



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE PAYNES FIND COMMUNITY CENTRE
PAYNES FIND

ON FRIDAY 22 APRIL 2016

COMMENCING 11.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN PAYNES FIND COMMUNITY CENTRE , PAYNES FIND ON FRIDAY 22 APRIL 2016 COMMENCING AT 11.00 AM.

Silvio Brenzi
Chief Executive Officer



CONTENTS

| | | |
|---------------|--|-----------|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS | 3 |
| 2. | RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE | 3 |
| 3. | DISCLOSURE OF INTERESTS..... | 3 |
| 4. | PUBLIC QUESTION TIME | 4 |
| 4.1 | RESPONSE TO QUESTIONS TAKEN ON NOTICE..... | 4 |
| 4.2 | QUESTIONS WITHOUT NOTICE..... | 4 |
| 5. | MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 4 |
| 6. | APPLICATIONS FOR LEAVE OF ABSENCE | 4 |
| 7. | ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED..... | 4 |
| 7.0 | MEETINGS ATTENDED BY ELECTED MEMBERS..... | 4 |
| 8. | CONFIRMATION OF MINUTES | 5 |
| 8.1 | ORDINARY COUNCIL MEETING..... | 5 |
| 8.2 | SPECIAL COUNCIL MEETING | 5 |
| 9. | REPORTS OF COMMITTEE | 5 |
| 10. | PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters | 6 |
| 10.0 | INFORMATION ITEMS..... | 6 |
| 11. | MATTERS FOR DECISION..... | 6 |
| 11.0 | MATTERS BROUGHT FORWARD..... | 6 |
| 11.1 | TECHNICAL SERVICES..... | 6 |
| 11.1.1 | Report on Technical Services | 6 |
| 1 | Road Construction | 6 |
| 2 | Road Maintenance – Light Grading Works:..... | 6 |
| 3 | Other Infrastructure Maintenance: | 7 |
| 4 | Plant & Equipment:..... | 7 |
| 5 | Parks and Reserves: | 7 |
| 6 | Infrastructure – Capital:..... | 7 |
| 7 | Staff..... | 7 |
| 11.2 | DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH..... | 8 |
| 11.2.1 | Report on Development, Planning and Environmental Health..... | 8 |
| 11.3 | FINANCE | 10 |
| 11.3.1 | Financial Activity Statements and Accounts Paid for the Month of February 2016. | 10 |
| 11.3.2 | Report on Accounts Paid for the Month of January 2016..... | 12 |
| 11.3.4 | Disposal of Council Property – Plant and Equipment..... | 16 |
| 11.4.1 | Report on Matters Outstanding as at 13 April 2016 | 19 |
| 12 | NOTICE OF MOTIONS..... | 29 |
| 12.1 | PREVIOUS NOTICE RECEIVED..... | 29 |
| 13 | URGENT BUSINESS..... | 29 |
| 14 | MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 29 |
| 14.0 | STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC..... | 29 |

| | |
|---------------------------------|----|
| Local Government Act 1995 | 29 |
| 15. NEXT METING | 31 |
| 16. MEETING CLOSURE | 31 |



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be 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

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

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

The Report to be considered by the Council at item 14.1 of this Agenda

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 18 March 2016 be confirmed.

| | | |
|---------------|------------------|------------------------------------|
| Moved: | Seconded: | Motion put and carried/lost |
|---------------|------------------|------------------------------------|

8.2 SPECIAL COUNCIL MEETING

Background

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Minutes of the Special Meeting

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

| | | |
|---------------|------------------|------------------------------------|
| Moved: | Seconded: | Motion put and carried/lost |
|---------------|------------------|------------------------------------|

9. REPORTS OF COMMITTEE

NIL

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

10.0 INFORMATION ITEMS

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

11. MATTERS FOR DECISION

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 | P Shed Plans. |

Matter for Consideration:

That Council receive the Technical Services Report.

1 Road Construction

Yalgoo-Ninghan 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.

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 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 light graded following a flooding event. (Thunderlarra)

3 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.

4 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.

5 Parks and Reserves:

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

6 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 Weeks St homes and the new Henty St home. (Stratco).

7 Staff

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

OFFICER RECOMMENDATION

Technical Services Report

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

Moved:

Seconded:

Motion put and carried/lost

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 (yellow) | Urbis Advice |

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

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

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:

Seconded:

Motion put and carried/lost

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 | Financial Statements for the Month of February 2016 |
| (Red Cover Page) | TO BE PROVIDED TO MEMBER PRIOR TO OR 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.

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 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 Dughters, 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 reallocated 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

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:
-Increase expenditure Account No. TBA – Contribution Production Costs movie “The Decadent and Depraved” - \$5,000
-Decrease Expenditure Account No. E132008 Tourism Signage - \$5,000

Moved:

Seconded:

Motion put and carried/lost

11.3.4 Disposal of Council Property – Plant and Equipment

| | |
|--------------------|--|
| File: | |
| Author: | Silvio Brenzi - CEO |
| Interest Declared: | No interest to disclose |
| Date: | 13 April 2016 |
| Attachments | Pickles Valuation Services – Restricted Appraisal Report (Red Cover Page) |

Matter for Consideration

That Council give consideration to the disposal of the following property

- 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
- Concrete Batching Plant

Background

The above items have reached their useful life expectancy or have proven to no longer be required in our operations. The concrete truck has serious maintenance requirements and has a spare bowl on a trailer that could be transferred. However the size and cost of such is not seen to be valuable. A similar issue sits with the batching plant which requires various modifications to make safe for use.

The Boom lift was purchased prior to the current administration and was not certified as required by law. To have this carried out would be excessive in relation to the amount of use that could be utilised by such a piece of equipment.

The bitumen spray trailer unit was purchased new and has never been used. Contractors carry out all bitumen sealing works and there is no cost effectiveness in retaining a piece of plant that no one is trained for and requires specialised materials etc to operate.

Statutory Environment

Local Government (Functions and General) Regulations 1996

Regulation 30(3) state

(3) A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000; or

(b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Delegation

2.3 Disposal of Asset

Introduction

Disposing of property is required to be accessible to the public, or

if to be direct to a person, by public notice.

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

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
 - Concrete Batching Plant
2. **Allocates in its 2016-17 Draft Annual Budget for the replacement of a Concrete Agitator Truck and Batching Plant**

Moved:

Seconded:

Motion put and carried/lost

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.

| Matters Outstanding | | | |
|---|---|--|--|
| MEETING DATE | ITEM REFERENCE | RESOLUTION | CURRENT STATUS |
| 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. |
| 22 nd January 2016 | 2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval | That Council: | 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 |
| | | 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. | | | |
| 22 nd 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 nd 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

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:

Seconded:

Motion put and carried/lost

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 20th May to 27th May 2016
- Finance Committee Meeting from Friday 13th May to Friday 10th June 2016

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

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

- 1. Ordinary Council Meeting, the meeting date be changed from 20th May to 27th May 2016**
- 2. Finance Committee Meeting from Friday 13th May to Friday 10th June 2016**

Moved:

Seconded:

Motion put and carried/lost

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 st 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 2015-16 financial year to 31st 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 31st March 2016.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

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 31st March 2016.

Moved:

Seconded:

Motion put and carried/lost

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 | Confidential panel assessment report to be provided upon receipt or at the meeting |

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 have been engaged to prepare a tender document for the resheeting works which was advertised in the Western Australian on Wednesday 16th March 2016. Tender to close as of 2.00pm Wednesday 6th 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 tenderer.

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 Constructors

The following tenders did not meet the requirements of the Compliance Criteria and were rejected and not evaluated:

- Central Earthmoving Company (Alternative Tender)
- Mining and Drilling Services Pty Ltd

Core Business will provide a confidential panel assessment report prior to the ordinary Council meeting and members will be provided with a copy of the report upon receipt.

The table below details the scores for each tenderer after the completion of the weighted assessment of all criteria.

| RFT 1 – 2016 Gravel Sheeting: Summary of Scores | | | | | | | | |
|---|-----------|-----------|---------------|-----------------|-------------------|-----------|-----------|-----------|
| Tenderer: | ATM Civil | Centrals | DJ MacCormick | Lenane Holdings | Roadline Holdings | Roadtech | W&E Rowe | WCP Civil |
| Rank Based on score | 2 | 3 | 7 | 8 | 5 | 6 | 1 | 4 |
| Panel Qualitative Score/40 | 28.7 | 32.0 | 24.0 | 21.3 | 20.7 | 23.3 | 27.3 | 22.7 |
| Price Formulae Score/60 | 48.3 | 40.8 | 36.5 | 0.0 | 46.7 | 43.2 | 60.0 | 45.1 |
| Price (Ex GST) | \$437,350 | \$513,241 | \$556,400 | \$925,202 | \$453,177 | \$489,400 | \$319,380 | \$469,518 |
| Total Score/ 100 | 76.98 | 72.80 | 60.53 | 21.33 | 67.42 | 66.49 | 87.33 | 67.80 |

The evaluation panel assessment reveals that Joharda Ltd as Trustee for WJ & EC Rowe Family Trust T/As W & E Rowe Contractors achieved the highest score of 87.33 with the price of \$319,380 (excluding GST). The evaluation panel recommends that the tender be awarded to W & E Rowe Contractors.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

Report Awarding Tender RFT1-2016 Yalgoo Gravel Resheeting

That Council Awards Tender RFT 1-2016 Yalgoo Gravel Resheeting to Joharda Ltd as trustee for WJ & EC Rowe Family Trust T/As W & E Rowe Constructions and each tenderer be notified in writing of the outcome of the tender including particulars relating to the successful tenderer in accordance with Regulation 19 of the Local Government (Functions and General) Regulations 1996

Moved:

Seconded:

Motion put and carried/lost

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 |
| Report to be updated once Delegations been reviewed | |

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 current. | Addition of Contractor services in xxxxx 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.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Report of Review of Delegations

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

Moved:

Seconded:

Motion put and carried/lost

12 NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

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.

14.1 MATTERS OF CONFIDENTIAL NATURE

Motion to Close the Meeting to the Public

Confidential Report

14.1.1 Report on Chief Executive Officer – Probation Period and Performance Review

| | |
|--------------------|-------------------------|
| File: | |
| Author: | Steven Cosgrove |
| Interest Declared: | No interest to disclose |
| Date: | 13 April 2016 |
| Attachments | Nil |

Motion to Open the Meeting to the Public

15. NEXT METING

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Yalgoo on Friday 27 May 2016 commencing at 11.00 am.

16. MEETING CLOSURE

There be no further business the President close the meeting at

| |
|---|
| <p>DECLARATION</p> <p>These minutes were confirmed by Council at the Ordinary Meeting held on _____</p> <p>Signed: _____</p> <p>Person presiding at the meeting at which these minutes were confirmed</p> |
|---|