cemetery

Nil

4 PARKS AND RESERVES

4.1 Art & Culture Centre

- No Changes or additions to the Art Centre during June

4.2 Community Town Oval

- General Maintenance are conducted to the Town Oval and Core Stadium Gardens
- No Changes or additions to the Community Town Oval during July.
- Turf renovations are planned for Mid October

4.3 Community Park, Gibbons Street

- No Changes or additions to the Community Park, Gibbons Street during July.

4.4 Community Park, Shamrock Street

- No Changes or additions to the Community Park, Shamrock Street during July.

4.5 Water Park

- Has been closed for winter. No Changes or additions to the water park during July.

4.6 Yalgoo Caravan Park

- Nil

4.7 Yalgoo & Paynes Find Rubbish Tip

- Rubbish bins are emptied on the Yalgoo Ninghan Road every two weeks.
- Conducting regular clean ups at Wuraga Dam and Jokers Tunnel.

4.8 Railway Station

- Repairs to leaking reticulation pipes.

4.9 Yalgoo Nursing Post

- No changes or additions to the Nursing Post during July, besides general Gardening maintenance.
-

5 INFRASTRUCTURE - CAPITAL

5.1 Rifle Rage

- All competed. Awaiting approval from WAPOL.

6 PRIVATE WORKS

6.1 Nil

7 PURCHASING

- New 3.4 Isuzu Fire Truck arrived.
- New car trailer was collected from Universal Trailers.

8 STAFF

8.1 Training

- Staff carried out 4x4 light vehicle course.
- Induction course for the new fire truck was held.
- Staff participated in a Hazard and Safety course conducted by LGIS.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2019-0802 Technical Services Monthly Report 31 July 2019

That Council:

Receive the Technical Services report as at 31 July 2019.

Moved: Cr Gail Trenfield

Seconded: Cr Robert Grinham

Motion put and carried: 4/0

11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

nil

11.3 FINANCE

11.3.1 Accounts for Payment July 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

Council approve the Accounts for Payment list for the period 1 July 2019 to 31 July 2019 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 July 2019 to 31 July 2019 are as follows

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due \$
1005*2020	AMPAC Debt Recovery (WA) Pty Ltd	11/07/2019	Debt collection Fees	5.50
1006*2020	Asphalt in a Bag	11/07/2019	1 PALLET (50 X 20KG BAGS)	1,718.75
1011*2020	Australian Golden Outback	11/07/2019	2019/20 Membership	295.00
1015*2020	Beaurepaires	11/07/2019	TYRES FOR YA453	1,255.24
1021*2020	Bunnings Building Supplies Pty Ltd	11/07/2019	CARAVAN PARK SUPPLIES	98.65
1024*2020	Canine Control	11/07/2019	Ranger Service 20 June 2019 ,Ranger Service - 28 June 2019	1,934.10
1028*2020	Civic Legal	11/07/2019	Legal Expenses - Native Title	17,980.06
1048*2020	Dominic Carbone & Associates	11/07/2019	Consultancy Service- Adminstration and Finance	8,360.00
1056*2020	Five Star Business Equipment & Comms	11/07/2019	Photocopier Maintenance	807.43
1064*2020	REFUEL AUSTRALIA	11/07/2019	June2019- Fuel Charges	16,072.01
1067*2020	Geraldton Toyota	11/07/2019	30,000km service YA1000	1,490.88
1085*2020	Kanny, Joanne	11/07/2019	Meeting Fee - 10.07.2019	1,837.12
1089*2020	K9 K10 ELECTRICAL WA	11/07/2019	Admin - Security Alarm Monitoring	170.32
1096*2020	Local Health Authorities Analytical	11/07/2019	Analytical Services	396.00
1139*2020	Lawson, PERCY (SENIOR)	11/07/2019	Meeting fee - 10.07.2019	529.67
1158*2020	Grinham, Robert	11/07/2019	Meeting fee - 10.07.2019	747.49
1171*2020	WINC AUSTRALIA PTY LIMITED	11/07/2019	Office Supplies, Refreshments for Council Meetings	2,602.85
1174*2020	Sun City Plumbing	11/07/2019	Caravan Park - replace 2 x hose taps & vacuum brea	296.45

_ID	Creditor's Name	Cheque Date	Invoice Details	Total Amount Due \$
1182*2020	ThinkWater Geraldton	11/07/2019	PUMP FOR CARAVAN PARK	1,681.90
1184*2020	Totally Workwear Geraldton	11/07/2019	COUNCIL UNIFORM	226.61
1191*2020	Veolia Environmental Services	11/07/2019	Rubbish Collection Fee	5,111.43
1234*2020	DATACOM SOLUTIONS (AU) PTY LTD	11/07/2019	Software -Remote Support OZONE	363.00
1255*2020	TOLL TRANSPORT PTY LTD	11/07/2019	Freight Charges - Frontline,- WINC, State Library WA,- Jason Sign Makers	669.03
1277*2020	REILLY & CO	11/07/2019	Consultancy Fees -April School Holiday Program, Anzac Day 2019, - Project PR & Marketing/Event Management Coordination July 2019	18,260.59
1280*2020	BP MECHANICAL MAINTENANCE	11/07/2019	YA495 - Repairs	369.12
1339*2020	SUN CITY BATTERIES	11/07/2019	N150 NEUTON POWER 12V 1000CCA TRUCK BATTERY	1,353.50
1364*2020	MIDWEST FIRE PROTECTION SERVICES & EYE SPY SECURITY	11/07/2019	Service to Fire equipment	1,615.90
1397*2020	PROFESSIONALS GERALDTON	11/07/2019	Conduct 16 x staff housing inspections	3,300.00
1402*2020	NOVOTEL PERTH LANGLEY	11/07/2019	Silvio: Accommodation 22.06.2019 ,Tamisha: Accommodation & Meals 22.06.2019 Silvio, - Accommodation, Greg Payne - Accommodation	719.50
1513*2020	COMMERCIAL LOCKSMITHS	11/07/2019	Supply and Install Cyberlock	20,708.43
1544*2020	AUSTRALIAN POST	11/07/2019	Freight Charges - Better Beginnings Books	260.05
1545*2020	FIELD, TREVOR	11/07/2019	Reimbursements -Fertiliser/Herbicide	70.07
TOTAL				111,306.65

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2019-0803 Accounts for Payment July 2019

That Council approve the list of accounts paid for the period 1 July 2019 to 31 July 2019 amounting to \$111,306.65 and the list be recorded in the Minutes.

Moved: Cr Gail Trenfield

Seconded: Cr Robert Grinham

Motion put and carried: 4/0

11.3.2 Investments as at 31 July 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

That Council receive the Investment Report as at 31 July 2019.

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 July 2019.

SHIRE OF YALGOO CASH HOLDINGS AS AT 31 JULY 2019								
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	\$2,229,794.17
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$41,312.68
NAB	N/A	Term Deposit	89-977-1574	2 months 30 day	24.06.2019	23.09.2019	2%	\$64,336.35
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,078.24
TOTAL								\$2,387,521.44

RESERVE FUNDS								
NAB	N/A	Term Deposit	97-511-4454	2 months 30 day	24.06.2019	23.09.2019	2%	\$166,627.70
NAB	N/A	Term Deposit	89-972-5236	2 months 30 day	24.06.2019	23.09.2019	2%	\$462,531.39
NAB	N/A	Term Deposit	11-186-3992	2 months 30 day	24.06.2019	23.09.2019	2%	\$1,112,335.83
TOTAL								\$1,741,494.92

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 2019 TO 31 JULY 2019						
NATIONAL AUSTRALIA BANK						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.07.2019	INVESTMENT TRANSFERS	CLOSING BALANCE 31.07.2019
86-538-7363	Ongoing	Variable	\$41,307.37	\$5.31	0	\$41,312.68
89-977-1574	23.09.2019	2 %	\$64,336.35	\$0.00	0	\$64,336.35
24-831-4222	Ongoing	Variable	\$52,071.54	\$6.70	0	\$52,078.24
97-511-4454	23.09.2019	2%	\$166,627.70	\$0.00	0	\$166,627.70
89-972-5236	23.09.2019	2%	\$462,531.39	\$0.00	0	\$462,531.39
11-186-3992	23.09.2019	2%	\$1,112,335.83	\$0.00	0	\$1,112,335.83

Voting Requirements

Simple Majority

Consultant Dominic Carbone explained the report in further detail.

Acting President Cr Gregory Payne advised that the CEO has been requested to investigate interest rates offered by other Banks.

OFFICER RECOMMENDATION / COUNCIL DECISION

C2019-0804 **Investments as at 31 July 2019**

That the Investment Report as at 31 July 2019 be received.

Moved: Cr Robert Grinham

Seconded: Cr Tamisha Hodder

Motion put and carried: 4/0

11.3.3 Financial Activity Statement for the Period ended the 31 July 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	<ul style="list-style-type: none"> • Statement of Comprehensive Income ending the 31 July 2019; • Financial Activity Statement; ending 30 June 2019; • Summary of Current Assets and Current Liabilities as of 31 July 2019; • Statement of Current Financial Position as at 31 July 2019; • 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

Consultant Dominic Carbone explained the monthly statements in further detail.

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2019-0805 R34 (1) Financial Activity Statement for the Period ended the 31 July 2019.

That Council:

Adopts the Financial Activity Statement for the period ended 31 July 2019.

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

Adjournment 10.49 am – 10.58 am

Acting President Cr Gregory Payne requested that a motion be moved to adjourn the meeting it was moved by Cr Gail Trenfield and second By Cr Robert Grinham that the meeting be adjourned there being no further debate the motion was put and carried 4/0

Meeting adjourned at 10.49 am.

Acting President Cr Gregory Payne requested that a motion be moved to reopen the meeting. it was moved by Cr Gail Trenfield and second by Cr Robert Grinham that meeting resumed there being no debate the motion was put and carried 4/0

Meeting open at 10.58 am

Returning to the Meeting were;

Cr Gregory Payne, Acting President

Cr Robert Grinham

Cr Gail Trenfield

Cr Tamisha Hodder

Dominic Carbone, Financial Consultant

Elisha Hodder, Executive Assistant

11.3.4 Differential General Rates 2019-20

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Letter from the Department of Local Government, Sports and Cultural Industries (Yet to be received).

Matter for Consideration

The purpose of the report is for council to adopt the differential general rates imposed on the rateable property within each differential rating category. The differentiated rating categories determined by the Council are as follows.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$620.00

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	37.43025 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

In accordance with Section 6.32, 6.33 and 6.36 of the Local Government Act 1995 the following actions were undertaken:

- 1/. The proposed differential general rates and minimums were advertised.
- 2/. One submission was received and Council gave consideration at its Ordinary Council Meeting held on 26 July 2019.
- 3/. Ministerial approval was obtained in accordance with Section 6.33(3) of the Local Government Act 1995.

The deficiency of expenditure over income for the purpose of striking the rates for the 2018-19 financial year amounts to \$2,028,525 and results in an increase in revenue of \$158,573 when compared to rates levied and interim rates received in 2018-19.

Background

The Council at its Ordinary Meeting held on the 28 June 2019 resolved that it intended to impose the rate in the dollar and minimums for each of the differential rating categories as detailed above.

Statutory Environment

Local Government Act 1995

s.6.32, 6.33 and 6.36

Consultation

Nil

Comment

A letter yet to be received from the Department of Local Government, Sport and Cultural Industries stating that approval has been given to the Shire to impose differential general rates which are more than twice the lowest rate in the dollar for UV Exploration/Prospecting and Mining/Mining Tenement.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Differential General Rating 2019/2020

That Council adopts the following differential general rates for the 2019/2020 financial year.

Gross Rental Value	Rate in \$	Minimum Rate
Town Improved	7.83184 cents	\$290.00
Town Site Vacant	7.83184 cents	\$620.00

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.90787 cents	\$290.00
Mining/Mining Tenement	37.43025 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

Moved:

Seconded:

Motion put and carried:

Acting President Cr Gregory Payne requested a motion be moved to defer Items 11.3.4, 11.3.5, 11.3.6, 11.3.8 to a Special Meeting of Council to be held on Friday, 13 September 2019 commencing at 10.00 am and an extension of time for the adoption of the 2019/20 Annual Budget be requested to the minister in accordance with section 6.2(1) of the Local Government Act 1995.

It was moved by Cr Tamisha Hodder and Second by Cr Robert Grinham

COUNCIL DECISION

C2019-0806 Differential General Rating 2019/2020

That Council Defer Items -

11.3.4 Differential General Rates 2019-20

11.3.5 Payment of Rate Charge 2019-20

11.3.6 Imposition of Fees and Charges 2019-20

11.3.8 Annual Budget 2019-20

to a Special Meeting of Council to be held on Friday, 13 September 2019 commencing at 10.00 am and an extension of time for the adoption of the 2019/20 Annual Budget be requested to the minister in accordance with section 6.2(1) of the Local Government Act 1995.

Moved: Cr Tamisha Hodder

Second: Cr Robert Grinham

Motion put and carried: 4/0

11.3.5 Payment of Rate Charge 2019-20

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

The purpose of the report is for the Council to consider and impose a rate of interest on overdue rates for the 2019/20 financial year.

Background

Section 6.45 of the Local Government Act 1995 states that Rates charged may be made by single payment or a person may elect to make payment by 4 equal or nearly equal instalments, or such other method of payment by instalments as is set in the annual budget. A local Government may impose an additional charge (including an amount by the way of interest where payment of a rate charge is made by instalments).

The Shire has traditionally offered a four instalment payment option.

Financial Management Regulation 67 and 68 permits a council to impose additional charges where payment of rates is by instalments.

Section 6.50 of the Local Government Act 1995 permits a Council to determine when a rate charge becomes due and payable. The due date cannot be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Where a person elects to pay a rate charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

It is recommended that the due date of each instalment for the 2019/2020 financial year is as follows:

- 1st Instalment Monday, 14 October 2019
- 2nd Instalment Monday, 9 December 2019
- 3rd Instalment Monday, 10 February 2020
- 4th Instalment Monday, 6 April 2020

Section 6.51 of the Local Government Act permits the Council to impose on a rate or service charge that remains unpaid (including by instalments):

1. Where no election has been made to pay the rate charge by instalments due
 - (I) After it becomes due and payable; or
 - (II) 35 days after the date of issue of the rate notice whichever is the later.
2. Where an election has been made to pay the rate charge by instalments and an instalment remains unpaid after its due and payable.

Financial Management Regulation 70 states that the maximum rate of interest on overdue rates to be imposed under Section 6.51 of the Local Government Act is 11%.

It is recommended that Council impose a rate of interest of 11% to apply on overdue rates and service charges.

Section 6.45 permits a Council to impose an additional charge for the recovery of the additional cost of administration for payments made by instalment, including an amount by way of interest. Regulation 68 limits the maximum component to be imposed to be of 5.5%.

In recognition of foregone interest earnings the Shire could otherwise have achieved if rates payments were received in one payment earlier in the financial year, together with the increased administrative burden in managing multiple instalments which includes the costs of printing, postage and handling, it is recommended that the Shire apply an instalment Administration charge of \$10 (GST free). This would only be applicable to

the second/third/fourth instalment as one charge where ratepayers elect to pay by the prescribed instalment due dates, and any alternative payment plan arrangements established.

Financial Consideration

The 2019/2020 Annual Budget has included \$10,000 for the interest charge on overdue rates.

Financial Management Regulation 71 details the method of calculation of interest on overdue rates.

- 1) Interest on rates and service charges and the cost of any proceedings to recover such charges, that remain unpaid after the due date of becoming due and payable (“the due date”) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- 2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- 3) If payment is received by the local government during the period 1st July in a financial year until the annual budget for that financial year is adopted, interest referred to in sub regulation (1) for the period is to be at the interest imposed under section 6.51 (1) for the previous financial year.

The 2019/20 Annual Budget has included \$200 for charges to be divided on the instalment plan (administration charge plus rate of interest).

Statutory Environment

Local Government Act 1995

s.6.45, 6.51 and Financial Management Regulations 67, 68, 70 and 71.

Consultation

Nil

Comment

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Payment of Rate Charge 2019-20

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$10 (GST free), and interest of 5.5 %.
2. Pursuant to Section 6.51 of the Local Government Act 1995, Impose an 11% rate of penalty interest on overdue rates that remain unpaid.

Moved:

Seconded:

Motion put and carried / lost

This Item was deferred as per the resolution to report number 11.3.4

11.3.6 Imposition of Fees and Charges for 2019-20

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

The purpose of this report is for Council to give consideration to adopting the Fees and Charges detailed in the schedule of Fees and Charges incorporated in the 2019/20 Annual Budget.

Background

Pursuant to Section 6.16 of the Local Government Act 1995 and Financial Management Regulation 25, A Local Government may impose and recover a fee for a charge for any goods or services it provides or proposes to provide other than a service for which a service charge is imposed.

Notes to the Annual Budget No 16 – Fees and Charges information, details total Revenue to be derived from fees and charges for each program as required by Financial Management Regulation 25.

Statutory Environment

Local Government Act 1995s 6.16 and Financial Management Regulation 25

Consultation

Nil

Comment

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Imposition of Fees and Charges for 2019-20

That Council pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges detailed in the “Schedule of Fees and Charges” in report 2019/20 Annual Budget.

Moved:	Seconded:	Motion put and carried / lost
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This Item was deferred as per the resolution to report number 11.3.4

11.3.7 Rate Payment Incentive Scheme for 2019-2020

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	Nil

Matter for Consideration

The purpose of this report is to inform Council of the rate incentive scheme prize to ratepayers for the 2019/20 Financial Year.

Background

Council in past years approved a rate incentive scheme as an incentive for ratepayers to pay their rates by the due date in one lump sum by way of a \$1,000.00 cash payment.

The sum of \$1,000.00 has been allocated in the 2019/20 Annual Budget for an early incentive payment.

The following prize is offered by the Shire:

Cash prize of \$1,000.00 to the first drawn of the ratepayers who have paid their rates by the due date and in one lump sum.

Statutory Environment

Nil

Consultation

Nil

Comment

Nil

Voting Requirements

Simple Majority

Officer Recommendation

C2019-0807 Rate Payment Incentive Scheme for 2019-20

That Council:

- 1. Receive Report No 6.1.4 Rate Payment Incentive Scheme for 2019/20**
- 2. The draw for the prizes to be conducted on Friday, 1st November 2019.**

Moved: Cr Gail Trenfield

Seconded: Cr Tamisha Hodder

Motion put and carried: 4/0

11.3.8 2019-20 Annual Budget

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	2019-20 Annual Budget

Matter for Consideration

The purpose of this report is for Council to give consideration and adopt the 2019/20 Annual Budget.

Background

The 2019/2020 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and Financial Management Regulations Part 3, Regulations 22 to 33.

DETAILS

The 2019/2020 Annual Budget comprises the following information, which is contained in the Budget Booklet:

- Budget Statement of Comprehensive Income for the year ending 30 June 2020
- Budget Rate Setting Statement for the year ending 30 June 2020
- Budget Cash flow Statement for the year ending 30 June 2020
- Budget Financial Activity Statement for the year ending 20 June 2020

Notes to the Annual Budget:

- 1) Significant Accounting Policies
 - 2) Operating, Revenues and Expenses
 - 3) Descriptions of Functions/Activities
 - 4) Operating, Revenues and Expenses
 - 5) Cash
 - 6) Disposal of Assets
 - 7) Borrowing Information
 - 8) Reserves
 - 9) Cash Flow Information
 - 10) Trust Fund Information
 - 11) Comparison with Rate Setting Budget
 - 12) Rating Information
 - 13) Service Charges
 - 14) Information about Discounts, Incentives, Concessions and Write Offs
 - 15) Interest Charges for the Late Payment of Rate Charges
 - 16) Fees and Charges Information
 - 17) Investments
 - 18) Council Members – Fees, Expenses and Allowances
 - 19) Depreciation and Non- Current Assets
 - 20) Major Land Transactions
 - 21) Joint Venture
 - 22) Trading Undertakings
 - 23) Capital and Leasing Commitments
 - 24) Financial Instruments
 - 25) Position at Commencement of Financial Year
 - 26) Acquisitions of Assets
- Schedule of Fees and Charges

Statutory Environment

Section 6.2 of the Local Government Act 1995 and Financial Management Regulations 22 to 33

Consultation

Nil

Comment

The 2019-20 Annual Budget has been prepared pursuant to the requirements of Section 6.2 of the Local Government Act 1995 and the Financial Management Regulations 22 to 33.

Voting Requirements

Absolute Majority

Officer Recommendation

2019-20 Annual Budget

That Council:

- (1) Pursuant to Section 6.2 of the Local Government Act 1995 and Financial Management Regulation Part 3, Regulation 22 to 33, adopts the following Annual Budget as attached hereto.**
- (a) Budget Statement of Comprehensive Income for the year ending 30 June 2020**
- (b) Budget Rate Setting Statement for the year ending 30 June 2020**
- (c) Budget Cash Flow Statement for the year ending 30 June 2020**
- (d) Budget Financial Activity Statement for the year ending 30 June 2020**
- (e) Notes to the Annual Budget, being:**
 - 1) Significant Accounting Policies**
 - 2) Operating, Revenue and Expenses**
 - 3) Descriptions of Functions/Activities**
 - 4) Operating, Revenues and Expenses**
 - 5) Cash**
 - 6) Disposal of Assets**
 - 7) Borrowing Information**
 - 8) Reserves**
 - 9) Cash Flow Information**
 - 10) Trust Fund Information**
 - 11) Comparison with Rate Setting Budget**
 - 12) Rating Information**
 - 13) Service Charges**
 - 14) Information about Discounts, Incentives, Concessions and Write Offs**
 - 15) Interest Charges for the Late Payment of Rate Charge**
 - 16) Fees and Charges Information**
 - 17) Investments**
 - 18) Council Members – Fees, Expenses and Allowances**
 - 19) Depreciation on Non- Current Assets**
 - 20) Major land Transaction**
 - 21) Joint Venture**
 - 22) Trading Undertakings**
 - 23) Capital and leasing Commitments**
 - 24) Financial Instruments**
 - 25) Position at Commencement of Financial Year**
 - 26) Acquisitions of Assets**
- (g) Schedule of fees and Charges for 2019/20**

Moved:

Seconded:

Motion put and carried / lost

This Item was deferred as per the resolution to report number 11.3.4

11.3.9 Write-off Rates Outstanding

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	25 August 2019
Attachments	Nil

Matter for Consideration

That Council give consideration to the write off of outstanding rates amounting to \$189,940.87.

Background

Council through its Solicitors Civic Legal have been negotiating a settlement for rates outstanding with Living Cities Development Group.

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Business Implications

Nil

Consultation

Nil

Comment

Living Cities Development Group went into Administration and the Shire received the following payments

- \$150,895.66 In November 2018. Shire a secured party.
- \$17,605.02 In January 2019 By way of a final dividend.

Rates outstanding by Living Cities Development Group is summarised as follows;

Rates owing as at 1st July 2016 **\$350,129.81**

Plus interest charges accrued	\$8,311.74
Less paid November 2018	\$150,895.66
Less paid January 2019	<u>\$17,605.02</u>
Balance to be written off	<u>\$ 189,940.87</u>

Voting Requirements

Simple Majority

Consultant Dominic Carbone explained in further detail the need for the amount to be written off.

OFFICER RECOMMENDATION / COUNCIL DECISION

C2019-0808 Write-Off Rates Outstanding

That Council pursuant to Section 6.12 (1) (2) of the Local Government Act 1995 write off the following outstanding rates:

Living Cities Development Group \$ 189,940.87 for rate assessment numbers 401, 402, 403, 1321, 1440, 1474 and 1837.

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 23 August 2019

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
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	Matter considered at the June 2019 Meeting Consultants advised of that no amendments were required. Consultants are finalising documents for the November Meeting for council to endorse.
31 May 2019		That Council Defer the consideration of the report to the June 2019 Ordinary Council Meeting	

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
26 October 2018	Shire of Yalgoo Tourism Advisory Committee	Council resolved to establish the Advisory Committee and appointed the CEO and Crs. Gail Trenfield and Tamisha Hodder	Committee is formed with one vacancy from the community still to be filled. Complete.
31 January 2019 31 May 2019	House Safety of Lot 220, 82 Piesse Street Yalgoo	That Council Requests the CEO to investigate the safety of the house owed by Timothy Simpson and Gloria Merry at lot 220, 82 Piesse Street, Yalgoo. Council accepted the report of the EHO and requested the CEO and EHO to meet with the owner to address the problem areas	Further inspections planned for September with EHO.
31 May 2018	Appointment of CEO	Process to be managed by the Shire President and outgoing CEO and assisted by a selected recruitment agency.	In progress.
31 May 2019	Review of Draft shire of Yalgoo Employee Orientation and Human Resources Manual	That the Shire Consultants LG People and Culture Workforce and Management Services be advised on any changes	Included in item 1 above.
26 July 2019	New Road Access and Public Benefit Agreement	CEO Draft new road access and Public Agreement (PBA) with Top Iron at their expense for Council to approve.	Top Iron have received the letter detailing our requirements and council decision. Meeting to be held with a T/I representative on the 27 th August.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 23 August 2019

That Council:

Receives Report N^o 11.4.1 Report on Matters Outstanding as at 23 August 2019.

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried:

Consultant Dominic Carbone explained CEO Silvio had commented on the outstanding matters.

Acting President Gregory Payne enquired about the Shire of Yalgoo Tourism Advisory Committee and asked if the vacant position was filled as it states completed.

Cr Gail Trenfield and Cr Tamisha Hodder stated only one meeting was held.

Cr Tamisha Hodder enquired to the Outstanding Matter dated 31 January 2019 House Safety of Lot 220, 82 Piesse Street Yalgoo and asked why two houses are being assessed by the Shire when there is on one address listed above for the safety check.

Consultant Dominic Carbone advised Council can request an updated for September's Ordinary Council Meeting in relation to the safety checks on the two properties.

AMENDMENT / COUNCIL DECISION

C2019-0809 Report on Matters Outstanding as at 23 August 2019

That Council:

- 1. Receives Report N^o 11.4.1 Report on Matters Outstanding as at 23 August 2019.**
- 2. Request a further report to be presented to Council at its September 2019 Ordinary Meeting of Council in relation to the two properties located on Piesse Street.**

Moved: Cr Robert Grinham

Seconded: Cr Gail Trenfield

Motion put and carried: 4/0

11.4.2 CA07 Application – Grime Haulage – Wanarra East Road

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	23 August 2019
Attachments	- CA07 Application

Matter for Consideration

To consider an application received from Grime Haulage to operate restricted access vehicles along the Wanarra East Road from Mt Gibson Extension Hill for 5 Kilometres.

Background

Restricted Access Vehicles (RAV) categories are grouped into assessment levels. The current Main roads network classification for the Wanarra East Road is as follows;

- RAV 10 / AMMS level 3 and Tri Drive Network 5:3.

Statutory Environment

Shire of Yalgoo Policy Manual V2.1

13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads)

Introduction Main Roads WA issues road network use permits for RAV (restricted access vehicles). Where the road network includes Shire road/s, a local government can impose a condition, called a CA07 condition, for RAVs that requires the operator to carry written approval from the LG authority permitting use of the road.

Objective This policy is intended to provide guidance as to:

- Placement of CA07 condition for RAV access on Shire roads
- The method of application
- Which applications the CEO can determine, and which must be submitted to Council for determination.

<i>History</i>	Adopted	28 May 2013 (C2013-0506)
	Former Policy	Nil
	Amended / confirmed	

Policy Statement

The Shire maintains its road network in accordance with Policy 13.3 Road Asset Management Priorities.

1. The CEO of the Shire is authorised to apply CA07 conditions on Shire roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avert financial losses through heavy vehicle damage.
2. Where a CA07 condition exists, RAV operators must complete and lodge a written application on the Shire’s CA07 application form and pay the CA07 processing fee. Operators must provide all information detailed on the form, and additional information where requested.
3. The CEO of the Shire of Yalgoo is authorised to determine the outcome of applications where the total tonnage is 50,000 per annum or less.
 - (i) Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.

4. For applications exceeding 50,000 tonne per annum, the application must be submitted to Council for consideration and must contain a full proposal from the operator including, but not limited to:

- Vehicle movements
- Operational controls
- Contribution to road maintenance
- Capital investment
- Asset replacement
- Consultation with other stakeholders

13.5 Road Use (RAV Haulage) Agreements Policy

<i>Introduction</i>	<p><i>The Shire of Yalgoo manages over 1,000 kilometres of local roads, of which the majority are gravel. As at May 2013 less than 200 kilometres of Shire roads are sealed, and most seal is only single lane.</i></p> <p><i>The Shire constructs, maintains and renews these road assets for low volume general traffic with funding from rates, local government financial assistance grants (FAGS), Main Roads through the regional roads group and federal funding through the Roads to Recovery program.</i></p> <p><i>Some of the roads on the Shire’s network are classified under the Main Roads WA network for Restricted Access Vehicles (RAV).</i></p> <p><i>RAV traffic (ie: multi-trailer heavy vehicles) results in significantly increased cost to maintain the road asset, particularly if the road construction is not engineered to sustain such traffic. Wear and tear increases proportionally with the vehicle length, number of trailers, axle combinations and weight of the load carried.</i></p> <p><i>Requests from mines to haul on Shire roads have increased exponentially with multiple potential users in particular for the Yalgoo Ninghan Road.</i></p> <p><i>It is important that the Shire receives adequate compensation from these users to ensure that the Shire can fund construction, maintenance and renewal of its affected road assets.</i></p>
<i>Objective</i>	<p><i>This policy establishes the common factors for Road Use (RAV Haulage) Agreements between the Shire and the road user to enable the Shire to process requests efficiently and consistently; and to secure funding from road users to construct, maintain and renew the Shire’s affected road assets to an appropriate standard of safety and access.</i></p>
<i>Cross Reference 13.4</i>	<p><i>This policy should be read in conjunction with 13.4 Assessment of CA07 Applications (Restricted Access Vehicles on Shire roads).</i></p>
<i>Type (Council or Operational)</i>	<p><i>Council Strategic Policy</i></p>
<i>History</i>	<p><i>Adopted 23 May 2013 by Council decision C2013-0504</i></p>

Policy Statement

1. Council is committed to maintaining its road assets in accordance with the integrated long term financial and asset management plans and associated policies including 13.3 Road Asset Management Priorities.
2. In principle, Council maintains its road assets for general use, and does not have funding to construct or maintain road assets for heavy haulage by Restricted Access Vehicles (RAV).

3. *Where road users apply to Council for a CA07 authority to operate Restricted Access Vehicles on roads in the Shire of Yalgoo that are classified under the Main Roads WA permit network, Council may require the user to enter into a Road Use (Restricted Access Vehicle Haulage) Agreement with the Shire.*
4. *The Agreement will be a legally binding contract in a standard format that will be developed and updated from time to time under professional advice from the Shire’s engineers and lawyers.*
 - *Council approval is required if the applicant makes any material modification to the standard agreement.*
5. *Council will require the other party to the Agreement to bear all costs associated with the Agreement including but not limited to legal fees involved in entering into the agreement, and the cost of all professional and engineering advice.*
6. *The Agreement will cover the following minimum provisions:*
 - *Pework: road works that the user agrees to fund and complete before the haulage task commences, in order to prepare the road for the haulage task. The specification for such tasks will be established by the Shire in consultation with engineers and Main Roads as required.*
 - *Safety Management Plan: the user will be required to prepare and lodge a road safety risk assessment and management plan to the Shire for all of the route that is in the Shire (ie: this will include roads under control on Main Roads WA as well as Shire roads).*
 - *Bank Guarantee: the Agreement will stipulate lodgement by the user of a bank guarantee, in an amount that is equal to 50% of the estimated annual haulage task payment. The minimum bank guarantee will be \$200,000 and the maximum will be \$500,000 unless otherwise authorised by Council.*
 - *Rate: the user will pay to the Shire the amount of 1.26 cents per kilometre per tonne. This rate has been established as at May 2013 in consultation with WALGA using statistics and methodology aligned with Austroads. The rate will be reviewed annually through the Shire’s annual fees & charges setting process, and the Agreement will provide for earlier review of the rate should the amount prove insufficient to maintain the road to an adequate standard.*
 - *Payment: the user will calculate and pay the amount to the Shire in advance at intervals of no less than quarterly. The first payment will be non refundable in its entirety.*
 - *Adjustments: the user will provide a report to the Shire after each year of haulage showing the total tonnes and kilometres, supported by documentary evidence (eg: reports to Main Roads, rail/port statistics), against which under/over adjustments will be made in the following invoice.*
 - *Community Benefit: Council and community believe in principle that mining activities should return a direct benefit to local communities. The Agreement will therefore state how the user will contribute to the Shire’s community programs and/or community infrastructure for the long term benefit of residents of the Shire.*
7. *The Shire will expend no more than 70% of the funds received by users on construction and maintenance of the road, and will deposit a minimum of 30% in a reserve for the purpose of future renewal of the road asset.*
8. *Where relevant the Shire may convene, or request the user to convene, user group/s for the purpose of establishing forward works programs on the affected roads and to identify and address safety issues.*
9. *The costs of administering road use agreements will be apportioned to the cost of maintaining the road; and the Shire executive may elect to engage external professional services to administer the agreements.*

– End of Policy

Financial Implications

Nil

Strategic Implications

Nil

Consultation

Nil

Comment

The CA07 application has been received from Grime Haulage, the issue of the permit by the Shire be subject to the payment of the relevant processing fee and recovery costs.

The approval will require the RAV Haulage Road User Fee of 1.26 cents per tonne/ per km for the length of road within the Shire of Yalgoo.

Voting Requirements

Simple Majority

Consultant Dominic Carbone explained the report in further detail.

OFFICER RECOMMENDATION / COUNCIL DECISION

C2019-0810 CA07 Application – Grime Haulage – Wanarra East Road

That Council:

- 1. Inform Grime Haulage that it has approved its Restricted Access Vehicles / CA07 Application to have access to the Wanarra East Road for haulage purpose, utilising the quad road train subject to any conditions to be applied and the payment of the RAV Haulage Road User Fee of 1.26 cents per tonne/ per km for the length of road within the Shire of Yalgoo.**
- 2. Subject to (1) above the CEO be authorised to sign and issue the RAV Permit.**

Moved: Cr Tamisha Hodder

Seconded: Cr Robert Grinham

Motion put and carried: 4/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

13. URGENT BUSINESS

13.1 Appointment of Acting CEO after 30 October 2019

The Deputy President Gregory Payne informed Council that it is in the best interest of the council that the appointment of a CEO be deferred and an acting CEO be appointed for a period of 6 month but no greater than 12 months.

Council was informed in relations to the applications received for the CEO’s position.

Acting President Cr Gregory Payne enquired in relation to the commencement date for the Acting CEO to allow for the handover by the outgoing CEO.

COUNCIL DECISION

C2019-0811 Appointment of Acting CEO

That Council

- 1. Defer the appointment of a CEO and proceed with the appointment of a Acting CEO**
- 2. Subject to (1) above that Logo Appointments be instructed to continue their engagement to appointing an Acting CEO**
- 3. Subject to (2) above that logo appointments be requested to liaise with the Acting President Cr Gregory Payne.**

Moved: Cr Robert Grinham

Second: Tamisha Hodder

Motion put and carried: 4/0

13.2 Yalgoo Primary School Request for the use of the Sports Complex (Core Stadium and Oval)

This matter has been subject to a question from the Principle Mrs Ellie Tompsett, during Public Question Time as a matter of urgency the use of the facility by the School on the 4 September 2019 to conduct the Clontarf Football Academy Clinic and on the 19th or 24th September 2019 for the conduct of the School Sports Carnival on the basis that Next Ordinary Council Meeting will be held on 27 September 2019.

Declaration of Interest: Gail Trenfield declared a full interest in the matter and left the meeting at 11.57 am.

COUNCIL DECISION

C2019-0812 Yalgoo Primary School Request for the use of the Sports Complex (Core Stadium and Oval)

That Council

1. Grant approval for the Yalgoo Primary School to use the Sports Complex (Core Stadium and oval) on the 4th September 2019 for the conduct of the Clontarf Football Academy clinic, and for the 19th or 24th September 2019 for the conduct of the School Sports Carnival.
2. Subject to (1) above no hire fees to be imposed.

Moved: Robert Grinham

Second Tamisha Hodder

Motion put and Carried 3/0.

ATTENDANCE: Cr Gail Trenfield returned to the meeting 12.07 pm and was informed of Council decision.

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.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held at Paynes Find Community Centre, Paynes Find on Friday 27 September 2019 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the Ordinary meeting closed at 12.08 pm

DECLARATION

These minutes were confirmed at the Ordinary Council Meeting held on the 27 September 2019.

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