



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE PAYNES FIND COMMUNITY CENTRE,

PAYNES FIND,

THURSDAY 23 APRIL 2015,

COMMENCING AT 11.00 AM

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

**THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE PAYNES FIND
COMMUNITY CENTRE, PAYNES FIND, THURSDAY 23 APRIL 2015,
COMMENCING AT 11.00 AM.**

**Silvio Brenzi
Acting Chief Executive Officer**

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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Paynes Find Community Centre, Paynes Find
on Thursday 23 April 2015 commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

Officer Recommendation

Minutes of the Ordinary Meeting

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

Moved:	Seconded:	Motion put and carried/lost
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8.2 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

Minutes of the Special Meeting held Friday 10 April 2015.

That the Minutes of the Special Council Meeting on Friday 10 April 2015 be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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9. MINUTES OF COMMITTEE MEETINGS

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).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report April 2015

File:	
Author:	Silvio Brenzi, DCEO
Interest Declared:	No interest to disclose
Date:	21/04/2015
Attachments (Blue)	P 1 Technical Services Report

Matter for Consideration

That council note the Technical Services report for April 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

Technical Services Report

That Council note the Technical Report for April 2015.

Moved:

Seconded:

Motion put and carried/lost

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month.

11.3 FINANCE

11.3.1 Review of Annual Budget

File:	
Author:	Silvio Brenzi, ACEO
Interest Declared:	No interest to disclose
Date:	16 April 2015
Appendix A (white)	P1 Table of Rates – Budget Review Document a/. Statement of Financial Activity - Confidential (Provided under separate cover) b/. Letter to Shire of Yalgoo re: 2014-5 Annual Budget Review – Confidential (Provided under separate cover) c/. 2014/5 Budget Review Statement – Confidential (Provided under separate cover)

Matter for Consideration

To consider and adopt the Budget Review as presented in the Statement of Budget Review for the period 1 July 2014 to 31 December 2014.

Background

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2015 for the period ending 31 March 2015 is presented for council to consider.

The *Local Government (Financial Management) Regulations 1996*, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year.

A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council adopted a 10% and a \$10,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

Triple Bottom Line Assessment

- Economic Implications: The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for Council and the community.
- Social Implications: The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the Council.
- Environmental Implications: The budget has been reviewed to support key environmental strategies and initiatives adopted by the Council.

The adjustments have resulted in no change to the closing funds and therefore remain within the percentage and dollar material variance set by council in the 2014/2015 Adopted Budget.

Features of the budget review include:

The details of the budget review and explanations are contained in appendix A.

Refer attachment for detailed explanation of budget variances.

Statutory Environment

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Strategic Implications

The Budget Review has been developed based on existing strategic planning documents adopted by Council.

Policy Implications

The budget is based on the principles contained in the Plan for the Future.

Financial Implications

Specific financial implications are as outlined in this report and the attachment.

Consultation

Comment

The budget has been reviewed to continue to deliver on other strategies adopted by the Council and maintains a high level of service across all programs.

The closing funds remain in surplus as a result of this budget review with no movement from the budget review.

Refer attachments for full details and explanations of the budget adjustments.

Note: *The Department of Local Government approved an extension to review the 2014/2015 Annual Budget at the 23 April Ordinary Council Meeting.*

Voting Requirements

Absolute Majority

Officer Recommendation

Adoption of Annual Budget Review for the Period ended 31 March 2015

That Council adopt the budget review with the variations for the period 1 July 2014 to 31 March 2015 and amend the budget accordingly as per appendix A.

Moved: Secunded: Motion put and carried/lost by Absolute Majority

11.3.2 Housing Tender

File:	
Author:	Silvio Brenzi, ACEO
Interest Declared:	No interest to disclose
Date:	21 April 2015
Appendix A (white)	Tender submissions – TR Homes, Fleetwood and WBS Homes (confidential)

Matter for Consideration

To consider and adopt the best offer for two modular homes in Yalgoo as per the adopted budget.

Background

Funding to construct two modular homes in Yalgoo was approved by MWDC in January 2015.

The adopted budget has been set to allow for loan funds and building reserve transfer to cater for this development.

Tender documents were prepared and submitted by 5 companies initially for up to 4 homes. This was reviewed along with the budget in March and decided that two homes rather than four would be of greater financial benefit to the shire at this point.

Tenderers were requested to resubmit their proposals with only two homes to be supplied and installed at 75 Weekes St and 6 Henty St. Three companies chose to resubmit.

Statutory Environment

Local Govt Act 1995. Sect 3.57

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Strategic Implications

Additional housing supplies residences to meet workforce planning outcomes.

Policy Implications

Nil

Financial Implications

Carry out budgeted items in accordance with financial capability.

Consultation

Cr Raul Valenzuela

Comment

An inspection was carried out in Perth at one supplier to determine the suitability of modular homes in Yalgoo. Cr Valenzuela and I visited McGrath Homes and were satisfied with the suitability. A/CEO Silvio Brenzi also visited each supplier in February 2015 and inspected the build quality of each supplier.

Voting Requirements

Absolutely Majority

Officer Recommendation

Accept the Tender from Fleetwood Homes.

That Council accept the tender submission from Fleetwood Homes tender number YA 2014-01 amended submission to supply and deliver 2 homes in Yalgoo townsite as tendered.

Moved: Seconded: Motion put and carried/lost by Absolute Majority

11.4 ADMINISTRATION

11.4.1 Council Delegates - Development Assessment Panel

File:	
Author:	Silvio Brenzi, ACEO
Interest Declared:	No interest to disclose
Date:	16 April 2015
Attachments	Nil

Matter for Consideration

To nominate Councillors as delegates to the Development Assessment Panel.

Background

The Development Assessment Panel came into being on 1 July 2011. Each DAP comprise five members: three specialist members and two local government members. The current memberships are due to expire on 26 April 2015. The Council is now requested to nominate four elected members, two local members who are to be representatives and two are to be alternate local members.

Statutory Environment

Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	Policy 1.7 – Representatives to Organisations
Financial (short term/ annual budget)	

Financial Implications

Nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses to attend meetings.

Consultation

Neil Grinham, Shire President

Stan Willock, Councillor

Comment

The current local member on the panel Cr R Valenzuela as there is one position vacant and the alternate is Cr Neil Grinham with the other alternate position also vacant.

Current panel members can re-nominate for the position. All positions are for a period of 2 years and will expire on 26 April 2017.

To be a local member the nominees will be required to provide names, addresses, and emails, mobile and land line telephone numbers, dates of birth, employer(s), position(s) and include curriculum vitae details for submission to the Government of Western Australia

It is mandatory, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications if they have not already had training.

If both local and alternative members are not re-elected then Ministerial approval will need to be sought for consideration of appointment

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Nomination of Councillors the Development Assessment Panel

That Council nominates _____ and _____ as the local members and _____ and _____ as the alternate local members of the Development Assessment Panel.:

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Gindalbie Metals Badja Proposal

File:	
Author:	A/ CEO, Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	14/04/2015
Attachments	Meeting Notes 14/4/2015 – Confidential (Provided under separate cover) (yellow)

Matter for Consideration

That Council engages with discussions with Gindalbie Metals Ltd in regards to future plans within Badja station.

Background

Badja station- located within the Shire of Yalgoo is currently owned by Gindalbie Metals Ltd. After a meeting on 14/04/2015 at the Shire office with Christopher Gerrard and Greg Payne, a brief outline of the company’s future plans were outlined in general and some queries were made as to the requirements and expectations of the Shire from their organisation if work was to proceed with their development.

Several items were listed to Christopher regarding current and perhaps future requirements within the Shire of Yalgoo. The confidential meeting notes are distributed to Councillors for their information.

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, A/CEO

Christopher Gerrard, General Counsel Gindalbie Metals

Greg Payne Gindalbie Metals

Comment

The brief overview attached does not clearly state the full function and operation of the proposed site. I would suggest that a clearer outline of the proposal is made clear to council prior to supporting any development proposal.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Principle Support to Gindalbie Metals Badja Proposal

That Council give support to further discussions with Gindalbie Metals Ltd to determine an acceptable development of the Badja site and recommend any benefits to the Shire of Yalgoo accordingly.

Moved:

Seconded:

Motion put and carried/lost

11.4.3 Shire Post Office Box

File:	
Author:	A/ CEO, Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	14/04/2015
Attachments (yellow)	NIL

Matter for Consideration

To consider closing the P.O. Box account currently paid for by the Shire.

Background

Currently the Shire of Yalgoo pays for a P.O. Box (number40) as part of its postal address. This cost is charged once per year at a price of \$270.00 pa. Whilst this cost is quite low it is apparent that the box is actually not used and all mail that is addressed to the Shire is collected personally from the post office as per other mail items.

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)	Assist with programming future road work understanding.

Consultation

Silvio Brenzi A/CEO

Comment

It is planned to only use the street address of 37 Gibbons St as the postal address. Any document templates will be modified accordingly.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Cancellation of P.O. Box 40

That Council approves the discontinuation of the P.O. Box 40 after completion of the current paid year and the street address of 37 Gibbons St is used for all mail.

Moved:

Seconded:

Motion put and carried/lost

11.4.4 Road Inspection Members

File:	
Author:	A/ CEO, Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	14/04/2015
Attachments (yellow)	NIL

Matter for Consideration

To consider that members of the RRG sub-group are invited to carry out planned road inspections to determine the quality and standards of roads within the Shire of Yalgoo and compare these with surrounding Local Governments for benchmarking.

Background

The Shire of Yalgoo has in excess of 1100km of unsealed roads that have the nature of condition changing within a very short period of time due to wear and tear or weather conditions. Yalgoo attends RRG meetings to discuss and review items regarding Shire of Yalgoo road networks and those within our region including Murchison, Sandstone, Cue, Mt Magnet and Meekatharra. To assist the council members who sit on these panels, Cr Neil Grinham and Cr Stan Willock, it would be beneficial to gain a greater understanding of the overall condition and standards of our own network in Yalgoo and that of those who boarder onto our shire. This can be assisted by assessing on a staged basis of the unsealed roads within and externally by visual inspection. This would be scheduled on a notice format, I.E. the nominated members and officer would arrange a minimum of 4 trips per calendar year within Yalgoo endeavouring to see all unsealed roads within the shire and 2 trips to visit other bordering shires to discuss and inspect conditions and methods utilised by others. This may involve some overnight trips and would require accommodation and meal costs to be covered by the Shire. This would be funded from the Rural Road Maintenance account.

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)	Assist with programming future road work understanding.

Consultation

Cr Neil Grinham
Cr Stan Willock

Comment

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Road Inspection Members

That Council nominate Cr Neil Grinham and Cr Stan Willock (RRG members) to accompany a designated officer by the CEO to inspect local and surrounding roads using the information gathered for RRG meetings. Any costs incurred will be covered by the Shire of Yalgoo.

Moved:

Seconded:

Motion put and carried/lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

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.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday 21 May 2015 commencing at 11.00 am.

16. MEETING CLOSURE