



**UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
THURSDAY 19 MARCH 2015
AT 11:00 AM**

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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 19 March 2015, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham declared the Ordinary Meeting open at 11.32am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

| | |
|------------------|---|
| MEMBERS | Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Stanley K Willock Cr Adam B Fawkes Cr Percy Lawson |
| STAFF | Silvio Brenzi, Acting Chief Executive Officer (ACEO) Karen Malloch, Executive Assistant (EA) |
| GUESTS | Sergeant Ivan Davies, Yalgoo Police |
| OBSERVERS | |
| LEAVE OF ABSENCE | |
| APOLOGIES | Cr Robert W Grinham |

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Disclosures of proximity interest made before the Meeting:

Item 12.1.4 Cr Percy Lawson disclosed a proximity interest in this item.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

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

5.0 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).

Note: *Introduction of Sergeant Ivan Davies.*

The Shire President Neil Grinham introduced Sergeant Ivan Davies, whom has recently arrived in Yalgoo to take over the position of Yalgoo Police Sergeant.

Sergeant Davies gave a brief overview of his experience in other remote communities, including ten years in Kintore, Northern Territory, South Hedland and Halls Creek; his understanding of different tribal laws and living in Aboriginal communities.

Sergeant Davies' focus is on immediate attendance to issues and to assist the public. His office is always open to anyone who has anything they wish to discuss.

Sergeant Davies will shortly be joined in Yalgoo by Police Officer Brigham Dennison, whom he has previously worked with for ten years. Officer Dennison is a keen sportsman and experienced in working with young people.

Sergeant Davies left the meeting at 11:57am.

6. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 To consider a matter that is closed to the members of the public under s5.23 (2) (f) (i)

NOTE: *The agenda item and recommendation were provided under separate cover. The agenda item contained a comment that Council may wish to close the meeting to the public to discuss.*

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

8.1 PRESIDENT

Date

| | | | |
|---|----------------------------|--|---|
| Tuesday 10 th February 2015 | Carnarvon | Opening Vince Catania's Office Carnarvon | Cr's NA Grinham RW Grinham, SK Willock, MR Valenzuela |
| Wednesday 25 th February 2015 | Perth | Bank of IDEAS Workshop | Cr's NA Grinham, MR Valenzuela |
| Tuesday 10 th March 2015 | Mt Magnet | RRG Sub /MRVC | Cr's NA Grinham RW Grinham, Silvio Brenzi, ACEO |
| Wednesday 11 th March 2015 | Yalgoo Council Chambers | Policy Committee Meeting | Cr's MR Valenzuela AB Fawkes, NA Grinham RW Grinham, PJ Lawson SK Willock, Marg Helmsley, Silvio Brenzi, ACEO |
| Wednesday 18 th March 2015 | Yalgoo | Regional Development Officer Mid West Meeting Child Care Aus (early learning and care) | Cr's NA Grinham, PJ Lawson, Silvio, ACEO |

8.2 COUNCILLORS

Date

Details

Councillors

| | | |
|--|--|--|
| | | |
|--|--|--|

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0301 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on Thursday 19 February 2015 be confirmed.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

9.2 SPECIAL COUNCIL MEETINGS

Background

Minutes of the following Special Meetings of Council have previously been circulated to all Councillors:

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0302 Minutes of the Special Meeting held on Wednesday 11 March 2015.

That the Minutes of the Special Council Meeting held at Wednesday 11 March 2015 be confirmed.

Moved: Cr SK Willock

Seconded: Cr PJ Lawson

Motion put and carried 5/0

10. MINUTES OF COMMITTEE MEETINGS

Attendance: 12:14 am Silvio Brenzi, ACEO left the meeting.

Attendance: 12:17 am Silvio Brenzi, ACEO returned to the meeting.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.0 Technical Services Report March 2015

| | | | |
|--------------------|-------------------------|----------------------------------|--|
| File: | | | |
| Author: | Silvio Brenzi, DCEO | | |
| Interest Declared: | No interest to disclose | | |
| Date: | 2015 | | |
| Attachments | P1 | Technical Services Report (Blue) | |

Matter for Consideration

That council note the Technical Services report for March 2015.

Background

A monthly update is provided to council on works planned or completed to keep members informed of the issues and progress of operational matters.

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.

Business Implications

| | |
|---------------------------------------|--|
| Strategic Community Plan | |
| Corporate Business Plan | |
| Long Term Financial Plan | |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Consultation

Silvio Brenzi, DCEO

Comment

The attached report highlights various items that are underway within the Shire. The report can be discussed by the DCEO to clarify and expand on the listed items and answer related questions.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0303 Technical Services Report

That Council note the Technical Report for March 2015.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No Report.

ADJOURNMENT: *Lunch 1:09pm – 1:46pm.*

The meeting adjourned for lunch at 1:09pm.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:46pm.

Remaining in the meeting were:

Cr Neil A Grinham, Shire President;

Cr M Raul Valenzuela, Deputy Shire President;

Cr Stanley K Willock;

Cr Adam B Fawkes;

Cr Percy Lawson;

Silvio Brenzi, Acting Chief Executive Officer (ACEO);

Karen Malloch, Executive Assistant (EA).

11.3 FINANCE

11.3.1 Budget Amendment – Depot Security

| | |
|-------------------------|--|
| File: | |
| Author: | Heather Boyd, Executive Manager, Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 26 February 2015 |
| Attachments (yellow) | Nil |

Matter for Consideration

To approve a budget amendment to allow for the recognition of a Safety, Security and Asset Protection grant which contributes to the Security Fencing and CCTV camera installation at the Yalgoo Depot.

Background

The budget for 2014/15 included capital work to install security fencing and CCTV systems at the Shire depot to reduce incidents of unauthorised entry into the depot. This grant will in addition to the existing capital budget and will complement the planned security.

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.

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Additional expenditure of \$22,500 on a capital purchase which is offset by a grant from the Community Engagement Division, Judicial Services of the Western Australian Police.

Consultation

- Silvio Brenzi Acting CEO

Comment

The project will provide security through monitoring of an area with Police, Shire and private residences and where there has been significant antisocial behaviour. The Shire will install 7 CCTV cameras to monitor the whole area, being the depot. Using this system the data will be transmitted wirelessly to the Shire administration building which maintains the recording device.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0304 Budget Amendment Depot Security

That Council:

Authorise a capital budget amendment of \$22,500 to be used for Security Fencing and CCTV systems at the depot which is to be funded from a grant for Crime Prevention.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried by Absolute Majority 5/0

11.3.2 Differential Rating 2015/16

| | |
|-------------------------|---|
| File: | |
| Author: | Heather Boyd, Executive Manager Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 26 February 2015 |
| Attachments (yellow) | Nil |

Matter for Consideration

Determination of the rate in the dollar and the minimum rates of the various differential and specified rates, are rate categories for the 2015/16 financial year.

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 values.

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 the past Council has adopted a differential rating strategy and currently has four rating categories being residential, pastoral, mining, exploration/prospecting.

The annual differential rating proposal is to be advertised for public comment for a period of 21 days prior to its adoption by Council. Should Council adopt these differential rates at the Ordinary Meeting on 19 March 2015, the intention is to advertise the proposed rates in the Western Australian on the Saturday 2 May 2015. Submissions from ratepayers and electors would be invited to be received up to noon Monday 25 May 2015. If any submissions are received, Council is required to consider them. Submissions will be considered at the June 2015 Ordinary Council Meeting. If there are no submissions received then approval will be sought from the Minister to impose the differential rates.

As Council has a differential rate that is more than twice the lowest differential rate imposed, approval from the Minister for Local Government and Regional Development must be obtained before these rates are formally adopted by Council. The approval of the Minister will be sought towards the end of the public consultation phase in order to obtain feedback prior to the June 2015 Ordinary Council Meeting.

Once Council has advertised for the required time, processed any submissions from ratepayers and Ministerial approval has been granted, Council can then adopt the budget. As required by the Local Government Act 1995 the budget must be adopted by 31 August.

As in previous years, the justification for the higher minimum rate on vacant land is related to land supply issues. Development of the town is restricted by a lack of land available, especially for housing. Housing is still in critically short supply and Council is trying to address this by building houses and ensuring blocks are available for building. Vacant lots in Yalgoo are predominantly owned by absentee owners who it appears have little plans of developing them. The intention of the continued high minimum rates for vacant blocks is to clearly indicate Council's desire to pursue its goal to have town blocks developed. The purpose of the greater minimum rates is motivational rather than based on revenue considerations. We believe that this course of action will provide motivation to the owners of vacant land needed for development either to

improve their properties by the construction of dwellings or other buildings, or to sell them to people who are willing to implement such improvements.

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

Ensure that the Local Government raises rates to generate revenue to fund operating expenditure.

Rates Revenue as per the Long Term Financial Plan

Rate revenue is forecast to increase with an inflator of 16.1% in the first year due to a significant increase in the mining rate in 2013/14 and increase by 4.7% in year's two to four and 5.2% in subsequent years (3.2% Inflation and an additional 12.8% in 2013-14, 1.5% in year's two to four and then 1.5% in subsequent years for service growth). Rates are expected to generate \$1.7m in 2013-14 increasing to \$3.5m in 2027-28.

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. However, it is allowed to adopt a budget that has a deficit that does not exceed 10% of its rates revenue.

For the 2015/2016 draft Budget it is proposed to impose a 4.7% rates increase as per the Long Term Financial Plan which is a total of \$1,819,696 to be raised from GRV property and UV area rates.

Consultation

Comment

Determining the Percentage Increase for Property Rates

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.

| OTHER COUNCIL DIFFERENTIAL MINING RATES | | | |
|--|------------------|------------------|------------------|
| | 2014/2015 | 2013/2014 | 2012/2013 |
| Cue | 28.83 | 26.83 | 26.00 |
| Morawa | 45.00 | 45.00 | 45.00 |
| Mt Magnet | 28.9255 | 28.08 | 27.27 |
| Perenjori | 33.3118 | 31.73 | 30.00 |
| Average | 34.01 | 32.91 | 32.07 |
| Yalgoo | 35.75 | 35.75 | 31.09 |

The Shire of Yalgoo Long Term Financial Plan allowed for a rate increase of 4.7% in the 2015/16 financial year. This varies from previous rate setting statements where rates were determined by the Local Government Cost index as per Council Policy 7.5 (2) – Using Local Government Cost Index (LGCI), calculate rate yield based on the previous years rate in the dollar or in a revaluation year, calculate rate yield on the previous years rate yield.

The minimum rates were calculated at 3% and were then rounded up to the nearest \$10. A comparison of the 3% rates against a rate of 4.7% is included with the difference in the yield would be an additional \$29,602 earned at 4.7%.

| RATE CATEGORY | BASIS | 2014/2015 (cents in dollar) | 2014/2015 Minimum \$ | Rate cents in \$ (3%) | Proposed 2015/2016 Minimum | Proposed 2015/2016 as per LTFP (cents in dollar) (4.7%) |
|----------------------------|--------------|--|-------------------------------------|--------------------------------------|---|--|
| Town Improved | GRV | 7.12 | 260 | 7.3336 | 270 | 7.45464 |
| Town Vacant | GRV | 7.12 | 600 | 7.3336 | 620 | 7.45464 |
| Pastoral/Rural/Special Use | UV | 6.28 | 260 | 6.4684 | 270 | 6.57516 |
| Mining/Mining Tenement | UV | 35.75 | 260 | 36.8225 | 270 | 37.43025 |
| Exploration/ Prospecting | UV | 18.99 | 260 | 19.5597 | 270 | 19.88253 |

Determining the Yield from Property Rates

DRAFT RATE MODEL 2015/2016 - Based on 3% increase.

| <u>RATE CLASSIFICATION</u> | <u>NO OF PROPERTIES</u> | <u>MINIMUMS</u> | <u>YIELD \$</u> |
|------------------------------|-------------------------|-----------------|------------------|
| Town Improved (GRV) | 36 | 2 | 21,372 |
| Town Unimproved (GRV) | 12 | 12 | 7,440 |
| Mining/Mining Tenement (UV) | 160 | 30 | 1,516,292 |
| Exploration/Prospecting (UV) | 190 | 74 | 184,828 |
| Pastoral/Rural (UV) | <u>25</u> | <u>3</u> | <u>60,161</u> |
| | <u>423</u> | <u>121</u> | <u>1,790,094</u> |

Of this total \$28,812 is obtained from GRV properties and \$1,761,282 from UV properties

DRAFT RATE MODEL 2014/2015 - Based on 4.7% increase.

| <u>RATE CLASSIFICATION</u> | <u>NO OF PROPERTIES</u> | <u>MINIMUMS</u> | <u>YIELD \$</u> |
|------------------------------|-------------------------|-----------------|------------------|
| Town Improved (GRV) | 36 | 2 | 21,726 |
| Town Unimproved (GRV) | 12 | 12 | 7,560 |
| Mining/Mining Tenement (UV) | 160 | 30 | 1,541,335 |
| Exploration/Prospecting (UV) | 190 | 74 | 187,919 |
| Pastoral/Rural (UV) | <u>25</u> | <u>3</u> | <u>61,156</u> |
| | <u>423</u> | <u>121</u> | <u>1,819,696</u> |

Of this total \$29,286 is obtained from GRV properties and \$1,790,410 from UV properties

Voting Requirements #1

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2015-0305 Differential Rating 2015/2016 - Advertising

That Council advertises its intention in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2015/2016 financial year:

| Rate Category | Basis | 2015/2016 Rate Cents in the dollar | 2015/2016 Minimum \$ |
|---------------------------|-------|---------------------------------------|-------------------------|
| Town Improved | GRV | 7.45464 | 270 |
| Town Vacant | GRV | 7.45464 | 620 |
| Pastoral/Rural | UV | 6.57516 | 270 |
| Mining/Mining Tenement | UV | 37.43025 | 270 |
| Exploration/Prospecting | UV | 19.88253 | 270 |

Moved: Cr MR Valenzuela Seconded: Cr PJ Lawson Motion put and carried by Absolute Majority 4/1

Note: Deputy Shire President Raul Valenzuela, wished to note his objection to Item 11.3.2 (C2015-0305)

Voting Requirements #2

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2 – LAY ON THE TABLE

C2015-0306 Differential Rating 2015/2016 – Application to Minister

That application be made to the Minister for approval to adopt differential rating and rates in the dollar that exceed the 2:1 immediately following the close of the submission period subject to no submissions being received.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion Lay on the Table

Councillors discussed the eight DEC properties in the Shire of Yalgoo, which don't incur rates but share the responsibility of road use and maintenance due to Tourism and associated development.

11.3.3 Rubbish Collection Charge Draft Budget 2015/2016

| | |
|--------------------|---|
| File: | |
| Author: | Heather Boyd, Executive Manager Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 26 February 2015 |
| Attachments | Nil |

Matter for Consideration

Determine Rubbish Collection charge for the 2015/2016 draft budget.

Background

The Health Act permits Council to charge for rubbish collection services.

Statutory Environment

Local Government Act 1995

s.6.16 – Fees and charges

Financial Management Regulations, 1996 –

r.24, 25 – Setting of fees and charges

Health Act 1911 –

s.11 – Health rates and charges

Strategic Implications

Nil

Policy Implications

NA

Financial Implications

Rubbish Collection charges – nominal amount of income to the Shire that offsets the cost of providing a rubbish collection service

Consultation

Comment

The 2014/15 Budget for domestic and commercial bin collection was adopted at \$240 per bin, excluding GST.

Council is recommended to increase the rubbish collection fee by the Consumer Price Index (CPI). The CPI for 2014 is 2.8%.

\$240 increased by 2.8% = \$246.72, suggest rounding to \$250.

Modelling the rate of \$250 per bin results in 2015 budgeted income of \$12,000, comprised of \$9,000 from domestic and \$3,000 from commercial collections.

Rubbish collection charges are collected through the Rate Statement system.

Roadside collection of waste is exempt from GST under the Australian Taxation Office ruling, Division 81. However fees charged to enter a waste facility, e.g. fees charged to go to the Tip (note that the Shire of Yalgoo does not charge this fee) are subject to GST.

It is anticipated that the cost of rubbish removal by Council for the financial year ended 30 June 2015 will be approximately \$51,000.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0307 Rubbish Collection Charge Draft Budget 2015/2016

That Council adopt a flat charge per bin of \$250 (domestic and commercial) for the 2015/2016 draft budget.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

11.4 ADMINISTRATION

11.4.1 Conference Attendance

| | |
|-------------------------|--|
| File: | |
| Author: | Heather Boyd, Executive Manager, Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 9 March 2015 |
| Attachments (yellow) | P1 |

Matter for Consideration

For Council to approve the Shire President and CEO attendance at the 2015 LGMA National Congress and Business Expo to be held in Darwin from 29 April to 1 May 2015.

Background

The Shire President and CEO have received an invitation to attend the LGMA National Congress and Business Expo to be held in Darwin from 29 April to 1 May 2015.

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.

Business Implications

| | |
|--|--|
| Strategic Community Plan | |
| Corporate Business Plan | |
| Long Term Financial Plan | |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Consultation

Comment

The approximate cost of the Shire President and CEO attending the conference are as follows:

Conference Registration Fees

| | |
|------------|----------|
| Member | 1,575.00 |
| Non-member | 1,875.00 |

Accommodation

| | |
|-------------------|----------|
| 2 people 5 nights | 3,290.00 |
|-------------------|----------|

Flights

| | |
|--------------------------|----------|
| Perth to Darwin 2 people | 1,256.00 |
| Darwin to Perth 2 people | 1,256.00 |

Meals - 2 people

| | |
|-------------------------------|----------------------------------|
| Breakfast \$20 per day | 200.00 |
| Lunch \$30 per day | 300.00 |
| Dinner \$100 per day | 1,000.00 |
| Incidentals | <u>500.00</u> |
| Total Approximate Cost | <u><u>\$11,252.00</u></u> |

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0308 Conference Attendance

That Council approve the Shire President and CEO attendance at the LGMA National Congress and Business Expo to be held in Darwin 29 April to 1 May 2015.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 4/1

11.4.2 Policy Committee Meeting Date

| | |
|-------------------------|---|
| File: | |
| Author: | Heather Boyd, Executive Manager Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 11 March 2015 |
| Attachments (yellow) | Nil |

Matter for Consideration

For Council to nominate a date for the meeting of the Policy Committee.

Background

Following up from a meeting with Margaret Hemsley from RISKID, a Policy Committee meeting is to be held for the purpose of working through the policy manual.

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.

Business Implications

| | |
|--|--|
| Strategic Community Plan | |
| Corporate Business Plan | |
| Long Term Financial Plan | |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Consultation

Comment

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0309 Policy Committee Meeting Date

That Council has a Policy Committee Meeting on Wednesday 22 April 2015 at 9:00am.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

11.4.3 Reinstatement of Flag Pole and Flying New Zealand Flag

| | |
|-------------------------|---|
| File: | |
| Author: | Heather Boyd, Executive Manager Corporate and Community |
| Interest Declared: | No interest to disclose |
| Date: | 9 March 2015 |
| Attachments (yellow) | Nil |

Matter for Consideration

That Council agrees to the reinstatement of the old flag pole and flying of the New Zealand Flag for the ANZAC day commemoration.

Background

When the Shire of Yalgoo War Memorial was built, the old flag pole was removed and relocated to the Memorial along with two other flag poles. These flag poles were to be used to fly the Australian Flag, the State of WA Flag and the Aboriginal Flag. It is now proposed to reinstate the old flag pole in time for the ANZAC day 100th anniversary commemoration of the troops landing at ANZAC Cove.

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.

Business Implications

| | |
|--|--|
| Strategic Community Plan | |
| Corporate Business Plan | |
| Long Term Financial Plan | |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Consultation

Silvio Brenzi, CEO

Comment

Anzac Day is one of Australia's most important national commemorative occasions. It marks the anniversary of the first major military action fought by Australian and New Zealand forces during the First World War. In recognition of both the Australian and New Zealand troops who fought side by side it is proposed to fly the New Zealand flag on the old flag pole during the service.

Voting Requirements

Simple Majority

The officer recommendations to this item were moved and put en bloc.

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2015-0310 Reinstatement of Flag Pole

That Council approve the reinstatement of the old flag pole in time for ANZAC Day.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2015-0311 Flying the New Zealand Flag

That Council approve flying the New Zealand flag on ANZAC Day.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

11.4.4 Caravan Park

| | |
|-------------------------|-----------------------------|
| File: | |
| Author: | Heather Boyd, EMC |
| Interest Declared: | No interest to disclose |
| Date: | 3 March 2015 |
| Attachments (yellow) | P15 Caravan Park Statistics |

Matter for Consideration

That Council note the statistics on visitors’ numbers at the Yalgoo Caravan Park.

Background

Council have requested information on tourists that stay at the Yalgoo Caravan Park and these are to be reported on a quarterly basis. These statistics have only been kept accurately since February 2014 when the caravan park managers were employed.

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.

Business Implications

| | |
|--|--|
| Strategic Community Plan | |
| Corporate Business Plan | |
| Long Term Financial Plan | |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Consultation

Comment

The statistics for visitors has only been accurately recorded since the appointment of permanent full-time caravan park managers. Prior to this date the statistics were garnered from accommodation receipt books and only recorded back to the start of the 2013-2014 financial years. Assumptions have been made on figures prior to February 2014.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0312 Caravan Park Statistics

That Council notes the statistics on visitors’ numbers using the Yalgoo caravan park facilities.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2015-0313 Sale of 30 Selwyn Street, Yalgoo

That Council accept the highest offer of \$30,000 for the sale of 30 Selwyn Street, Yalgoo.

Moved: Cr SK Willock Seconded: Cr MR Valenzuela Motion put and carried 5/0

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2015-0314 Presentation of Prizes

The Council nominate the Deputy President Raul Valenzuela or as reserve Cr Percy Lawson to present the Yalgoo Cup and prizes to the winning trainer and jockey at the Yalgoo Race Meeting on 11 April 2015.

Moved: Cr MR Valenzuela Seconded: Cr PJ Lawson Motion put and carried 5/0

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2015-0315 Main Roads Safety Meeting

That Council agree for Deputy President Raul Valenzuela to attend the Main Roads Safety Meeting, in Geraldton on 30 March 2015.

Moved: Cr AB Fawkes Seconded: Cr SK Willock Motion put and carried 5/0

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2015-0316 Council Meetings

That Council recommend that all ordinary Meetings of Council held in Yalgoo and Paynes Find are catered for externally. The catering for Special and other meetings will be agreed on by the Shire CEO and the President.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0

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

5.23. 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.

5.92. 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.

5.93. 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

6. Use of information

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information

derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

14.1 Consideration of a matter (detail) 5.23 (2) (f) (i)

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0317 Close Meeting to the Public

To consider a matter that is closed to the members of the public under (LGA s. 5.23 (2) (f)(i)).

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

The meeting was closed to the public at 3:43pm.

Attendance: 3:43pm Karen Malloch left the meeting.

Remaining in the meeting were:

- Cr Neil A Grinham, Shire President;
- Cr M Raul Valenzuela, Deputy Shire President;
- Cr Stanley K Willock;
- Cr Adam B Fawkes;
- Cr Percy Lawson;
- Silvio Brenzi, Acting Chief Executive Officer (ACEO).

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION
C2015-0318 Open Meeting to the Public
That the meeting be re-opened to the public.
Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0

The meeting was reopened to the public at 4:21pm

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Paynes Find Community Centre, Paynes Find on Thursday 23 April commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 4:21pm.

DECLARATION
 These minutes were confirmed by Council at the Ordinary Meeting held on at 11:00am on 23rd April 2015 at the Paynes Find Community Centre, Paynes Find.

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