



UNCONFIRMED MINUTES  
OF THE ORDINARY MEETING OF COUNCIL  
HELD ON  
22 APRIL 2016  
IN THE  
PAYNES FIND COMMUNITY CENTRE  
PAYNES FIND  
COMMENCING 11.00 AM



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# CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3.	DISCLOSURES OF INTEREST.....	4
4.	PUBLIC QUESTION TIME .....	4
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.2	QUESTIONS WITHOUT NOTICE.....	6
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	6
6.	APPLICATIONS FOR LEAVE OF ABSENCE .....	6
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	7
7.1	MEETINGS ATTENDED BY ELECTED MEMBERS.....	7
8.	CONFIRMATION OF MINUTES .....	7
8.1	ORDINARY COUNCIL MEETING.....	7
	<b>C2016-0401 Minutes of the Ordinary Meeting .....</b>	<b>7</b>
8.2	SPECIAL COUNCIL MEETING .....	8
	<b>C2016-0402 Minutes of the Special Meeting .....</b>	<b>8</b>
9.	REPORTS OF COMMITTEE .....	8
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters .....	8
10.1	INFORMATION ITEMS.....	8
11.	MATTERS FOR DECISION.....	9
11.0	MATTERS BROUGHT FORWARD.....	9
11.1	TECHNICAL SERVICES.....	10
11.1.1	Report on Technical Services.....	10
	<b>C2016-0403 Technical Services Report .....</b>	<b>11</b>
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH .....	12
11.2.1	Report on Development, Planning and Environmental Health.....	12
	<b>C2016-0404 Planning, Environmental and Development Report .....</b>	<b>13</b>
11.3	FINANCE.....	14
11.3.1	Financial Activity Statements and Accounts Paid for the Month of February 2016. ....	14
	<b>C2016-0405 R34 (1) Financial Activity Statements for the Month of February</b>	
	<b>2016 .....</b>	<b>15</b>
	<b>C2016-0406 R13 (1) List of Accounts Paid for the Month of February 2016... 15</b>	
11.3.2	Report on Accounts Paid for the Month of January 2016.....	16
	<b>C2016-0407 R13 (1) List of Accounts Paid for the Month of January 2016..... 16</b>	
11.3.3	Report on Budget Amendment – Financial Contribution Towards Movie Production “The Decadent and Depraved”. ....	17
	<b>C2016-0408 Budget Amendment – Financial Contribution towards Movie</b>	
	<b>Production “The Decadent and Depraved” .....</b>	<b>18</b>
11.3.4	Disposal of Council Property – Plant and Equipment.....	19
	<b>C2016-0409 Disposal of Council Property – Plant and Equipment .....</b>	<b>21</b>
11.4	ADMINISTRATION.....	22
11.4.1	Report on Matters Outstanding as at 13 April 2016 .....	22
	<b>C2016-0410 Report on Matters Outstanding as at 13 April 2016 .....</b>	<b>24</b>

11.4.2	Report on Changes to Advertised Meeting Date – Ordinary Council Meeting and Finance Committee Meetings.....	25
	<b>C2016-0411 Report on Changes to Advertised Meeting Dates – Ordinary Council Meeting and Finance Committee Meetings .....</b>	<b>26</b>
11.4.3	Report on Caravan Park Statistics for the Period 1st July 2015 to 31st March 2016.....	27
	<b>C2016-0412 Report Caravan Park Statistics for the Period 1st July 2015 to 31st March 2016 .....</b>	<b>27</b>
11.4.4	Report Awarding Tender RFT1-2016 Yalgoo Gravel Re-sheeting.....	28
	<b>C2016-0413 Report Awarding Tender RFT1-2016 Yalgoo Gravel Re-sheeting</b>	<b>30</b>
11.4.5	Report on Review of Delegations.....	31
	<b>C2016-0414 Report of Review of Delegations.....</b>	<b>32</b>
12	NOTICE OF MOTIONS.....	32
12.1	PREVIOUS NOTICE RECEIVED.....	32
13	URGENT BUSINESS.....	33
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	33
14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	33
	Local Government Act 1995.....	33
14.1	MATTERS OF CONFIDENTIAL NATURE.....	35
	<b>C2016-0415 Close Meeting to the Public .....</b>	<b>35</b>
	<b>C2016-0416 Resolution (1) from the Closed Meeting.....</b>	<b>36</b>
	<b>C2016-0417 Resolution (2) from the Closed Meeting.....</b>	<b>36</b>
	<b>C2016-0418 Resolution (3) from the Closed Meeting.....</b>	<b>36</b>
	<b>C2016-0419 Re-Open Meeting to the Public.....</b>	<b>36</b>
15	NEXT MEETING .....	36
16	MEETING CLOSURE .....	36



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,  
held in the Paynes Find Community Centre, Paynes Find  
on Friday 22 April 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**

The Shire President Neil Grinham declared the Ordinary Meeting open at 11:04 am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Percy J Lawson Cr Joanne Kanny Cr Gail Trenfield
STAFF	Silvio Brenzi, CEO Karen Malloch, Executive Assistant (EA)
GUESTS	
OBSERVERS	David Rocke Gordon Dalton Linda Dalton Aneika Parker Rachel Grant
LEAVE OF ABSENCE	Cr Robert W Grinham
APOLOGIES	Steven Cosgrove, Coordinator Governance & Technical Services (CGTS) Gail Pilmoor Don Bell Leah Bell Don Anderson

Rhonda Anderson

Byron Parker

### **3. DISCLOSURES OF INTEREST**

Disclosures of interest made before the Meeting.

Nil

### **4. PUBLIC QUESTION TIME**

#### **4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

Prior to the meeting, Gail Pilmoor and David Rocke, members of the public, registered several written questions on behalf of the Paynes Find community.

The President Neil Grinham and Silvio Brenzi CEO responded to the relevant operational areas concerned.

*David Rocke:*

**Q1/.** In relation to 11.2.1, providing blocks (of land) in Paynes Find:

If the Shire provides lots in Paynes Find, will it be providing services such as water, power, phone etc?

*Silvio Brenzi CEO:*

**A:** This will be determined by the service providers i.e. Water Corporation.

**Q2/.** Will it impact on existing infrastructure use such as noise and dust from the Roadhouse, Paynes Find Airstrip and Pilrock Airstrip?

**A:** Planning involves consultation to limit any issues as listed.

**Q3/.** Will the Shire be able to re-coup it's expenditure given the cost of the URBIS investigation, the cost of the survey, providing access roads etc?

**A:** Funding will be sought and planning will allow for the economic development of the region to prevent over capitalising.

**Q4/.** What will be the cost of the URBIS investigation?

**A:** Undetermined at present.

*Gail Pilmoor:*

**Q:** **In relation to the Day Tourist Park:**

Can we have an update on where the external Consultant and the Shire are with this project?

*Silvio Brenzi CEO:*

**A:** Refer to item 11.4.1 in Agenda, Pg 20 – Application to be completed May 2016.

*David Rocke:*

**Q: In relation to 11.4.4: Tenders for the Yalgoo/Ninghan Road:**

Has the Shire ascertained why W & E Rowe's quote is so low, given that it is \$118,970 less than the next closest quote and given that the next four quotes are within \$52,000 of each other?

*Silvio Brenzi CEO:*

**A:** Refer to item 11.4.4, Pages 25/26 in Agenda. A confidential item has been put forward to be discussed at this meeting and no decisions have been made yet. The Tender process is an external process by an assessment panel comprised of Silvio Brenzi CEO and Mark Weller Executive Associate, Core Business Australia.

The tender applicants should read the Shire Budget and view and price the job accordingly.

*Gail Pilmoor:*

**Q: In relation to the Yalgoo Policy Manual – 20 February 2014**

**13.2 Airstrip Grades:**

Can Maranalgo Station Airstrip be added to this schedule?

*President Neil Grinham & Silvio Brenzi CEO*

**A:** Station airstrips and the roads of Station properties are graded once a year.

An application can be made and sent to the Shire requesting the grading of the Maranalgo Airstrip and road.

A recommendation will be made to amend the Shire of Yalgoo Policy Manual at the next Ordinary Meeting of Council on May 27, 2016.

*Gail Pilmoor:*

**Q: Possible closure of 10/28 Airstrip:**

Do we have any further updates on the East/West Airstrip 10/28? Paynes Find records reflect that 95% of the Airstrip usage has been on the 10/28 strip.

*Silvio Brenzi CEO*

**A:** No set date for the closure has been discussed.

David Rocke is requested to send the collected Airstrip data to the Shire.

*Gail Pilmoor:*

**Q: The "Maranalgo Station Endurance Ride" June 4/5, 2016:**

Can we look at possible funding for this Community Event and also for the Maranalgo Road to be graded and brought up to a safe level for usage by traffic attending?

*Silvio Brenzi CEO:*

**A:** An application can be made to the Mid West Development Committee for funding and this is available from the "Community Chest" account (MWDC).

The road will be graded if it is assessed as being unsuitable and made safe prior to the event.

The signage has already been ordered and the contract awarded to "Red Dirt Holdings" for installation.

*Gail Pilmoor:*

**Q: The Ninghan Station Creek Crossing:**

Is there a possibility of any available funding to complete the concrete work at the crossover or is this already part of the work being done?

*Silvio Brenzi CEO:*

**A:** The scope of concreting the crossover will be assessed, priced and quotes obtained for inclusion in the next Annual Budget.

## **4.2 QUESTIONS WITHOUT NOTICE**

The President Neil Grinham and Silvio Brenzi (CEO) responded to the relevant operational areas concerned.

*Aneika Parker:*

**Q:** The crossover at the Warne River is in a state of disrepair. Can it be investigated?

*Silvio Brenzi CEO:*

**A:** Yes, it will be investigated and if necessary, it will be stabilised with cement.

*Gordon Dalton:*

**Q:** The Goodinow Road, from the Great Northern Highway to the Pilroc's property receives heavy traffic use. Can the Shire investigate the road for repair?

*Silvio Brenzi CEO:*

**A:** Yes, the Shire will evaluate the road for re-sheeting.

*David Rocke:*

**Q:** Can the Shire organise for some gravel to be delivered for backfilling around the Community Centre between the building and the brick surface?

*Silvio Brenzi CEO:*

**A:** Yes, it will be organised.

## **5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**Confidential Report:**

**Report on Chief Executive Officer Probation Period and Performance Review.**

**The Report to be considered by the Council at item 14.1.1 of this Agenda.**

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**7.1 MEETINGS ATTENDED BY ELECTED MEMBERS**

<b>Date</b>	<b>Details</b>	<b>Attended with whom</b>
5 April 2016	Midwest Regional Roads Group	Silvio Brenzi CEO President Neil Grinham
5 April 2016	Gunduwa meeting	Deputy President Raul Valenzuela
12 April 2016	WA Wild Dog Action Plan, Cue	Silvio Brenzi CEO President Neil Grinham
16 – 20 April 2016	Barossa Valley – Information sharing	Silvio Brenzi CEO President Neil Grinham
16 April 2016	Civic Legal, Perth	Silvio Brenzi CEO President Neil Grinham
18 – 20 April 2016	William (Bill) Atyeo, Environmental, Health Officer / Building Surveyor – visit to Shire	
19 April 2016	Jarman McKenna, Solicitors ACE Insurers, Perth	Silvio Brenzi CEO President Neil Grinham

**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/COUNCIL DECISION**

**C2016-0401 Minutes of the Ordinary Meeting**

**That the Minutes of the Ordinary Council Meeting held on 18 March 2016 be confirmed.**

**Moved: Cr R Valenzuela**

**Seconded: Cr G Trenfield**

**Motion put and carried 5/0**

## 8.2 SPECIAL COUNCIL MEETING

### Background

Minutes of the Special Meeting of Council held on Wednesday 24<sup>th</sup> February 2016 have previously been circulated to all Councillors.

### Voting Requirements

Simple majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0402**     Minutes of the Special Meeting

**That the Minutes of the Special Meeting of Council held on 24 February 2016 be confirmed.**

**Moved: Cr P Lawson**

**Seconded: Cr J Kanny**

**Motion put and carried 5/0**

## 9. REPORTS OF COMMITTEE

NIL

**ATTENDANCE:** 12:20 pm Cr J Kanny left the meeting.

12:21 pm Cr J Kanny rejoined the meeting.

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

### 10.1 INFORMATION ITEMS

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

The Shire President Neil Grinham provided information to Council on:

- Notice of the WALGA AGM to be held at the Perth Convention and Exhibition Centre on Tuesday 7 June 2016;
- The Australian Local Government Association submission to the 2016 Federal Budget;
- The Australian Local Government Association 2016 National General Assembly to be held 19 – 22 June 2016;
  - i/. Call for Motions;
  - ii/. Program and Registration;
  - iii/. Call for Motions discussion paper.
- WALGA State and Local Government Forum on Wednesday 3 August 2016.

The Shire President Neil Grinham advised Council that the Local Government Advisory Board had made a recommendation regarding the "Proposal to transfer part of Paynes Find and adjacent pastoral stations from the Shire of Yalgoo to the Shire of Dalwallinu" and had forwarded the proposal on to Minister Tony Simpson for his review and decision.

**ADJOURNMENT: Lunch 12:25 pm – 1:24 pm.**

The meeting adjourned for lunch at 12:30 pm.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:24 pm.

Remaining in the meeting were:

Cr Neil Grinham, Shire President

Cr Raul Valenzuela, Deputy Shire President

Cr Percy Lawson

Cr Jo Kanny

Cr Gail Trenfield

Silvio Brenzi, Chief Executive Officer (CEO)

Karen Malloch (EA)

Observer: David Rocke

<b>11. MATTERS FOR DECISION</b>
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**11.0 MATTERS BROUGHT FORWARD**

Nil

## 11.1 TECHNICAL SERVICES

### 11.1.1 Report on Technical Services

File:	
Author:	Silvio Brenzi, CEO
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Shed Plans.
(Green Cover page)	

#### Matter for Consideration:

That Council receive the Technical Services Report.

#### Road Construction

##### Yalgoo-Ningham Rd

1. Tender Documents for stage 3 RRG project have been received and evaluated. Tender evaluation results and awarding are part of a report on this Agenda for Council consideration.

#### Road Maintenance – Light Grading Works:

##### Completed/current works on roads are:

1. YA/NI grading and repair works on unsealed area.
2. YA/MO R2R reseal works have been quoted by a preferred supplier for the 2 listed projects of re-seal at 0-11SLK and 58-63.5SLK. There are some additional funds in this program to address the narrow sections, crests and some corners with widening seal.
3. Flood damage works by selected contractor are progressing well.

##### Access Roads/Airstrips:

4. Roads in Paynes Find have been lightly graded following a flooding event. (Thundelarra)

#### Other Infrastructure Maintenance:

1. New kitchen installed at 1 shire house Gibbons St.
2. Council Chamber cabinet has been completed with shelving and lock. A key has been distributed (22/04/2016) to the President and Deputy President as requested on the 17/12/2015.

**Note:** *Two keys to the Council Chamber cabinet were issued to the Shire President, Neil Grinham and the Deputy President, Raul Valenzuela.*

#### Plant & Equipment:

1. New 12M Grader to be delivered shortly.
2. Truck and trailer rollover has been accepted by the insurance company. Replacement cost for the Prime Mover and market value for the trailer of \$81,500.00. This will require \$20,000.00 in the 16/17 budget to be allocated towards a new trailer.

**Parks and Reserves:**

1. Thinkwater Geraldton will be automating and simplifying the tank fill system between the Railway St and the Caravan Park.

**Infrastructure – Capital:**

1. Irrigation systems have been quoted and will be installed at the two new homes to allow for landscaping works to commence. This falls inside the budget for these homes.
2. Under cover parking to the rear of the Office is being quoted as per the Budget Review.
3. 3 new sheds are under way as per 15/16 budget for the 2 Weekes St homes and the new Henty St home. (Stratco).

**Staff**

1. New Works Foreman has commenced along with several new Plant Operators and Town Maintenance. All these staff are progressing well and now make a full complement of outside staff.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0403    Technical Services Report**

**That Council receives the Technical Services Report as presented by the Chief Executive Officer.**

**Moved: Cr P Lawson**

**Seconded: Cr G Trenfield**

**Motion put and carried 5/0**

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

### 11.2.1 Report on Development, Planning and Environmental Health

File:	
Author:	Silvio Brenzi, CEO
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Urbis Advice
(Orange Cover page)	

#### Matter for Consideration

Council to receive the Planning, Environmental and Development Report for April 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

Nil

**ATTENDANCE:** 1:50 pm Observer from Paynes Find, David Rocke left the meeting.

#### 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 I, 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 which 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/COUNCIL DECISION**

**C2016-0404    Planning, Environmental and Development Report**

**That council:**

**Receive the Planning, Environmental and Development Report as presented by the Chief Executive Officer and notes the potential development of Lots in Yalgoo and Paynes Find for future development opportunity and the advice received from the Shire's planning consultant URBIS.**

**Moved: Cr R Valenzuela**

**Seconded: Cr P Lawson**

**Motion put and carried 5/0**

## 11.3 FINANCE

### 11.3.1 Financial Activity Statements and Accounts Paid for the Month of February 2016.

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments (Red Cover Page)	Financial Statements for the Month of February 2016

#### 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) (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.



### 11.3.2 Report on Accounts Paid for the Month of January 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Schedule of Payments for January 2016
(Red Cover Page)	

#### Matter for Consideration

That council receives the Schedule of Payments for Accounts paid in the month of January 2016.

#### Background

The Schedule of Payment for January 2016 was inadvertently omitted from the report presented to Council at its Ordinary Council Meeting held on the 18<sup>th</sup> March 2016

#### Statutory Environment

*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.

#### Business Implications

Nil

#### Consultation

Nil

#### Comment

A Schedule of Payments for Accounts paid in the month of January 2016 is attached to this Report.

Council is requested to give consideration to the payments made and approve accordingly.

#### Voting Requirements

Absolute Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0407    R13 (1) List of Accounts Paid for the Month of January 2016**

**That Council receives the Schedule of Payments for accounts paid in the month of January 2016.**

**Moved: Cr P Lawson            Seconded: Cr G Trenfield            Motion put and carried by Absolute Majority 5/0**

### 11.3.3 Report on Budget Amendment – Financial Contribution Towards Movie Production “The Decadent and Depraved”.

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Movie outline
(Red Cover Page)	

#### Matter for Consideration

That Council amends the 2015-2016 annual budget to contribute towards the production costs of the movie ‘The Decadent and Depraved’.

#### Background

Prince-Wright Productions is a boutique non for profit film organization that aims to bring stories to life and has again been presented with a wonderful opportunity of yet again producing a film that has presented itself in the form of outback towns and the surrounding local shires.

After the great success of the recent film 'Red Dirt' that was filmed in the remote location of Yalgoo (outback 8+ hours up North), 'Red Dirt' was showcased along with two other short films at the sold-out Prince-Wright Productions Premiere at the end of last year.

The night created a buzz that is still being talked about now. The films showcased are now about to start their film festival run. We won't know the results of these festivals until mid-year through to the end of the year however some early film festivals have already picked up 'Red Dirt' including the New York Film Festival, Corona Film Festival, The Alembra Theatre Film Festival etc. along with the film being talked about on radio stations which also offers extensive promotion for the Shire/Town of Yalgoo. Prince Wright Productions are now beginning major pre-production on our next feature film.

The Feature Film “The Decadent and Depraved” is an Australian Western set in the 1880’s in rural and outback of Western Australia. The remote landscape and magical features in Yalgoo has the production team eager to come back and film. The magical Breakaways, the support from the station workers and their enthusiasm, support from the flying doctor/St John Ambulance, the incredible buildings and overall the amazing support from the Yalgoo Shire themselves has convinced the team to film 60-70% of the movie in Yalgoo.

With National leading combat choreographer Andy Fraser, Production Designer Dan Amperou and a great cast such as Michael Muntz (Country Practice) along with the sort after actor Ben Mortley (McLeods Daughters, Drift, Home and Away, Latana, Cloud street etc) and if all goes well Myles Pollard (McLeods Daughters, Home and Away, Drift etc) the production team are looking forward to being able to include Yalgoo and its’ residents in this opportunity of yet again filming in and being supported by the Shire of Yalgoo.

#### Statutory Environment

##### *Local Government Act 1995*

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.

- (1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

**Business Implications**

\$5,000.00 be contributed by the Shire towards the production costs of the movie “The Decadent and Depraved”. Funds to be re-allocated from Account E132008 – Tourism Signage.

**Consultation**

Jordan Prince - Wright

**Comment**

Council previously donated \$3,000.00 to the ‘Red Dirt’ production with great success not just for the movie but in the promotion of Yalgoo to the international community. A premiere night screening was also held in the Yalgoo community hall with great support from local residents. It would be highly advantageous for Yalgoo to continue in the promotion of our shire and showcase our local environment and geo-tourism options nationally and internationally.

Account No. E132008 Tourism Signage has \$10,000 allocated in the 2015-16 Annual Budget and to date no expenditure has been incurred. Council is requested to give consideration to reallocate its sum of \$5,000 from this account to make a contribution towards production costs of the movie “The Decadent and Depraved”.

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0408 Budget Amendment – Financial Contribution towards Movie Production “The Decadent and Depraved”**

**That Council:**

**1/. Pursuant to Section 6.8 of the Local Government Act 1995 authorises the following expenditure “Contribution Production Costs – Movie “The Decadent and Depraved” - \$5,000.**

**2/. The 2015-16 Annual Budget be amended as follows:**

**a/. Increase expenditure Account No. TBA – Contribution Production Costs movie “The Decadent and Depraved” - \$5,000; and**

**b/. Decrease Expenditure Account No. E132008 Tourism Signage - \$5,000.**

**Moved: Cr R Valenzuela      Seconded: Cr G Trenfield      Motion put and carried by Absolute Majority 5/0**



**Objective** *To permit the disposal of surplus and other items of minimal value from the Shire’s premises and control.*

**Statutory context -** **Local Government Act**  
**s.3.58 – Disposing of Property**

**Function and General Regulations –**  
**r.30 – Dispositions of property to which s.3.58 does not apply**

Formal record	Records of submissions received and offers accepted.
Delegation by CEO	n/a
History	Adopted – 17 April 2008
	Amended – 17 September 2009
	Amended – 23 June 2011, C2011-0619

**Delegation Statement**

1. *The CEO is authorised to dispose of assets by offering them for public sale, and to accept the most advantageous offer in the following circumstances –*
  - a) *Assets with a written down value less than \$5,000 (individually or collectively)*
    - *assets that are surplus to requirements, unused, damaged or impounded*
  - b) *Assets with a written down value of \$5,000 or more (individually or collectively)*
    - *if outright disposal of the asset with a written down value less than \$40,000, and is disclosed in Budget*
    - *if the “income” from the asset being disposed of, is to be used as part of consideration for the acquisition of a new asset, and both disposal and acquisition is disclosed in Budget: -subject to the asset not being available to the purchaser until such time as the new asset is available for Shire use*
2. *This delegation is not applicable to:*
  - *disposal of land*
  - *disposal of an asset where it forms part of tender consideration*

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

If the items are to be disposed of, a replacement smaller concrete truck and smaller mobile batching plant would be sought in the 2016/17 annual budget. No replacement for the spray trailer or Boom lift would be requested.

Pickles Valuation Services was requested to provide a valuation for the following items of plant and equipment.

- |   |          |
|---|----------|
| 1. 10/1988 Ford E Series L9000, 6x4 Concrete Agitator           | \$ 6,000 |
| 2. 05/1991 JLG 60HA, Boom lift                                  | \$ 2,000 |
| 3. 04/2013 Auswide Equipment Dual Axle Trailer , Bitumen Sprays | \$15,000 |
| 4. Home made Dual Axle Cement Mixer Trailer                     | \$ 2,000 |
| 5. Concrete Batching Plant                                      | \$ 3,500 |

Reg 30(3) of the Local Government (Functions and General) Regulations 1996 states a disposition of property other than land is an exempt disposition if the market value is less than \$20,000 to which Section 3.58 of the Local Government Act applies.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0409     Disposal of Council Property – Plant and Equipment**

**That Council:**

- 1. Authorises the disposition of the following plant and equipment**
  - 10/1988 Ford E Series L9000, 6x4 Concrete Agitator;
  - 05/1991 JLG 60HA, Boom lift;
  - 04/2013 Auswide Equipment Dual Axle Trailer , Bitumen Sprays;
  - Home-made Dual Axle Cement Mixer Trailer; and
  - Concrete Batching Plant.
- 2. Allocates in its 2016-17 Draft Annual Budget for the replacement of a Concrete Agitator Truck and Batching Plant.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 5/0**

## **11.4 ADMINISTRATION**

### **11.4.1 Report on Matters Outstanding as at 13 April 2016**

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 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**

Nil

#### **Business Implications**

Nil

#### **Consultation**

Nil

#### **Comment**

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

<b>Matters Outstanding</b>			
<b>MEETING DATE</b>	<b>ITEM REFERENCE</b>	<b>RESOLUTION</b>	<b>CURRENT STATUS</b>
17th December 2015	Purchase of TV for the Gold Battery at Paynes Find	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 be amended accordingly when the Shire conduct its Annual Budget Review in January 2016.	Letter to be sent to the owners of the Paynes Find Gold Battery seeking confirmation that they be responsible for the maintenance and upkeep and acknowledge that the TV remains the property of the Shire of Yalgoo before TV is purchased. Awaiting Response from Paynes Find Gold Battery. <b>Letter received and filed 19 April 2016. Ready for purchase and completion.</b>
22 <sup>nd</sup> January 2016	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	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.	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. Awaiting Solicitor's advice on outcome
22 <sup>nd</sup> January 2016	Application for funding – National Stronger Regions Fund	That the Chief Executive Officer prepare a funding application for the following project - The upgrade and extensions to the Shire of Yalgoo Community Hall.	Appropriate consultants have been engaged to prepare the application for funding by the due date. To be completed in May 2016
22 <sup>nd</sup> January 2016	Application for Funding Round Five of the Heavy Vehicles Safety and Productivity Program.	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.	Appropriate consultants have been engaged to prepare the application for funding by the due date. To be completed in May 2016
19-February-2016	Technical Services Report	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo	CEO to confirm

## **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0410**    **Report on Matters Outstanding as at 13 April 2016**

**That Council receives Report 11.4.1 Report on Matters Outstanding as at 13 April 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr P Lawson**

**Motion put and carried 5/0**

### 11.4.2 Report on Changes to Advertised Meeting Date – Ordinary Council Meeting and Finance Committee Meetings

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016

#### Matter for Consideration

That council give consideration to change the meeting dates for the May 2016 Ordinary Council and Finance Committee meetings.

#### Background

The Council at its December 2015 Ordinary meeting set dates, times and location for Council and Committee meetings for the 2016 Calendar year. For the month of May 2016 the following meetings were scheduled:

- 20 May 2016 Ordinary Council Meeting
- 13 May 2016 Finance Committee Meeting

#### Statutory Environment

##### Local Government (Administration) Regulations 1996

##### Reg 12(1)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

##### Reg 12(2)

- (1) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

##### Local Government Act 1995

##### 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; and
  - (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.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than — (i) the time prescribed for the purposes of this paragraph; or (ii) if no time is prescribed, 7 days.

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

A member of elected members and Council Officers are unable to attend the scheduled meetings as they all have other local government engagements to attend to. Therefore Council is requested to give consideration to changing the dates for the scheduled May 2016 meetings as follows:

- Ordinary Council Meeting, the meeting date be changed from 20<sup>th</sup> May to 27<sup>th</sup> May 2016
- Finance Committee Meeting from Friday 13<sup>th</sup> May to Friday 10<sup>th</sup> June 2016

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0411     Report on Changes to Advertised Meeting Dates – Ordinary Council Meeting and Finance Committee Meetings**

**That Council in accordance with Regulation 12(2) of the local government (Administration) Regulations 1996 give local public notice in accordance with Section 1.7 of the Local Government Act 1995 to change the following meeting dates:**

- a/. Ordinary Council Meeting, the meeting date be changed from 20th May to 27th May 2016; and**
- b/. Finance Committee Meeting from Friday 13th May to Friday 10th June 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr R Valenzuela**

**Motion put and carried 5/0**

### 11.4.3 Report on Caravan Park Statistics for the Period 1st July 2015 to 31st March 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Statistics for the 2015-16 Financial Year to 31 <sup>st</sup> March 2016
(Yellow Cover Page)	

#### Matter for Consideration

That Council note the statistics on visitor’s 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 been kept accurately since February 2014 when the caravan park managers were employed. Attached is a summary of the parks’ use and income for the 2015-2016 financial year to 31<sup>st</sup> March 2016

#### Statutory Environment

Nil

#### Business Implications

Nil

#### Consultation

Kerry and Albert Grieve

#### 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 13 -14 financial year. The attached worksheet details the statistics for the 2015-16 financial year to 31<sup>st</sup> March 2016.

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

**C2016-0412 Report Caravan Park Statistics for the Period 1st July 2015 to 31st March 2016**

**That Council notes the Caravan Park statistics on visitor’s numbers using the Yalgoo Caravan Park facilities during the 2015-16 financial year to 31<sup>st</sup> March 2016.**

**Moved: Cr J Kanny**

**Seconded: Cr P Lawson**

**Motion put and carried 5/0**

#### 11.4.4 Report Awarding Tender RFT1-2016 Yalgoo Gravel Re-sheeting

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments (Yellow Cover Page)	

#### Matter for Consideration

That Council give consideration to the awarding of Tender RFT1-2016-Yalgoo Gravel Re sheeting.

#### Background

As part of its 2015-16 Regional Road Group grant funding allocations the Shire of Yalgoo received a grant amounting to \$240,000 for the Yalgoo-Ningham Road to reform and resheet to a standard of 8 meters wide between Straight Line Kilometre (SLK) 25-32. The grant allocation is subject to the Shire contributing to one third (1/3) of the cost and has allocated an additional \$120,000 towards the project from its own resources making the total funding available for the project of \$360,000.

#### Statutory Environment

*Local Government Act 1995*

3.57. Tenders for providing goods or services

- (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.
- (2) Regulations may make provision about tenders.

*Local Government (Functions and General) Regulations 1996*

Reg 11 – 24

#### Strategic Implications

The content of the tender is to ensure that the road infrastructure is maintained to a desired standard.

#### Financial Implications

The 2015-16 Annual Budget has allocated the sum of \$360,000 to undertake this stage of the works of which a \$240,000 grant will be received from the Regional Road Group.

#### Consultation

Core Business Australia

#### Comment

Core Business Australia has been engaged to prepare a tender document for the re-sheeting works which was advertised in the Western Australian on Wednesday 16<sup>th</sup> March 2016. Tender to close as of 2.00 pm Wednesday 6<sup>th</sup> April 2016.

The tenders will be evaluated using the information provided in the tender submission/s utilising the following methodology.

- a) Tenders will firstly be assessed against the following Compliance Criteria :
  - Compliance with the Specification contained in the Request
  - Compliance with the Quality Assurance requirements for the Request
  - Compliance with the Delivery Date
  - Compliance and completion of the Price Schedule
- b) Tenders will be assessed against the Qualitative Criteria. The qualitative Criteria set is based on the following weightings:

Criteria	Weighting
Capacity	20%
Experience	20%
Price	60%

- c) The most suitable tender may be shortlisted and may also be requested to clarify there tender, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to the selection of the successful tender.

The evaluation panel comprised of the following:

- Mr Silvio Brenzi                      Chief Executive Officer
- Mr Mark Weller                      Executive Associate Core Business Australia

Tenders were received from the following

- Lenane Holdings Pty Ltd
- ATM Civil Pty Ltd
- Roadline Holdings Pty Ltd
- Roadtech Construction Pty Ltd
- Joharda Ltd as trustee for WJ & EC Rowe Family Trust T/as W & E Rowe Constructions
- WCP Civil Pty Ltd
- Mining and Drilling Services Pty Ltd
- Central Earthmoving Company
- Central Earthmoving Company (Alternative Tender)
- D J MacCormick Constructions



**11.4.5 Report on Review of Delegations**

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	13 April 2016
Attachments	Reviewed Register of Delegations
(Yellow Cover Page)	<b>Report to be updated once Delegations been reviewed</b>

**Matter for Consideration**

That Council review the obligations to the Chief Executive Officer and employee.

**Background**

The Delegations were last reviewed on 21 June 2012. Council is required to review the Delegation at least once every financial year.

**Statutory Environment**

Local Government Act 1995

Section 5.46 (2)

At least once every financial year, delegation under this Division are to be reviewed by the delegator.

**Strategic Implication**

Maintaining proper governance and administration of the local government.

**Consultation**

Dominic Carbone & Associates.

**Comment**

As previously mentioned Council last reviewed Delegations on 21 June 2012 however its required to undertake the task at least once every financial year.

A review of the Delegations is currently been undertaken and amended accordingly in line with legislative amendments and change in position of officers or employees. A copy of delegations are summarised below.

Delegation No.	Delegation	Amendments
2.1	Use of Common Seal.	No changes.
2.2	Tenders.	Legislation change in threshold increased from \$100,000 to \$150,000.
2.3	Disposal of Assets.	No change.
2.4	Creditor Payments.	Changes in Officer’s titles, positions and authorisation.
2.5	Investment of Surplus Funds.	Changes in Officer’s titles, positions and authorisations.

2.6	Write-off of minor outstanding accounts.	Changes in Officer’s titles, positions and authorisations.
2.7	Planning consent.	Addition of Contractor services in delegation by CEO.
2.8	Appointment of authorised officers.	Change in officer’s titles.
2.9	Firefighting – Emergency plant hire.	No change.
3.1	Alteration to Restricted and Prohibited burning periods.	No change.
3.2	Environmental Health Officer.	No change.
3.3	Delegations under Food Act 2008 to the Environmental Health Officer.	No change.
3.4	Building Control.	No change.
4.1	Employment and Management of staff.	Change in officer’s titles, positions and authorisations.
5	Appointment of authorised officers.	Change in officer’s titles, positions and authorisations.
6.1	Media Releases.	No change.

For full details of changes, refer to Delegations Register.

**ATTENDANCE:** 3:25 pm Cr R Valenzuela left the meeting.  
 3:26 pm Cr R Valenzuela rejoined the meeting.

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**C2016-0414 Report of Review of Delegations**

**That Council adopts the Delegations contained in the Register of Delegations attached to this report.**

**Moved: Cr MR Valenzuela    Seconded: Cr P Lawson    Motion put and carried by Absolute Majority 5/0**

**12 NOTICE OF MOTIONS**

**12.1 PREVIOUS NOTICE RECEIVED**

Nil

## 13 URGENT BUSINESS

Nil

## 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](http://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.

## 14.1 MATTERS OF CONFIDENTIAL NATURE

The President at 3:27 pm advised the gallery that the business before the Council is to be considered behind closed doors.

### Motion to Close the Meeting to the Public

#### Voting Requirements –

Simple Majority

#### COUNCIL DECISION

##### **C2016-0415**    Close Meeting to the Public

**That the meeting be closed to the public.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion put and carried 5/0**

**ATTENDANCE:**        *3.27 pm, Silvio Brenzi CEO and Karen Malloch (EA) left the meeting.*

Remaining in the meeting were:

- President N Grinham
- Cr R Valenzuela
- Cr P Lawson
- Cr K Kanny
- Cr G Trenfield

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION AMENDED

##### Confidential Report on Chief Executive Officer – Probation Period and Performance Review

**That Council:**

1.     **Re affirms the appointment of Mr Silvio Brenzi as its Chief Executive Officer for a term of three (3) years to expire on 29 October 2018 on the basis that the (6) months probationary period has now expired.**
2.     **In accordance with Section 5.38 of the Local Government Act 1995 and Clause 8.2 of the Chief Executive Officer Contract of Employment has conducted a performance review by undertaking an assessment.**
3.     **Set the following annual performance targets for 2017 CEO performance review in accordance with Clause 7(2) of the Chief Executive Officer Contract of Employment:**
  - **Implementation of new accounting and financial software (Ozone) by 31st October 2016;**
  - **Achieve a target of greater than 80% for the completion of capital works programme detailed in the 2015-16 annual budget; and**
  - **Implement an appropriate training programme for elected members.**

**Moved: Cr R Valenzuela**

**Seconded: Cr J Kanny**

**Motion AMENDED**

Giving consideration to the above-mentioned report was resolved as follows:

That Council give consideration by splitting the Officers' Recommendations and be voted on separately.



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