



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON FRIDAY 19 FEBRUARY 2016
COMMENCING 11.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON 19 FEBRUARY 2016 COMMENCING AT 11.00 AM.

Silvio Brenzi

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Friday 19 February 2016 commencing at 11:00 am.

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom

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 22nd January 2016 be confirmed.

Moved:

Seconded:

Motion put and carried/lost

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

11.1.1 Technical Services Report – February Council Report

File:	
Author:	Silvio Brenzi, CEO
Interest Declared:	No interest to disclose
Date:	10/02/2016
Attachments	P1 Signage list (Jason Signs)

Matter for Consideration:

Receive Technical Services Report

1/. Road Construction

Yalgoo-Ninghan Rd

1. Tender Documents for stage 3 RRG project are being drawn up currently. Works will be completed this financial year. The first 40% claim has been received from Regional Roads Group (RRG).

2/. Road Maintenance – Light Grading Works:

Completed/current works on roads are:

1. YA/NI grading and repair works on unsealed area.
2. YA/MO Shoulder binding under the Roads to Recovery (R2R) program is complete.
3. Flood damage works by selected contractor are progressing well.

3/. Access Roads/Airstrips:

1. Roads in Paynes Find have been lightly graded. Maranalgo Rd has had some light clearing of regrowth vegetation along a 16 km section and drainage improved in the known flooding areas.

4/. Other Infrastructure Maintenance:

4. Shire Office exterior has been painted.

5/. Plant & Equipment:

5. New Multi-tyre roller has been purchased.
6. Traxcavator has been disposed via auction.
7. 12H and 140 CAT graders have been listed for trade on new 12M CAT grader. This reduces our fleet of graders from 3 to 2. This is to maximise our hours of use on each machine and not to maintain idle assets.

6/. Parks and Reserves:

1. Thinkwater Geraldton has done a maintenance and training session with staff on all irrigation systems. The storage tank at the caravan park will be automated for filling from the bore at the Railway station. This will reduce costs and losses of water over weekends and holiday periods.

7/. Infrastructure – Capital:

1. Signage for Maranalgo and Northern Roads has been ordered and three quotations have been sought for installation. The Northern signs cater for tourism and direction.

Comments: See attached documents for reference.

8/. Infrastructure - Maintenance

1. New kitchen doors and fittings at 43 Gibbons Street.
2. Multiple repairs to damaged buildings after break-ins and thefts.
Insurance claims are yet to be accepted and has incurred costs to the Shire in the interim.

9/. Staff

1. Advertised for a new Works Foreman.
2. A trial three month term for a Co-ordinator of Governance and Technical Services commenced on the 27th January 2016. This will be reviewed for effectiveness and need for continuation after the term has completed.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Development, Planning and Environmental Report

File:	
Author:	Silvio Brenzi, CEO
Interest Declared:	No interest to disclose
Date:	10/02 2016
Attachments	Nil

Matter for Consideration

Council to receive the Planning, Environmental and Development Report for February 2016.

Background

The Shire of Yalgoo has limited occurrences where planning or development issues arise due to its low growth rate. This report details the minor issues currently being researched by the Shire.

- No planning applications have been received in the last 4 months.
- No Environmental issues have been identified in the last 4 months.
- The Shire employs a contracted staff member to handle statutory compliance issues on a monthly basis. It is planned to continue this approach.

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	To achieve objectives of this plan
Corporate Business Plan	To achieve objectives of this plan
Long Term Financial Plan	Incorporate proposal in the plan
Asset Management Plan	Provide opportunity for development
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	The Shire to provide funding for the development and to be recovered via sale of lots.

Consultation

Megan Gammon - URBIS

Comment

Due to the low number of available lots yet to be released in the township of Yalgoo and none available in the Paynes Find precinct, it is prudent to plan for and create the opportunities for these areas to grow. Whilst investigations are taking place into the residential (UCL) lots within Yalgoo, it has been noted that other forms of zoning would also be beneficial.

After discussions with West Australian Vietnam Business Council (WAVBC), the Shire President and me, URBIS were requested to investigate the option of creating 'special rural' lots to the north of Yalgoo adjacent to the golf club consisting of approximately 7 lots of 5 acres each. This area is capable of town

water supply, power and telephone connections. This will allow for horticultural development consistent with state planning development plans for our region.

A request was also made from Paynes Find regarding the availability of land for further development that has the ability to increase the population and community within that area. URBIS will also investigate an option of providing some lots in Paynes Find.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Land Development Opportunities in Yalgoo and Paynes Find

That council endorses the planning for lots in Yalgoo and Paynes Find for future development opportunities.

Moved:

Seconded:

Motion put and carried/lost

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of December 2015.

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	P Financial Statements for the Month of November 2015
	Please note not yet received – copies to be provided at the meeting.

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 and require the Chief Executive Officer to prepare a list of accounts paid.

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

Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

Payments from Council’s Municipal Account as disclosed in the budget or subsequently approved.

Consultation

- Shire Accountants – Moore Stephens
- Dominic Carbone – Dominic Carbone and Associates

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

Cr Raul Valenzuela, at the Ordinary Council Meeting held on 22 January 2016, requested that information be provided in relation to a payment made to St John Ambulance Geraldton Sub Centre of \$1790.50.

The following information is accordingly provided:

- \$520.00 for St John Ambulance staff accommodation at the Yalgoo Caravan Park;
- \$1270.50 for the ambulance service attending the 2015 Yalgoo Emu Cup/Goo Fest community event.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

R34 (1) Financial Activity Statements for the Month of December 2015

That Council adopts the financial activity statements for the periods ending 31 December 2015, as attached.

Moved:	Seconded:	Motion put and carried/lost
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OFFICER RECOMMENDATION

R13 (1) List of Accounts Paid for the Month of December 2016.

That Council receives the Schedules of Payments for accounts paid in the month of December 2016.

Moved:	Seconded:	Motion put and carried/lost
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11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 10 February 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
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

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

Nil

Consultation

Nil

Comment

Matters outstanding are detailed below with comments in relation to current status.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
17th December 2015	Petition	That the petition be received and be the subject of a report to be considered at its January 2016 Ordinary Council meeting	Report was considered by Council on 22 January 2016 and a letter has been sent to the convener of the petition Mrs Phyllis Simpson informing her of Councils resolution in relation to the matter.

<p>17th December 2015</p>	<p>Purchase of TV for the Gold Battery at Paynes Find</p>	<p>C2015-1217 Purchase of TV for the Gold Battery at Paynes Find That Council: 1. Authorise the purchase of a TV to the value of \$700 to be housed at the Paynes Find Gold Battery in accordance with Section 6.8 of the Local Government Act 1995; 2. Subject to (1) above the owners of the Paynes Find Gold Battery acknowledge that the TV remains the property of the Shire of Yalgoo and maintenance and upkeep to be their responsibility; and 3. The 2015-2016 Annual Budget to be amended accordingly, when the Shire conducts its Annual Budget Review in January 2016.</p>	<p>Letter sent to the owners of the Paynes Find Gold Battery via Ms Gail Pilmoor seeking confirmation that they be responsible for the maintenance and upkeep of the TV and acknowledge that the TV remains the property of the Shire of Yalgoo before the TV is purchased.</p>
<p>17th December 2015</p>	<p>Urgent Business - Shire Chambers</p>	<p>That the Council review the utilisation of the Shire Chambers and present a report to the next Ordinary meeting.</p>	<p>Report prepared and is subject to consideration in this agenda.</p>
<p>17th December 2015</p>	<p>Urgent Business - Shire Chambers Locked Cabinet</p>	<p>That the CEO investigates the provision of a locked cabinet for members to be incorporated in the Annual Budget Review for 2015 - 2016 financial year.</p>	<p>Costings to be obtained and incorporated in the 2015 - 2016 Annual Budget Review.</p>
<p>17th December 2015</p>	<p>Urgent Business - Shire Website</p>	<p>That a report be presented to Council at the next Ordinary Council meeting in relation to bringing its website up to date.</p>	<p>Report prepared and is subject of consideration in this agenda.</p>
<p>17th December 2015</p>	<p>Urgent Business - Tourism Video</p>	<p>That the Tourism video of the Shire of Yalgoo to be uploaded on to the website and a copy be sent to Paynes Find.</p>	<p>Tourism videos have been uploaded to the website and can be found under Tourism.</p>
<p>17th December 2015</p>	<p>Urgent Business - Shire Equipment Hire</p>	<p>That a report be presented to Council at the next Ordinary Council meeting providing a list of depot equipment hired and detailing the following information: the date of hire, the names of customers, the amounts paid and the amounts outstanding.</p>	<p>Report prepared and is subject of consideration in this agenda.</p>
<p>17th December 2015</p>	<p>Urgent Business - Councillor Calendar</p>	<p>That the CEO organise a Councillor Calendar to be provided to members on a regular basis.</p>	<p>Report prepared and is subject to consideration in this agenda.</p>
<p>17th December 2015</p>	<p>Urgent Business - Disorderly Conduct in Yalgoo</p>	<p>That the CEO organise a meeting with the Yalgoo Police to discuss the disorderly conduct in Yalgoo and Councillors be invited to attend.</p>	<p>The CEO scheduled a meeting for Tuesday the 9th February 2016; the police could not attend the meeting which was cancelled. The CEO will now arrange a further meeting.</p>

<p>22nd January 2016</p>	<p>2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval</p>	<p>That Council: 1/. Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed: - GRV-Town Vacant Land Minimum \$600 - UV-Mining/Mining Tenement 35:75 cents - UV-Exploration and Prospecting 18:99 cents 2/. The Department of Local Government and Communities be advised of (1) above.</p>	<p>Correspondence has been forwarded to DLGC in accordance with Part 2 of council resolution. Council solicitors have been instructed to submit an application to SAT in accordance with part 1 of the resolution.</p>
<p>22nd January 2016</p>	<p>Application for funding – National Stronger Regions Fund</p>	<p>That the Chief Executive Officer prepare a funding application for the following project - The upgrade and extensions to the Shire of Yalgoo Community Hall.</p>	<p>Appropriate consultants have been engaged to prepare the application for funding by the due date.</p>
<p>22nd January 2016</p>	<p>Application for Funding Round Five of the Heavy Vehicles Safety and Productivity Program.</p>	<p>That council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Heavy Vehicle Safety and Productivity Program.</p>	<p>Appropriate consultants have been engaged to prepare the application for funding by the due date.</p>

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 10 February 2016

That Council receives Report #11.4.1 Report on Matters Outstanding as at 10 February 2016.

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Imposition of Fees and Charges after Adoption of the 2015 – 2016 Annual Budget.

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

To impose and advertise the new fees and charges.

Background

The 2015-16 Annual budget provides for expenditure for the purchase and sale of goods for tourism promotion. Polo shirts with the Shire of Yalgoo logo have been ordered and delivered and are now available for sale.

Statutory Environment

LOCAL GOVERNMENT ACT 1995 - SECT 6.16

6.16 Imposition of fees and charges

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

*** Absolute majority required.**

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges

1.7 Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government’s offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Additional revenue

LATE ITEM:

11.4.3 Report on Back to Nature through Play Conference 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 20162016
Attachments	Nil

Matter for Consideration

That Council notes the report on “Back to Nature through Play” Conference

Background

Council at its Ordinary Council Meeting held in January 2016 resolved as follows:

“That Council direct the CEO to nominate a Shire Officer to attend the Back to Nature through Play Conference and present a report for Council consideration at the Ordinary Meeting of Council on Friday 19 February 2016.”

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

Nil

Consultation

Nil

Comment

The Chief Executive Officer requested the Centrecare Parenting Co-ordinator Mr Tamihana Cummings to attend the conference on behalf of the Shire. As the conference will be held on Monday 15th February 2016, the co-ordinators report will be presented to Council at the meeting for consideration.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Back to Nature Through Play Conference 2016

That Council:

Receives the report of the Centrecare Parenting Co-ordinator in relation to the Back to Nature through Play Conference 2016.

Moved: **Seconded:** **Motion put and carried /lost**

11.4.4 Report on Council Chamber Usage

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

That Council reviews its policy on Council Chamber Usage.

Background

Council at its Ordinary Council Meeting held on 17th December 2015 requested that the utilisation of the Shire Chambers be reviewed.

Statutory Environment

Administrative policy #1.4 Council Chamber Usage

Business Implications

Nil

Consultation

Nil

Comment

Councils Administrative Policy #1.4 states the following:

“Policy Statement

1. The Council Chambers are not available for general use.
2. Where the meeting involves the Shire as an organisation or is of importance to the Shire, the CEO has discretion to approve use of the Chambers, for example-
 - meetings with/by visitors (e.g. parliamentarians, government agencies, developers etc)
 - administrative – audit, consultants, staff training, meetings required additional privacy etc.
3. No meals are to be consumed in the Chambers. “

For a short period of time the Chambers were utilised to accommodate Council Officers due to lack of office space. However, this situation has been remedied and its use is now in accordance with the policy stated above.

The council is requested to give consideration to the policy for any amendment to it.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Council Chamber Usage

That Council:

- 1/ Endorses the Current Administrative Policy- Council Chamber Usage without amendment;**
- or:**
- 2/ Amends the Administrative Policy Council Chamber Usage in the following manner,**
.....

Moved:

Seconded:

Motion put and carried /lost

11.4.5 Report on the Status of Shire Website

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

That Council notes the report on the status of the Shire’s website

Background

Council at its Ordinary Council Meeting held in December 2015 resolved as follows:

“That a report be presented to Council at the next Ordinary Council Meeting in relation to bringing its website up to date”.

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

Nil

Consultation

Nil

Comment

The Shire’s Executive Assistant was requested to review the Shire’s website in order to determine to what extent the information held on the webpage was not current.

The information supplied is as follows:

Marketforce and the EA Karen Malloch are continually updating the web site.

In relation to the information available on the web site the following have been uploaded and updated: Minutes and Agendas, the Annual Budget and Annual Report, Councillors and Staff pages, Council Meeting dates for 2016, current Fees and Charges, The Extraordinary Election advertisement for 27 February 2016, current employment advertisement. The Yalgoo Community Business Directory is presently being researched and will be uploaded when completed.

Much re-organisation and enhancements need to be made in order to facilitate easy access to information.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on the Status of Shire Website

That Council

Receives the report #11.4.5 on the Status of Shire Website.

Moved:

Seconded:

Motion put and carried /lost

11.4.6 Report on Councillor Calendar

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

That Council notes the report on progress of Councillor Calendar

Background

Council at its Ordinary Council Meeting held in January 2016 resolved as follows:

“That the CEO organise a Councillor Calendar to be provided to members on a regular basis”.

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

Nil

Consultation

Nil

Comment

The matter in relation to setting up the electronic calendar for elected members has been referred to Bridged Technology.

Bridged Technology have advised that the following actions are required in order to allow for the set up of the electronic calendar:

1. That the CEO authorise Bridged Technology in writing to set up an email address called council@yalgoo.wa.gov.au;
2. Subject to (1) above the elected members will have access to the email address to notify the Executive Assistant of their meeting schedules; and
3. The Executive Assistant will then update the electronic calendar by accessing the email address accordingly.

The above-mentioned actions will resolve a number of issues in particular with the updating of information.

Should training of elected members be required it will be arranged accordingly.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Councillor Calendar

That Council:

Receives the Report # 11.4.6 on the Councillor Calendar

Moved:

Seconded:

Motion put and carried /lost

11.4.7 Pay Rates for Election Officers

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

For Council to adopt the pay rates for the Returning Officer, Presiding Officers and Poll Clerk for the Extraordinary Local Government Election which will be held on 27 February 2016.

Background

The payments will be paid as a separate item, outside the normal pay.

Statutory Environment

Local Government Act 1995

4.4 Ordinary elections

- (1) When the term of office of an elector mayor or president or a councillor is going to end under the Table to section 2.28 an election to fill the office is to be held;
- (2) An election under this section is called an ordinary election;
- (3) This section does not apply to the office of mayor or president if, under section 2.11, the next mayor or president is to be elected by the council.

Business Implications

Strategic Community Plan	Good Governance
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Election expense budgeted for.

Consultation

NIL

Comment

The Shire is to conduct an in-person election on Saturday 27 February 2016.

Council is required to confirm the pay rates for officers engaged for the elections being the Returning Officer, two Presiding Officers and the Polling Clerk. It is recommended the pay rates be adopted by Council

The calculated method advised, as detailed by the Local Government Officers Award, states as follows:

- 18.1 Persons engaged by a respondent on duties associated with the conducting of a ballot of ratepayers shall be subject to the provisions of this clause in lieu of all other provisions contained in this award.
- 18.2 The salary applicable to each classification shall be in accordance with clause 13.5.

18.2.1 Polling Clerk

Level 3

Step 1

$$\$409.75/1976 = \$20.736 \times 1.50\% \text{ (Penalty Loading)} = \$31.10/\text{hr}$$

18.2.2 Presiding Officer

1-3 Polling Clerks

Level 4

Step 1

$$\$439.73/1976 = \$22.25 \times 1.50\% \text{ (Penalty Loading)} = \$33.38/\text{hr}$$

18.2.4 Returning Officer

(1) Where there are less than 10,000 electors on the electoral roll appropriate to the ballot.

Level 7

Step 1

$$\$53.624/1976 = \$27.16 \times 1.50\% \text{ (Penalty Loading)} = \$40.75/\text{hr}$$

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Pay Rates for Election Officers

That Council adopt the pay rates for the officers engaged for the Local Government Extraordinary Election being the Returning Officer @ \$40.75/hr, two Presiding Officers @ \$33.38 /hr and the Polling Clerk @ \$31.10/hr.

Moved:

Seconded:

Motion put and carried

11.4.8 Report Transfer of Council Land Lots 136 and 137 Piesse Street Yalgoo

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments (yellow)	Nil

Matter for Consideration

The transfer of Council owned property to the State of Western Australia for the use of constructing a new Police Station at Yalgoo.

Background

Council at its Ordinary Council Meeting held on 20 August 2015 resolved as follows:

“That Council authorise the A/CEO to carry out all the business transactions in the transfer of lots 136 & 137 Campbell St to the Police Department and transfer of the current land; and office building in Selwyn Street to the Shire of Yalgoo to be used for future community purposes”.

Statutory Environment

Local Government Act 1995

Section 3.58(5) states the following:

- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Local Government (Functions and General) Regulations 1996

A disposition of land is an exempt disposition if-

Regulation 30(2)(c)

- (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;

Council Delegations

2.1 Use of Common Seal

1. Council delegates authority to the President and the CEO (or senior employee nominated by the CEO) to affix the Common Seal without prior approval by Council in the following circumstances:
 - a) Where the document is a renewal or extension of an original document, and there is not a significant variation in clauses or conditions in the renewal
 - b) Where the legal document is an agreement to provide funding to the Shire and the project/item to be funded is included in the Forward Capital Works Plan and/or disclosed in the budget and/or previously approved by Council.

Business Implications

Nil

Consultation

Nil

Comment

In accordance with the Council resolution, detailed in the background above, the Chief Executive Officer has expedited the matter of transferring Lot 136 & 137 Piesse Street Yalgoo to the State of Western Australia to be used for the purpose of constructing a new Police Station, for no consideration. As part of

the negotiation the State of Western Australia will transfer as a reserve with a management order to the Shire for the land and buildings of the old Police Station situated at Selwyn Street Yalgoo.

The above land transaction is an exempt land transaction in accordance with 3.58(5) and regulation 30 of the Local Government (Functions and General) regulations 1996.

The State Solicitors Office, acting on behalf of the Western Australian Police Service have prepared a transfer of Land document to be executed which requires the affixing of the common seal of the Shire and to be signed by the Shire President and Chief Executive Officer.

Section 9.49A details as to who is authorised to affix the common seal and Council delegation 2.1 places conditions in relation to the signing of the Transfer of Land document accordingly. Council is requested to authorise the signing of the Transfer of Land document by the Shire President and Chief Executive Officer.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report Transfer of Council Land Lots 136 and 137 Piesse Street Yalgoo

That Council:

Authorises the Shire President and the Chief Executive Officer to sign and affix the Shires common seal to the Transfer of Land Document relating to Lots 136 & 137 Piesse Street Yalgoo.

Moved:

Seconded:

Motion put and carried /lost

11.4.9 Report on Hire of Shire Plant and Equipment

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	10 February 2016
Attachments	Nil

Matter for Consideration

That Council receives the information in relation to the Hire of the Shires Plant and Equipment.

Background

Council at its Ordinary Council Meeting held on 17th December 2015 requested that information be provided by way of Report to be presented at a Ordinary Council Meeting.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

The table below details the hire of Council Plant and Equipment before the 2014-15 Financial year and for the 2015-2016 Financial year until 11 February 2016.

2014-2015 FINANCIAL YEAR				
Date Of Hire	Hirer	Plant/Equipment	Fee (Including GST)	Amount Outstanding
04/09/2014	Hodder, Elisha	Community Bus Hire	\$70.00	NIL
20/11/2014	Simpson, Phyllis	Community Bus Hire	\$70.00	NIL
01/02/2015	Yalgoo Primary School	Community Bus Hire x3	\$210.00	NIL
06/02/2015	Simpson, Phyllis	Community Bus Hire	\$140	NIL
12/02/2015	Yalgoo Primary School	Community Bus Hire	\$70	NIL
01/04/2015	Yalgoo Primary School	Community Bus Hire x2 Community Bus Hire x 2 Community Bus Hire	\$140.00 \$140.00 \$70	NIL
12/02/2015	Heather Boyd	1 Day Car Trailer Hire	\$136.0	NIL
03/06/2015	Silvio Brenzi	2 Day Car Hire	\$50.00	NIL
19/06/2015	Yalgoo Hotel/Motel	Forklift Jackhammer	\$28.50 \$10.38	NIL
2015-2016 FINANCIAL YEAR to 11 February 2016				
Date Of Hire	Hirer	Plant/Equipment	Fee (Including GST)	Amount Outstanding
14/01/2016	Doray Minerals	Community Bus Hire	\$70.00	NIL
07/12/2015	Yalgoo Primary School	Community Bus Hire	\$70.00	NIL
23/11/2015	Hodder, Michelle	Community Bus Hire x 3	\$210.00	NIL

29/10/2015	Sondra	Community Bus Hire	\$55.00	NIL
29/10/2015	Sondra	Community Bus Hire	\$120.00	NIL
14/10/2015	Doray Minerals	Community Bus Hire x 3	\$210.00	NIL
10/09/2015	Yalgoo Primary School	Community Bus Hire	\$70.00	NIL
28/08/2015	Hodder, Elisha	Hire of Car Trailer	\$136.00	NIL
01/10/2015	Hodder, Elisha	Car Trailer Hire	\$136.00	NIL

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report Hire of Shire Plant and Equipment

That Council:

Receives Report # 11.4.9 on the Hire of the Shire’s Plant and Equipment.

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

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 in the Council Chambers in Gibbons Street on Friday 18 March 2016 commencing at 11.00 am.

16. MEETING CLOSURE

DECLARATION

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

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