



UNCONFIRMED MINUTES
FOR THE ORDINARY MEETING
OF COUNCIL
HELD IN
THE PAYNES FIND COMMUNITY CENTRE,
PAYNES FIND
ON FRIDAY, 30 APRIL 2021
COMMENCING 10.00 AM



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CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	5
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	5
3.	DISCLOSURE OF INTERESTS.....	6
4.	PUBLIC QUESTION TIME	6
4.0	QUESTIONS TAKEN ON NOTICE	6
4.1	QUESTIONS TAKEN 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.....	6
7.0	MEETINGS ATTENDED BY ELECTED MEMBERS.....	6
8.	CONFIRMATION OF MINUTES.....	7
8.1	ORDINARY COUNCIL MEETING	7
	C2021-0401 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2021.....	7
9.	REPORTS OF COMMITTEE MEETINGS	7
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters.....	7
10.0	INFORMATION ITEMS	7
10.1	AWARD to be given to Gail Pilmoor	7
10.2	Paynes Find Community Discussion with Shire Comments.....	7
11.	MATTERS FOR DECISION	8
11.0	MATTERS BROUGHT FORWARD	8
11.1	TECHNICAL SERVICES	9
11.1.1	PROGRESS REPORT ON THE CAPITAL WORKS PROGRAM 2020-21.....	9
	C2021-0402 PROGRESS REPORT ON THE CAPITAL WORKS PROGRAM 2020 - 2021.....	13
11.1.2	Technical Services Monthly Report as of the 22 March 2021.....	14
	C2021-0403 Technical Services Monthly Report as at the 22 March 2021.....	16
11.2	DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH	17
11.3	FINANCE.....	17
11.3.1	ACCOUNTS FOR PAYMENT MARCH 2021.....	17
	C2021-0404 ACCOUNTS FOR PAYMENT MARCH 2021.....	20
11.3.2	INVESTMENTS AS AT 31 MARCH 2021	21
	C2021-0405 INVESTMENTS AS AT 31 MARCH 2021	22
11.3.3	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED THE 31 MARCH 2021	23
	C2021-0406 R34 (1) FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED THE 31 MARCH 2021.....	24
11.4	ADMINISTRATION.....	25
11.4.1	CEO Probation	25
	C2021-0407 CEO Probation.....	25
11.4.2	Murchison Regional Vermin Council – Future Structure	26
	C2021-0408 MRVC – Future Structure.....	27
11.4.3	OCCUPATIONAL SAFETY AND HEALTH	28
	C2021-0409 OCCUPATIONAL SAFETY AND HEALTH.....	29
11.4.4	Display Board and Paynes Find Entry Statement.....	30
	C2021-0410 Display Board and Paynes Find Entry Statement	30
11.4.5	Councillor Training Request	31
	C2021-0411 Councillor Training Request.....	32
11.4.6	Local Roads and Community Infrastructure Grant.....	33
	C2021-0412 LRCI Infrastructure Grant.....	33
11.4.7	Standards for CEO Recruitment, Performance and Termination	34

	C2021-0413	Standards for CEO Recruitment, Performance and Termination.....	34
11.4.8		Code of Conduct for Council Members, Committee Members and Candidates.....	35
	C2021-0414	Code of Conduct for Council Members, Committee Members and Candidates.....	36
11.4.9		Code of Conduct Behaviour Complaints Management Policy and Committee Delegation... 	37
	C2021-0415	Code of Conduct Behaviour Complaints Management Policy and Committee Delegation	37
11.4.10		Temporary Site Office	38
	C2021-0416	Temporary Site Office.....	39
12.		NOTICE OF MOTIONS	40
13.		URGENT BUSINESS	40
14.		MATTERS FOR WHICH THE MEETING MAY BE CLOSED	40
	14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	40
	14.1	Request for Road Use Agreement Between the Shire of Yalgoo and Silverlake (Rothsay) Pty Ltd.....	42
	C2021-0417	Road Use Agreement Between the Shire of Yalgoo and Silver Lake (Rothsay) Pty Ltd.....	42
15.		NEXT MEETING	42
16.		MEETING CLOSURE.....	42



Minutes for the Ordinary Meeting of the Yalgoo Shire Council,
 held in the Paynes Find Community Centre, Paynes Find
 On Friday, 30 April 2021 commencing at 10.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President Cr Gregory Payne advised that Deputy President Cr Gail Trenfield will be in attendance via Telephone Conference

President Cr Gregory Payne declared the meeting open at 10.04 am and announced that the DFES Midwest Super Intendant Craig Smith and IMT Public Information Officer Rick Ryan will be attending also the General Manager of Operations Andrew Millar from EMR will be attending.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Gregory Payne, Shire President Cr Gail Trenfield, Deputy President (Via Telephone Conference) Cr Raul Valenzuela Cr Percy Lawson Cr Tamisha Hodder
STAFF	Ian Holland, Chief Executive Officer Elisha Hodder, Executive Assistant
GUESTS	Nil
OBSERVERS	Paynes Find Community Members Gail Pilmoor David Rocke Linda Dalton Leah Bell Don Bell Rachel Grant Byon Parker Doug Taylor Kathrin Otto Amber Johnson
LEAVE OF ABSENCE	Nil
APOLOGIES	Cr Gail Simpson

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting.

Cr Raul Valenzuela declared an interest in item 11.4.5 Councillor Training Request.

4. PUBLIC QUESTION TIME

4.0 QUESTIONS TAKEN ON NOTICE

Nil

4.1 QUESTIONS TAKEN WITHOUT NOTICE

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Late Item 14.1 – Request for Road Use Agreement Between the Shire of Yalgoo and Silverlake (Rothsay) Pty Ltd

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.0 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
23 April 2021	Cue Parliament	Cr Gregory Payne, Shire President Ian Holland, CEO

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

C2021-0401 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2021

That the Minutes of the Ordinary Council Meeting held on 25 March 2021 be confirmed as a true and correct record of proceedings.

Moved: Cr Raul

Seconded: Cr Trenfield

Motion put and carried: 5/0

Gail Pilmoor request 6 hardcopies of the Agenda and Minutes be sent to Paynes Find

9. REPORTS OF COMMITTEE MEETINGS

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).

10.1 AWARD to be given to Gail Pilmoor

President Cr Gregory Payne advised we are waiting on Craig Smith and Rick Ryan from DFES to arrive therefore the awards will be given at lunch time.

10.2 Paynes Find Community Discussion with Shire Comments

Gail Pilmoor shared their community discussion, CEO Ian Holland had commented on each topic.

Local Road Works

With the Weather Events that 2021 has brought to this area, I would like to on behalf of The Community, commend and thank our new CEO – Ian and Works Foreman – Craig and their teams. Their professionalism, communication and management throughout these times, always trying to achieve the best possible for everyone, when the demands have and are still very high and well above the normal has been very much appreciated.

Shire Comment – Thank you for the feedback it is much appreciated. On the whole Shire Infrastructure fared a lot worse from the heavy rain and flooding in early March when compared to the effects of being on the outskirts of

Tropical Cyclone Seroja. Most roads have now been assessed and we are still waiting on a declaration from the Federal Government through DRFAWA arrangements for the March event. It is difficult to accurately record the condition and amount of damage a road has sustained to meet the requirements of DFES while at the same time moving quickly to patch or make the road safe again for travel.

Yalgoo Ninghan GNH – Rubbish Bin

This new rubbish bin has been getting used well, a little too well, so discussions have been had with DBCA to possibly support rubbish disposal. With some of the rubbish we believe, coming from people after spending time at Warriedar and within Karara Rangelands, and future plans for Karara Rangelands to grow their tourism, this will be an issue.

Shire Comment – The Shire has continued discussions with DBCA who are considering a rubbish trailer for Rangeland visitors. It has been suggested that a joint plan be developed to expand collection points along the road through the rangelands and seek assistance from mining companies that regularly use the road for haulage.

Airstrip safety, and compliance inspection

The training had been approved by the Shire for Paynes Find.

Details to TBA – I have discussed this with AMS and will follow up when time is appropriate to all.

Shire Comment – Staff and volunteers attended training at the Yalgoo Airstrip provided by AMS and it is sensible that contractors and volunteers in Paynes Find be afforded the same opportunity. As the Shire does not have a certified airstrip we have had difficulty with final certifications as availability is required at a functioning airstrip to complete ARO training.

Day Tourist Parking

This is an ongoing project yet to be finalised

Future Projects

- Paynes Find to have a walk trail or some form of interactive attraction, wildlife, flowers, stones and the landscape in general.
- Cemetery to be cleaned up and made safe for visitors

Shire Comment – Budget consideration will be given to a joint cemetery improvement project as this ranked quite high in the Shires community engagement to renew our Strategic Community Plan. Where the Shire does not have the resources assistance will be sought from relevant agencies and associations.

Budget consideration will be given to progress plans for tourism improvements along Great Northern Highway.

No further discussions took place.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.1.1 PROGRESS REPORT ON THE CAPITAL WORKS PROGRAM 2020-21

AUTHOR:	Ian Holland, CEO
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	20 April 2021
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

To receive the Progress Report on the 2020-2021 Capital Works Program.

BACKGROUND

The Shire in adopting its 2020-2021 Annual Budget has allocated funds amounting to \$3,732,078 for the purpose of acquiring capital assets and undertaking infrastructure works.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

To deliver the Capital Works Program within the budgeted allocations.

CONSULTATION

Nil

COMMENT

The Capital Works Projects for the 2020-2021 financial year are detailed be:

CAPITAL WORKS PROGRAMME 2020-21

The following assets and works are budgeted to be acquired or undertaken during the year:

		2020-21 ANNUAL BUDGET	2020-21 MARCH ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<u>By Program</u>					
The CEO to provide a verbal update on the status of the capital projects as at 31 March 2021					
Governance					
000000-Admin Computers Hardware and System Upgrade	F & E	37,500	0	37,500	
000000-Admin Upgrade Cabling Fibre	F & E	13,000	12,111	889	Project completed with savings
000000-External Monitor Display	F & E	40,000	766	39,234	Project commenced
000000-Admin Fire Proof Safe	F & E	11,000	813	10,187	Project commenced
000000-Financial Software	F & E	100,000	80,000	20,000	Project commenced
Law Order Public Safety					
000000- CCTV Yalgoo Townsite	F & E	30,000	0	30,000	
Housing					
000000-Other Housing - Nurse Accommodation	L & B	250,000	5,123	244,877	Project commenced
Communities Amenties					
000000- Community Bus	P & E	130,000	111,727	18,273	Project completed with savings
000000- Yalgoo Rubbish Tip	Other	0	18,062	(18,062)	Expenditure not budgeted
Recreation and Culture					
000000 - Community Hall Renovations	L & B	600,000	0	600,000	
000000 - Museum Improvements	L & B	117,157	0	117,157	
000000-Art Centre	F & E	4,500	0	4,500	
000000- Sports Complex	F & E	500	0	500	
000000- Sports Complex -Footpath to School	Recreation	29,256	18,182	11,074	Project commenced

The following assets and works are budgeted to be acquired or undertaken during the year:

		2020-21 ANNUAL BUDGET	2020-21 MARCH ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
By Program					The CEO to provide a verbal update on the status of the capital projects as at 31 March 2021
Transport					
000000- Machinery Shed Depot Concrete Floor 2 Bays	L & B	20,000	23,368	(3,368)	Project completed with over expenditure
000000- Street Lighting	Other	50,000	4,759	45,241	Project commenced
000000-Works Foreman Ute	P & E	75,000	69,913	5,087	Project completed with savings
000000- Grader	P & E	380,000	379,130	870	Project completed with minor savings
000000- Trailer Side Tipper	P & E	180,000	192,270	(12,270)	Project completed with over expenditure
000000- Truck Tipper	P & E	80,000	69,170	10,830	Project completed with savings
000000- Fuel Tank	P & E	2,100	0	2,100	
000000- Deisel Air Compressor	P & E	3,200	0	3,200	
000000- Generator 4.5 kva	P & E	6,000	0	6,000	
000000- Road Sweeper Attachment	P & E	25,000	0	25,000	
000000- Paynes Find Public Toilets	Other	33,655	0	33,655	
000000- Paynes Find Entry Statements	Other	30,000	0	30,000	
ROADS TO RECOVERY GRANTS					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	380,000	29,125	350,875	Project commenced
RRG SPECIAL GRANT RD WORKS					
000000- Yalgoo/Ninghan Road - Seal to width 4m	Roads	514,110	49,813	464,297	Project commenced
MUNICIPAL FUND					
000000- Sandford River Crossing	Roads	25,000	0	25,000	
000000- Badga Woolshed Seal to Airstrip	Roads	80,000	0	80,000	

The following assets and works are budgeted to be acquired or undertaken during the year:

	2020-21 ANNUAL BUDGET	2020-21 MARCH ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
	\$	YTD \$	\$	
By Program				The CEO to provide a verbal update on the status of the capital projects as at 31 March 2021
Economic Services				
000000-Caravan Park - Upgrade Water and Power Supply L & B	30,000	0	30,000	
000000-Caravan Park - 2 Self Contained Accommodation Units L & B	340,000	119,372	220,628	Project commenced
000000-Caravan Park -CCTV F & E	13,600	0	13,600	
000000-HCP Program- Computer F & E	1,500	0	1,500	
Other Propert and Services				
000000-Shire Building- Solar Panels L & B	100,000	0	100,000	
	3,732,078	1,183,704	2,548,374	

VOTING REQUIREMENTS

Simple Majority

CEO Ian Holland explained each project in further detail.

OFFICER RECOMMENDATION / COUNCIL DECISION**C2021-0402 PROGRESS REPORT ON THE CAPITAL WORKS PROGRAM 2020 - 2021****That Council receive the Progress Report on the Capital Works Program 2020 – 2021 as at 31 March 2021.****Moved: Cr Percy Lawson****Second: Cr Tamisha Hodder****Motion put and Carried: 5/0**

11.1.2 Technical Services Monthly Report as of the 22 March 2021

Author:	Craig Holland, Works Foreman
Interest Declared:	No interest to disclose
Date:	22 March 2021
Attachments	Nil

Matter for Consideration

That Council receives the Technical Services Monthly Report as at 22 March 2021.

Background

Nil

Statutory Environment

Nil

Statutory Implications

Nil

Consultation

Nil

Comment

1 ROAD CONSTRUCTION – CAPITAL

Yalgoo Ninghan road going ahead for RRG

2 ROAD MAINTENANCE - OPERATIONS

Maintenance grading done on Yalgoo North road, Pindathunna Homestead road to Yalgoo North Road, Narndee West Road repairs done, Ninghan Road.

3 PROPERTY AND VEHICLE MAINTENANCE

Services carried out on Hino Dual Cab, YA 479 and YA 1631 Side tippers

4 PARKS, RESERVES AND PROPERTIES

4.1 Art & Culture Centre

General gardening maintenance carried out.
Murals being framed to hang on external wall.

4.2 Community Town Oval

General gardening maintenance and fertilizing conducted to the oval and core stadium gardens.
Water and soil samples sent away for testing.

4.3 Community Park, Gibbons Street

General gardening maintenance conducted on a weekly bases, mowing, pruning, and watering.

4.4 Community Park, Shamrock Street

General gardening maintenance conducted on a weekly bases, mowing, pruning, and watering.
New shade sails erected.

4.5 Water Park

General gardening maintenance conducted on water park.
New shade sails erected.

4.6 Yalgoo Caravan Park

General gardening maintenance is done every two weeks.

4.7 Paynes Find.

Nil

4.8 Railway Station

General gardening maintenance conducted on a weekly bases Mowing, pruning and watering.
Race track graded and watered, new water line run for horses and some fencing work done on yards.

4.9 Yalgoo Nursing Post

No changes or additions to the nursing post, besides general gardening maintenance.

4.10 Staff Housing

Quotes for fire damage at 1 Stanley street are with assessors.

4.11 Yalgoo Rubbish Tip

Tip edge pushed over once a week.

4.12 Yalgoo & Paynes Find Airstrip

New batteries have been fitted to lights on the Yalgoo air strip.
Paynes Find airstrip graded and rolled

5 INFRASTRUCTURE - CAPITAL

Nil

6 PRIVATE WORKS

Grade Warrdagga track

7 PURCHASING

New side tipper trailers have arrived.

8 STAFF

Khian Hill has been put on permanent and is doing a great job.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUCNIL DECISION

C2021-0403 Technical Services Monthly Report as at the 22 March 2021

That Council:

Receive the Technical Services report as at 22 March 2021.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.2 DEVELOPMENT PLANNING AND ENVIRONMENTAL HEALTH

Nil

11.3 FINANCE

11.3.1 ACCOUNTS FOR PAYMENT MARCH 2021

AUTHOR:	Dominic Carbone
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	20 April 2021
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

Council approve the Accounts for Payment list for the period 1 March 2021 to 31 March 2021 as detailed in the report below.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.10 Financial Management regulations

Regulations may provide for –

- a. The security and banking of money received by a local government' and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
 - I. The municipal fund; and
 - II. The trust fund, of a local government.

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
 - I. The payee's name; and
 - II. The amount of the payment; and
 - III. The date of the payment; and
 - IV. Sufficient information to identify the transaction.
2. A list of accounts for approval to be paid is to be prepared each month showing –
 - a. For each account which requires council authorisation in that month –
 - I. The payee's name; and
 - II. The amount of the payment; and
 - III. Sufficient information to identify the transaction; and

- b. The date of the meeting of the council to which the list is to be presented.
3. A list prepared under subregulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The list of accounts paid for the period 1 March 2021 to 31 March 2021 are as follows:

SHIRE OF YALGOO
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 MARCH 2021 TO 31 MARCH 2021

DATE	PAYEE	PARTICULARS	AMOUNT
PAID			\$
5/03/2021	BATTERY MART	BATTERY YALGOO AIRSTRIP LIGHTING	1,320.00
5/03/2021	BEACHLANDS PLUMBING	PLUMBING REPAIRS - INSTALL PUMP LEACH DRAIN STANLEY STREET RESIDENCE	1,500.20
5/03/2021	BRIDGED GROUP PTY LTD	COMPUTER MAINTENANCE SUPPORT	2,079.00
5/03/2021	CANINE CONTROL	CONTRACT RANGER FEBRUARY 2021	1,143.45
5/03/2021	DATACOM SOLUTIONS PTY LTD	PAYROLL SERVICES FEBRUARY 2021	272.80
5/03/2021	DOMINIC CARBONE AND ASSOCIATES	CONSULTANCY FINANCIAL AND ADMIN.	3,217.50
5/03/2021	GERALDTON TOYOTA	PURCHASE WORKS FOREMAN VEHICLE	77,289.59
5/03/2021	MICHELLE HODDER	REIMBURSEMENT FUEL	50.00
5/03/2021	INDEPENDENT RURAL	WATER TANKS FOR YALGOO AND PAYNES FIND BUSH FIRE BRIGADES	6,970.50
5/03/2021	ITVISION	PROGRESS PAYMENT - SYNERGYSOFT IMPLEMENTATION OF SOFTWARE	22,000.00
5/03/2021	KEEN BROS	TRAINING FOR PHILLIP HILL	1,500.00
5/03/2021	LANDGATE	VALUATIONS MINIG TENEMENTS	286.65
5/03/2021	LAWSON PERCY	COUNCIL MEETING FEES AND ALLOWANCES FEBRUARY 2021	821.34
5/03/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	GRANT WRITING WORKSHOP SHIRE STAFF	1,245.00
5/03/2021	LUSCOMBE SYNDICATE	DEPOT SUPPLIES	166.21
5/03/2021	PAYNE GREGORY ARTHUR	COUNCIL MEETING FEES AND ALLOWANCES FEBRUARY 2021	1,776.67
5/03/2021	POOL AND SPA MART	YALGOO WATER PARK,CHLORINE	49.80
5/03/2021	RAUL VALENZUELA	COUNCIL MEETING FEES AND ALLOWANCES FEBRUARY 2021	529.67
5/03/2021	REFUEL AUSTRALIA	FUEL SUPPLIES JANUARY 2021	8,181.20
5/03/2021	ROCKE DAVID	CLEANING PAYNES FIND COMMUNITY CENTRE AND ROAD INSPECTIONS	304.84
5/03/2021	SIMPSON GAIL	COUNCIL MEETING FEES AND ALLOWANCES FEBRUARY 2021	527.67
5/03/2021	SPOTLIGHT P/L	ART CENTRE SUPPLIES	588.10
5/03/2021	TMT ELECTRICAL	DEPOT TEST AND TAG W AND REPAIRS TO UNITS, STAFF HOUSING,CORE STADIUM	6,896.50
5/03/2021	TOLL TRANSPORT	FREIGHT	151.67
5/03/2021	TRENFIELD GAIL	COUNCIL MEETING FEES AND ALLOWANCES FEBRUARY 2021	777.67
5/03/2021	WALGA	TRAINING FOR RATES CLERK	1,045.00
5/03/2021	WINC AUSTRALIA PTY LTD	OFFICE STATIONERY AND CLEANING SUPPLIES	2,632.15
5/03/2021	WURTH	DEPOT SUPPLIES	476.74
12/03/2021	HOWARD PORTER	PURCHASE 2 TRAILERS AND EQUIPMENT	211,677.00
12/03/2021	GERALDTON TOYOTA	PURCHASE COMMUNITY BUS LESS TRADE IN	123,311.99
12/03/2021	PEARCE PAINTING AND DECORATING	INTERIOR PAINTING 43 GIBBONS STREET	5,695.22
12/03/2021	CIVIC LEGAL	LEGAL FEES NATIVE TITLE MATTER	7,081.25
12/03/2021	WA HINO	PURCHASE TRUCK LESS TRADE IN	40,523.45
12/03/2021	BEAUREPAIRES	TYRES COMMUNITY BUS	1,680.00
		TOTAL	533,768.83

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0404 ACCOUNTS FOR PAYMENT MARCH 2021

That Council approve the list of accounts paid for the period 1 March 2021 to 31 March 2021 amounting to \$533,768.83 and the list be recorded in the Minutes.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put carried: 5/0

11.3.2 INVESTMENTS AS AT 31 MARCH 2021

AUTHOR:	Dominic Carbone
INTEREST DECLARED:	NO INTEREST TO DISCLOSE
DATE:	20 APRIL 2021
ATTACHMENTS	NIL

MATTER FOR CONSIDERATION

That Council receive the Investment Report as at 31 March 2021.

BACKGROUND

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.14. Power to invest

(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.

(2A) A local government is to comply with the regulations when investing money referred to in subsection (1).

(2) Regulations in relation to investments by local governments may —

(a) make provision in respect of the investment of money referred to in subsection (1); and

[(b) *deleted*]

(c) prescribe circumstances in which a local government is required to invest money held by it;

and

(d) provide for the application of investment earnings; and

(e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —

(a) the nature and location of all investments; and

(b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

(1) In this regulation —

authorised institution means —

(a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or

(b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a local government may not do any of the following —

(a) deposit with an institution except an authorised institution;

(b) deposit for a fixed term of more than 12 months;

(c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;

(d) invest in bonds with a term to maturity of more than 3 years;

(e) invest in a foreign currency.

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

Nil

COMMENT

The worksheet below details the investments held by the Shire as at 31 March 2021.

SHIRE OF YALGOO CASH HOLDINGS AS AT 31 MARCH 2021								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N ^o	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4540	Ongoing	N/A	N/A	Variable	\$1,658,923.14
BENDIGO	N/A	Operating a/c	171336274	Ongoing	N/A	N/A	Variable	\$1,271,815.59
BENDIGO	N/A	Saving	171336282	Ongoing	N/A	N/A	Variable	\$25,069.80
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$52,130.29
TOTAL								\$3,007,938.82

RESERVE FUNDS								
Bendigo	N/A	Term Deposit	3479107	4 months	11.01.2021	11.05.2021	0.30%	\$169,381.54
Bendigo	N/A	Term Deposit	3483811	4 months	11.01.2021	11.05.2021	0.30%	\$471,899.08
Bendigo	N/A	Term Deposit	3483825	4 months	11.01.2021	11.05.2021	0.30%	\$1,134,864.04
TOTAL								\$1,776,144.66

INVESTMENT REGISTER						
01 MARCH 2021 TO 31 MARCH 2021						
NATIONAL AUSTRALIA BANK						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.03.2021	INVESTMENT TRANSFERS	CLOSING BALANCE 31.03.2021
171336282	Ongoing	Variable	\$25,051.07	\$18.73		\$25,069.80
24-831-4222	Ongoing	Variable	\$52,118.23	\$12.06	0	\$52,130.29
3567670	11.05.2021	0.30%	\$468,712.48	\$3,186.60	0	\$471,899.08
3567677	11.05.2021	0.30%	\$1,127,240.64	\$7,623.40	0	\$1,134,864.04
3567669	11.05.2021	0.30%	\$168,854.45	\$527.09	0	\$169,381.54

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0405 INVESTMENTS AS AT 31 MARCH 2021

That the Investment Report as at 31 March 2021 be received.

Moved: Cr Gail Trenfield

Seconded: Cr Tamisha Hodder

Motion put and carried: 5/0

11.3.3 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED THE 31 MARCH 2021

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	20 APRIL 2021
Attachments	<ul style="list-style-type: none">• Statement of Comprehensive Income ending the 31 March 2021;• Financial Activity Statement; ending 31 March 2021;• Summary of Current Assets and Current Liabilities as of 31 March 2021;• Statement of Current Financial Position as at 31 March 2021;• Detailed worksheets;• Other Supplementary Financial Reports:<ul style="list-style-type: none">○ Reserve Funds;○ Loan Funds

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.

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

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

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

STRATEGIC IMPLICATIONS

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

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

POLICY IMPLICATIONS

2.4 Material Variance

FINANCIAL IMPLICATIONS

The Financial Activity Statements reflect the financial situation of the Shire as at year to date.

CONSULTATION

Nil

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds;

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0406 R34 (1) FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED THE 31 MARCH 2021.

That Council:

Adopts the Financial Activity Statement for the period ended 31 March 2021.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.4 ADMINISTRATION

11.4.1 CEO Probation

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	20 April 2021
Attachments	Nil

MATTER FOR CONSIDERATION

That Council determine the satisfactory completion of the Chief Executive Officers Probationary Period.

BACKGROUND

The Shires CEO was subject to the satisfactory completion of a six month probationary period. Six months has now elapsed since the 29/09/2020 including annual leave taken at Christmas.

The CEO met with the Shire's President and Deputy President on the 2nd April to discuss the current progress of the CEOs Key Performance Indicators.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

CONSULTATION

COMMENT

In light of the recent required changes to CEO Performance it is suggested that the first performance review be scheduled for August 2021 followed by a March 2022 review to bring the process in line with the Shires Strategic Planning Processes and policy 11.1.2.

This will provide for 8 months between the first set of adopted KPIs and 7 months between the next iteration. An independent external facilitator is required to be appointed by a resolution of Council. This should occur no later than the July Ordinary Council Meeting.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0407 CEO Probation

That Council accepts the successful satisfactory completion of the Chief Executive Officers Probationary Period and schedules the first performance review for August 2021.

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

Motion put and carried: 5/0

11.4.2 Murchison Regional Vermin Council – Future Structure

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	20 April 2021
Attachments	MRVC Letter 14th April MRVC Future Structure

MATTER FOR CONSIDERATION

That Council determine a position on a merger between the Murchison Regional Vermin Council and the Meekatharra Rangelands Biosecurity Association.

BACKGROUND

In recent MRVC meetings it has been discussed that Audit Fees are becoming extremely onerous for the size of the organisation. Some of this is due to the MRVCs status as a regional Council. Once construction phases are complete any future maintenance could be far outweighed by audit/operating costs.

A request has been received in the attached letter to provide Councils views on a possible merger.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

Supporting Pastoralists and assisting in the control of wild dogs.

CONSULTATION

Murchison Regional Vermin Council

COMMENT

As this is a work in progress and involves numerous parties there appears to be some work still required to determine the future structure of a combined association.

Administration is of the view that the four points in the letter (Separation of Functions, Funding, Assets and Vermin Fence Committee of Management) are necessary but not exhaustive.

A full business case may be counter productive and essentially waste any savings that could be made in the first year however we believe that the MRVC should obtain legal advice or a sound understanding, from the Department of Local Government or appropriate body, for the transition from Regional Council to Association/Merged Association.

We would also suggest that the new association constitution clearly describes what happens to assets and unexpended funds should the association wind up in the future. We would expect that funds or assets go to an organisation with a similar mandate or revert to the control of individual or joint local governments. For this to fairly occur it may require that each committee operate their own separate accounts.

MRVC discussions have also been held regarding long term Shire financial support for the Vermin Cell Fence however no advice has been provided on how this could be accomplished. In speculation it should be that future Councils and future budgets continue to support active programs such as this which address a need in the community but not at the risk of effecting other vital operations.

VOTING REQUIREMENTS – Parts 1 and 3 Simple Majority Part 2 Absolute Majority

Ian Holland and President Gregory Payne explained the report in further detail

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0408 MRVC – Future Structure

That Council:

- 1. provides in principal support for the proposed merger between the Murchison Regional Vermin Council and the Meekatharra Rangelands Biosecurity Association;**
- 2. delegates further discussions on the proposed constitution to the current MRVC Shire Delegates and the CEO; and**
- 3. requires further evidence and a completed constitution so that support can be appropriately considered.**

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.4.3 OCCUPATIONAL SAFETY AND HEALTH

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	15 April 2021
Attachments	Worksafe Checklist Prompt Safety Solutions Quote

MATTER FOR CONSIDERATION

That Council consider the quotation received from Prompt Safety Solutions for the full implementation of the Shire of Yalgoo Employee and Contractor Combined Safety Management System.

BACKGROUND

Early November 2020 Worksafe WA a division of the Department of Mines, Industry Regulation and Safety conducted an inspection of the Yalgoo Shire Depot and Administration. Through this process it was identified that there were areas of improvement in the shires operations and improvement notices were issued. While administration and outside staff worked hard to comply with these notices and establish better ways of doing things it has become apparent that more support is required. Some work has been done to improve the Shires Employee Safety Handbook since 2005 but most of the changes have been reactionary rather than utilise what has been learnt across the sector.

Prompt Safety Solutions currently provides services to 13 regional local governments and a travel cost sharing arrangement has been suggested if we align our quarterly toolbox meetings with the Shire of Sandstone.

In late 2020 the Work Health and Safety Bill 2019 (WA) was passed by the Western Australian Parliament. It is expected that most provisions of the bill will come into effect within the next 1 -2 years and is the result of harmonisation efforts that bring our legislation closer to Commonwealth and other States legislation. There will be key changes to existing laws as this new act replaces both the Occupational Safety and Health Act 1984 and the Mines Safety and Inspection Act 1994.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

Supporting and protecting the development of the Shire Workforce is important for most strategies under the Strategic Community Plan.

CONSULTATION – Craig Holland, Works Manager

COMMENT

The provision of these services will assist in the following ways:

- Assist the Shire to meet changing legislation in the area of Occupational Safety and Health.
- An external body that can assist staff with OSH advice. Easier for all parties to understand their rights and responsibilities.
- Implementation of new procedures such as contractor inductions.
- Best practice updated plans for remote and hazardous work – traffic control
- Drug and Alcohol Testing

VOTING REQUIREMENTS - Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0409 OCCUPATIONAL SAFETY AND HEALTH

That Council accepts the quote from Prompt Safety Solutions and reallocates \$8690 from the Rural Road Maintenance Account 120155 to the OH&S Account 140330.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.4.4 Display Board and Paynes Find Entry Statement

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	16 April 2021
Attachments	Danthonia Designs Quote

MATTER FOR CONSIDERATION

That Council consider the quotation received from Danthonia Designs for the suitability of the designs and supply.

BACKGROUND

Administration reached out to a handful of WALGA preferred suppliers for the design of entry statements and a display board. The initial design phase was awarded to Danthonia Designs due to the quoted cost and their ability to design, price and supply both products in their entirety.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

CONSULTATION

COMMENT

Paynes Find Entry Statements – It is proposed that Council consider accepting Option 2 for placement at the edge of the town common approximately 5km along the Great Northern Highway from Maranalgo Road in both directions. Approval will have to be sought from Main Roads WA and after freight and Shire installation this project will fall quite close to the initial budgeted amount. Cost for 2 units \$25,132 ex GST with installation allowance remaining of approximately \$4,500 after design costs.

Yalgoo Administration Display Board – It is proposed that the Shire accept the design of the LED Sign and the supply cost of \$24,978 ex GST and work to develop a wayfinding board using a Landgate map as a starting point that can be printed or etched.

Pastoral Stations (more particularly those operating station stays) will be contacted so that they have a choice about whether their homestead location is included. Additional detail will be dependant on the area covered by the map. If possible a replica or alternate version will be considered for display in Paynes Find.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0410 Display Board and Paynes Find Entry Statement

That Council accepts the quote from Danthonia Designs for the Supply of the Yalgoo LED Sign Revision 1 for \$24,978 ex GST and the Supply of Two Paynes Find Entry Sign (Option 2) for \$12,566 ex GST each.

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

Motion put and carried: 5/0

Cr Raul Valenzuela declared and interest in item 11.45 and left the meeting at 10.40am

11.4.5 Councillor Training Request

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	21 April 2021
Attachments	Nil

MATTER FOR CONSIDERATION

That Council determine attendance at an Event or Training.

BACKGROUND

A request has been received from Councillor Valenzuela to attend a Government Advanced Leadership & Management Intensive in Perth at the end of May.

Yalgoo Shires Attendance at Events Policy 2020 does not include CEO discretion for Councillor Training or Conferences other than those listed in Policy 3.2C.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

CONSULTATION

COMMENT

The requested leadership training is conducted by Liquid Learning and focuses on cohesion and collaboration between different levels of government notably state and federal. It includes coaching, leadership and conflict resolution training. This course is conducted in person across Australian Capital Cities.

The cost of this two-day workshop is \$2495 and travel or accommodation reimbursements would also have to be considered. There is currently adequate funding in both Councillor Training and Councillor Conference accounts due to the reduced nature of activities over the past year as a result of Covid-19.

After the budget review one sixth of the Councillor Training and Councillor Conference equates to \$2166. This is after a reduction of \$8000 in the recent budget review.

Policy 3.2C – Attendance at Events (Replaces 3.2B Councillors Conference and Training)

Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in Training and Development Policy in the Employee Orientation and Induction manual.

VOTING REQUIREMENTS - Simple Majority

A discussion took place.

OFFICER RECOMMENDATION

Councillor Training Request

That Council supports Cr Valenzuela's attendance of leadership training conducted by Liquid Learning for the course Government Advanced Leadership & Management Intensive to the value of \$2495.

Moved: Cr Tamisha Hodder

Seconded: Cr Percy Lawson

Motion put and lost: 0/4

Reasons Recorded Against the Motion

Relevance of the training for a Shire Councillor questioned when the Shire of Yalgoo already has regional and state representation. For example the Murchison Country Zone of WALGA and ALGA.

This type of training may better reflect the responsibilities of the CEO than a Councillor.

Beneficial for Councillors to attend Mandatory and Non Mandatory training that is designed and more applicable for Councillors such as the courses provided by WALGA.

Cr Raul Valenzuela returned to the meeting at 10.44am

11.4.6 Local Roads and Community Infrastructure Grant

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	22 April 2021
Attachments	Nil

MATTER FOR CONSIDERATION

That Council Consider the reallocation of \$200,000 of Local Roads and Community Infrastructure Grants funding from the Yalgoo Hall Renovations to other projects to be determined.

BACKGROUND

After difficulties obtaining a quantity surveyor report and starting point for the Yalgoo Hall Renovations the Shire has now secured a full breakdown with an estimate for works coming in at \$626,000 ex GST.

While the Lotterywest Grant is still being assessed the Shire currently has the following listed for the project.

Own Funds: \$100,000

LRCI Grant Phase 1: \$200,000

LRCI Grant Phase 2: \$285,431

Lotterywest Application: \$300,000

The Shire has been advised that due to the current Western Australian Building Boom combined with the Regional Effects of Cyclone Seroja there is likely no issues in applying for an extension. That being said it is difficult to determine at this stage if we will be successful going out to tender and it is suggested that we withdraw the Phase 1 project and allocate the funding to faster community projects that can be completed by the 30 June 2021.

An administration workshop with Councillors is proposed to determine what can be applied for and appropriately spent within the next 2 months.

As the projects or purchases have to be shovel ready an initial suggestion is a pair of portable timed traffic lights for traffic management and the purchasing of new traffic management signage and road closure signage as well as road sweeper attachments and a portable roadwork toilet.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS

CONSULTATION

COMMENT

The remaining budget will be adequate for the works at the hall dependant on the Lotterywest application and a special meeting will be required following the workshop to reallocate the funding in the budget alongside a project/s application to the Department of Infrastructure as per the Grant Agreement.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0411 LRCI Infrastructure Grant

That Council supports in principal the reallocation of the Phase 1 LRCI Grant and will hold a workshop in the first week of May to discuss eligible projects.

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

Motion put and carried: 5/0

11.4.7 Standards for CEO Recruitment, Performance and Termination

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	CEO – Policy relating to the CEOs employment WALGA advice notes available to Councillors
Date:	21 April 2021
Attachments	Standards for CEO Recruitment, Performance and Termination

MATTER FOR CONSIDERATION

That Council adopt the Shire of Yalgoo Standards for CEO Recruitment, Performance and Termination.

BACKGROUND

Local Government (Administration) Amendment Regulations 2021 (CEO Standards) have introduced mandatory standards to the Local Government (Administration) Regulations 1996 that require the local governments adoption before the 3rd May 2021.

STATUTORY ENVIRONMENT - Local Government Act 1995, Section 5.39A and 5.39B

STRATEGIC IMPLICATIONS – Strong Civic Leadership

CONSULTATION - WALGA

COMMENT

Local Governments are able to include in their adopted CEO Standards additional provisions that are not inconsistent with the Model Standards.

Local Governments should exercise caution in adopting additional provisions, as the Council will be required to certify, by absolute majority, that a recruitment or termination process was undertaken in accordance with the adopted CEO Standards.

The CEO and Shire President will need to discuss further any inconsistencies found between the existing employment contract and new legislation.

The draft Shire of Yalgoo Standards for CEO Recruitment, Performance and Termination have been developed from the WALGA template policy.

The Shire is still required to adopt a policy for the temporary employment or appointment of a CEO under the recent changes. This will be done as part of the redevelopment of the DCEO role.

VOTING REQUIREMENTS – Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0412 Standards for CEO Recruitment, Performance and Termination

That Council adopts the Shire of Yalgoo Standards for CEO Recruitment, Performance and Termination as presented and maintains policy 11.1.2 CEO Performance and Review Process Policy, adopted December 2020, as the process by which part 16 of the standards is addressed.

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

Motion put and carried: 5/0

11.4.8 Code of Conduct for Council Members, Committee Members and Candidates

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	20 April 2021
Attachments	Code of Conduct Policy for Council Members, Committee Members and Candidates

MATTER FOR CONSIDERATION

That Council adopt the Shire of Yalgoo Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND

Councillors have recently been provided with copies of the Model Code that was legislated on February 3rd 2021 as part of the Local Government (Model Code of Conduct) Regulations 2021.

Following the gazettal of this new legislation local governments are required to adopt a Code of Conduct that incorporates the Model Code by the 3rd May 2021.

At the Ordinary February Meeting 2021 Council appointed the Chief Executive Officer as the person to receive complaints that relate to the Code of Conduct and approved a form for the lodging of complaints.

STATUTORY ENVIRONMENT - Local Government Act 1995, Section 5.103 and 5.104

STRATEGIC IMPLICATIONS – Strong Civic Leadership

CONSULTATION - WALGA

COMMENT

The Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the Standards Panel.

The purpose of the Model Code is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments.

The draft Shire of Yalgoo Code of Conduct has been developed from the WALGA Template Policy and is attached.

The Shires existing Policy Schedule 1.1 Code of Conduct – Elected Members Item 4.1 in the Shires Governance and Policy Manual covers many topics. Most aspects of this policy that are not included in the Model Code are all sufficiently covered by Legislation. This includes but is not limited to the Local Government (Administration) Regulations 1996 and Part 5, Division 6 of the Local Government Act 1995 – Disclosure of Financial Interests and Gifts.

Shire Administration will endeavour to collate this important information into a guide for Councillors prior to the October 2021 Ordinary Council Elections.

VOTING REQUIREMENTS – Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0413 Code of Conduct for Council Members, Committee Members and Candidates

That Council adopts the Shire of Yalgoo Code of Conduct for Council Members, Committee Members and Candidates as presented and has it replace Policy 4.1 Code of Conduct – Elected Members in the Governance and Policy Manual.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.4.9 Code of Conduct Behaviour Complaints Management Policy and Committee Delegation

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	20 April 2021
Attachments	Code of Conduct Behaviour Complaint Management Policy Behaviour Complaints Committee Delegation

MATTER FOR CONSIDERATION

That Council adopt the Shire of Yalgoo Code of Conduct Behaviour Complaints Management Policy.

BACKGROUND

This item provides a procedure for assessing complaints under the newly legislated Code of Conduct for Council Members, Committee Members and Candidates.

It incorporates Councils prior adoption of a Complaint Form and the Appointment of the Chief Executive Officer as the Complaints Officer/Behaviour Complaints Officer.

STATUTORY ENVIRONMENT - Local Government Act 1995

STRATEGIC IMPLICATIONS – Strong Civic Leadership

CONSULTATION - WALGA

COMMENT

The draft Shire of Yalgoo Code of Conduct Complaint Management Policy has been developed from the WALGA Template and is attached.

Due to the size and remoteness of the local government this policy differs from WALGA template in that the Behaviour Complaints Officer can act as the Complaints Assessor if they feel that they can act impartially and have the appropriate knowledge and skill to assess a complaint. This has been suggested because the local government may not have the resources to appoint an external party or it may create unreasonable timeframes for assessment.

A Behaviour Complaints Committee is proposed to be established and the Terms of Reference are included in the attached Code of Conduct Behaviour Complaints Management Policy. Along with the Behaviour Complaints Committee Delegation in the second attachment it is envisaged that the Committee will consist of all Councillors and any Councillors who are Complainants or Respondents to a specific complaint being considered will excuse themselves allowing the Committee to function.

VOTING REQUIREMENTS – Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0414 **Code of Conduct Behaviour Complaints Management Policy and Committee Delegation**

That Council:

- 1. adopts the Shire of Yalgoo Code of Conduct Behaviour Management Policy including the creation of and Terms of Reference for a Behaviour Complaints Committee;**
- 2. appoints all Councillors to the Behaviour Complaints Committee; and**
- 3. approves the attached delegation of powers to the Behaviour Complaints Committee.**

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

11.4.10 Temporary Site Office

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	28 April 2021
Attachments	Site Map

MATTER FOR CONSIDERATION

That Council consider the placement of temporary site offices and sea containers on Lot 4315 Plan 190649 a Crown Land Lease held by Outback Enterprises (WA) PTY LTD.

BACKGROUND

A request was received on the 13th April with additional information provided on the 27th April 2021 for the placement of 3 offices, 2 sea containers and a generator on Lot 4315 as per the site map attached.

Ertech has been awarded seal widening works on Great Northern Highway by Main Roads WA and have provided this request in conjunction with Doug Taylor of Outback Enterprises.

Main Roads WA have the ability to determine a suitable section of their Road Reserve for the placement of this site office however Ertech and Outback Enterprises believe it will be beneficial for the offices to be located closer to the Paynes Find Roadhouse. The company wishes to get these structures situated as soon as possible and believe they will only be required for a period of 3 months.

STATUTORY ENVIRONMENT - Local Government Act 1995 and Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Yalgoo Local Planning Scheme No. 2

STRATEGIC IMPLICATIONS – Supporting local businesses and improvements of the wider road network

CONSULTATION

COMMENT

Current Permitted Special Uses for Lot 4315 are listed as Road House, Short-term accommodation and Caravan Park.

Under the Planning and Development (Local Planning Schemes) Regulations 2015 which is reflected in the Local Planning Scheme, Schedule 2, Part 7 Clause 61 states that development approval is not required for works if – under item 17 of the applicable table – the Works are “Temporary Works” and they follow the condition that “The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.

For this work to not require a development application the local government would be required to determine that 3 months is consistent with temporary works for the abovementioned project.

It should be noted that further checks such as building permits are not required as per the following extract from the Building Act 2011.

70. Buildings incidental to infrastructure

(1) A permit is not required for a building or an incidental structure that is, or is proposed to be, used in the construction, operation or maintenance of road, rail, port, harbour, airport, water, sewerage, electricity, oil or gas supply infrastructure.

(2) However, the permit requirement provisions apply to a building or an incidental structure of a kind mentioned in subsection (1) — (a) that is, or is proposed to be, a residential facility or a recreational facility; or (b) that members of the public normally use; or (c) to which members of the public are permitted access. Should Council determine in this instance that 3 months is a suitable amount of time for temporary works with respect to the type and location of the works, it is worthwhile considering the effects and safety implications of the request.

It is proposed that in this one instance, and with regard to the current road project of seal widening works on Great Northern Highway from SLK 406 to SLK 460 for Main Roads WA, that Council consider a site office consisting of the items/structures listed below being place placed on Lot 4315 for three (3) months as temporary works and not requiring development approval.

Ertech Office 12m x 3m

Crib Room 12m x 3m

MRWA Superintendent's Office 6m x 3m

Container

Hydrocarbon Container

Generator

It is also proposed that the 3 month period be agreed to by Council with the following conditions:

1. That written support is provided to the Shire by Main Roads WA.
2. All structures are to be located at least 10 metres from the Lot 4315 boundary.
3. Signage or a barrier is used to prevent access to the site by the public.
4. Regular checks are to be made of any sea containers left unattended if they are not fitted with a way to unlock them from the inside.
5. That Ertec assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0415 Temporary Site Office

That Council agrees to the temporary placement of the following structures on Lot 4315 Plan 190649 for a 3 month period from the 30th April 2021:

Ertech Office 12m x 3m

Crib Room 12m x 3m

MRWA Superintendent's Office 6m x 3m

Container

Hydrocarbon Container

Generator

On the provision that the following is carried out as part of the site setup and placement.

1. **That written support is provided to the Shire by Main Roads WA.**
2. **All structures are to be located at least 10 metres from the Lot 4315 boundary.**
3. **Signage or a barrier is used to prevent access to the site by the public.**
4. **Regular checks are to be made of any sea containers left unattended if they are not fitted with a way to unlock them from the inside.**
5. **That Ertech assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.**

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

Motion put and carried: 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

President Cr Gregory Payne requested a motion be moved to go behind closed doors to discuss a late confidential item 14.1 Request for Road Use Agreement Between the Shire of Yalgoo and Silverlake (Rothsay) Pty Ltd.

The motion was moved by Cr Raul Valenzuela and second by Cr Gail Trenfield

There being no debate on the matter the motion was put and carried 5/0

Meeting closed to the public at 10.57am

Elisha Hodder, Executive Assistant and Paynes Find Community Members left the meeting at 10.57am.

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 Request for Road Use Agreement Between the Shire of Yalgoo and Silverlake (Rothsay) Pty Ltd

Author:	Ian Holland, Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	29 April 2021
Attachments	Road Use Agreement to be tabled

OFFICER RECOMMENDATION / COUNCIL DECISION

C2021-0416 Road Use Agreement Between the Shire of Yalgoo and Silver Lake (Rothsay) Pty Ltd

That Council authorise the execution of the tabled Road Use Agreement Deed between the Shire of Yalgoo and Silver Lake (Rothsay) Pty Ltd and the affixing of the Shire of Yalgoo Seal.

Moved: Cr Raul Valenzuela

Seconded: Cr Percy Lawson

Motion put and carried: 5/0

Meeting reopened to the public at 11.12am

Returning to the meeting were

Elisha Hodder, Executive Assistant and members of the Paynes Find Community.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers on Friday 28 May 2021 commencing at 10.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the Ordinary meeting closed at 11.14am

DECLARATION

These minutes were confirmed at the Ordinary Council Meeting held on the 28 May 2021.

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