



AGENDA
FOR THE ORDINARY MEETING
OF COUNCIL
TO BE HELD IN
THE COUNCIL CHAMBERS, YALGOO
ON 17 JUNE 2016
COMMENCING 11.00 AM



SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON 17 JUNE 2016 COMMENCING AT 11.00 AM.

Silvio Brenzi

Chief Executive Officer



CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	2
3.	DISCLOSURE OF INTERESTS.....	2
4.	PUBLIC QUESTION TIME	3
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.2	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
6.	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	3
7.1	MEETINGS ATTENDED BY ELECTED MEMBERS.....	3
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING	4
9.	REPORTS OF COMMITTEES	4
9.1	Differential Rating 2016/17 – Proposed Rates and Minimums.....	4
	F2016-0602 - Differential Rating 2016/2017 – Proposed Rates and Minimums.. 13	
9.2	Report on Capital Expenditure Items to be Incorporated in the 2016-17 Draft Annual Budget14	
	F2016-0603 - Report on Capital Expenditure Items to be Incorporated in the 2016-17 Draft Annual Budget 15	
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	16
10.1	INFORMATION ITEMS.....	16
11.	MATTERS FOR DECISION.....	16
11.0	MATTERS BROUGHT FORWARD.....	16
11.1	TECHNICAL SERVICES.....	16
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	16
11.3	FINANCE.....	17
11.3.1	Financial Activity Statements and Accounts Paid for the Month of April 2016.	17
11.4	ADMINISTRATION.....	19
11.4.1	Report on Matters Outstanding as at 17 June 2016	19
11.4.2	Report on Fees and Allowances for Elected Members	23
11.4.3	Purchase of 30,000 Litre Water Tanker.....	26
11.4.4	2014-2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	28
11.4.5	Report on Damage to Shire Property and Infrastructure over the Financial Year 2015-2016..	30
12.	NOTICE OF MOTIONS.....	32
12.1	PREVIOUS NOTICE RECEIVED.....	32
13.	URGENT BUSINESS	32
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	32
	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	32
15.	NEXT MEETING	34
16.	MEETING CLOSURE	34



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 17 June 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

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 27 May 2016 be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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9. REPORTS OF COMMITTEES

Reports of the Finance Committee:

9.1 Differential Rating 2016/17 – Proposed Rates and Minimums

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	9 June 2016
Attachments	Shire of Yalgoo Rating Methodology and it's Differential Rating Model for 2016-2017

Matter for Consideration

Determination of the rate in the dollar and the minimum rates of the various differential rating categories for the 2016/17 financial year and the advertising for the Shire’s intention to impose.

Background

The Valuer General’s Office (Landgate) provides Council with a rateable value for each rateable property within the Shire. Properties located in the townships of Yalgoo and Paynes Find are valued based on a gross rental value (GRV). Pastoral/rural, mining and exploration/prospecting are valued based on unimproved value (UV). Council will then set a “rate in the dollar” (RID) and minimum rate.

The rateable value (as advised by the Valuer General’s Office) is multiplied by the rate in the dollar to produce the annual rates to be charged to the property. If this value is less than the minimum rate value agreed by Council, then the ratepayer will be charged the minimum rate value.

In August 2015 Council reviewed and adopted the Objects and Reasons for the differential rating categories in the Shire of Yalgoo. The rating methodology has been reviewed and updated for the 2016-17 financial year (copy attached).

The annual differential rating proposal is to be advertised for public comment for a period of 21 days prior to its adoption by Council. Submissions from ratepayers and electors are to be invited and if any submissions are received, Council is required to consider them and decide whether to impose the proposed rates and minimum with or without modification.

If a Local Government has a differential rate that is more than twice the lowest differential rate imposed, approval from the Minister for Local Government must be obtained before the rates are formally adopted by Council.

Once Council has advertised for the required time, processed any submissions from ratepayers and Ministerial approval has been granted, Council can then adopt the Annual Budget on or prior to 31 August.

Statutory Environment

Local Government Act 1995

- s.6.32 – States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- s.6.33(1) – Provides that a local government may impose differential general rates according to a number of characteristics.
- s.6.33(3) – States that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.
- s.6.34 – States that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.
- s.6.35 – States a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate.
- s.6.36 – Requires that a local government before imposing any differential general rates provides at least 21 days local public notice of its intention to do so.

Strategic Implications

The Local Government is to ensure that it raises enough rates to generate the revenue required to fund its operating and capital expenditure commitments.

Rates Revenue as per the Long Term Financial Plan for the 2016-2017 financial year is estimated at \$2,007,807 based on a 4.7% increase over the previous year.

Policy Implications

- Policy 7.5 Rates Calculation – outlines the steps for staff to prepare a draft budget using Local Government Cost Index (LGCI).
- Policy 7.6 Preparation of Budget – outlines the steps and timetable leading to the adoption of the Budget.
- The Council adopted an increase rate in the dollar as part of the Long Term Financial Plan

Financial Implications

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure commitments, however, it is allowed to adopt a budget that has a deficit or a surplus that doesn't exceed 10% plus or minus of its rates revenue.

Comment

Factors such as the growth of the Shire, need for additional resources to meet growth demands, the rising cost of labour and materials, previous rate increases approved, and a perception of the affordability of a reasonable rate increase are some of the factors taken into account when considering the percentage by which rates in the dollar and minimum rates are recommended to be increased.

Section 6.33 of the Local Government Act 1995 allows Local Governments to impose differential general rates to shift the revenue raising effort to certain sectors of the Community to maintain equity based on the level of services provided by the Shire. The differential land use rating, adopted by the Shire, allow it to impose different rates in the dollar and minimums for the following categories.

Gross Rental Value (GRV):

Town Improved - Consists of properties located within the townsite boundaries with a predominately residential, commercial and industrial use. This category is considered by Council to be the base rate by which all other GRV properties are assessed and have a different demand and requirement on Shire services and infrastructure.

Townsite Vacant - Consists of vacant properties located within the townsite boundaries that are vacant (no residential, commercial or industrial structures built on the land). The rate in the dollar is the same as the Town Improved category, however the minimum rate is higher in order to encourage landowners to undertake development.

Unimproved Value (UV)

Pastoral/Rural - This rating applies to all pastoral leases and land with a predominately rural land use. The proposed rate is comparatively lower when compared to the mining/mining tenement and exploration/prospecting categories on the basis that the pastoral industry has minimum impact or requirement on the Shire services and infrastructure.

Mining/Mining Tenement - This category applies to all mining leases located within the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category on the basis that mining operations require additional ongoing maintenance of the roads network that service this land use, along with additional costs associated with the administration of mining tenements.

Exploration/Prospecting - This rating category applies to exploration, prospecting and other general purpose leases located in the Shire. The proposed rate is comparatively higher when compared to the pastoral/rural category and lower than the mining tenement category on the basis that the mining operations require additional and ongoing maintenance of the road network that services the land use, the additional cost associated with the administration of exploration and prospecting leases and the Shire wishes to encourage exploration.

The table below details the rate in the dollar and minimum imposed by the Shire in the 2015-16 financial year for each differential rating category and compares them against other surrounding Local Governments.

Categories		Shire of Yalgoo 2015/16	Shire of Cue 2015/16	Shire of Morawa 2015/16	Shire of Mt Magnet 2015/16
Differential General Rate		Rate in \$	Rate in \$	Rate in \$	Rate in \$
GRV	Town sites Improved	0.07454640	0.1011	0.071988	0.097253
GRV	Town sites Vacant	0.07454640	--	--	--
UV	Pastoral/Rural	0.06575168	0.0802	0.021917	--
UV	Mining/Mining Tenement	0.37430250	0.3056	0.289681	0.300826
UV	Exploration/Prospecting	0.19882530	--	--	0.300826
Minimum Rate		Per Annum	Per Annum	Per Annum	Per Annum
GRV	Town sites Improved	\$270.00	\$430.00	\$271.00	\$397.00
GRV	Town sites Vacant	\$620.00	\$520.00	--	--
UV	Pastoral/Rural	\$270.00	\$430.00	\$271.00	--
UV	Mining/Mining Tenement	\$270.00	\$430.00	\$656.00	\$450.00
UV	Exploration/Prospecting	\$270.00	--	--	\$450.00

The table below details the estimated rates levied for the 2015/16 financial year as per the Adopted Budget.

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2015-16 Budgeted Total Revenue \$
Levied 2015-16				
Differential General Rate				
GRV. - Townsites Improved	0.07454640	33	279,123	20,808
GRV. - Townsites Vacant	0.07454640	0	0	0
UV -Pastoral / Rural	0.06575168	22	843,727	55,476
UV.- Mining / Mining Tenement	0.37430250	130	4,169,379	1,560,609
UV.- Exploration / Prospecting	0.19882530	108	725,698	144,287
Sub-Totals		293	6,017,927	1,781,180
Minimum Payment				
	Minimum \$			
GRV. - Townsites Improved	270	5	11,284	1,350
GRV. - Townsites Vacant	620	11	1,550	6,820
UV -Pastoral / Rural	270	3	4,573	810
UV.- Mining / Mining Tenement	270	32	22,832	8,640
UV.- Exploration / Prospecting	270	78	42,793	21,060
Sub-Totals		129	83,032	38,680
		422	6,100,959	
Discounts				0
Total Amount Raised from General Rate				1,819,860
Interim Rating				0
Specified Area Rates				0
Total Rates				1,819,860

The tables below detail three (3) rating models for the 2016 – 2017 Financial Year for Council consideration:

	Rate in	Number	Rateable	2016-17
RATE TYPE	\$	of	Value	Budgeted
Based on a 3% increase		Properties	\$	Total
				Revenue
				\$
Differential General Rate				
GRV. - Townsites Improved	0.07688500	32	261,026	20,069
GRV. - Townsites Vacant	0.07688500	0	0	0
UV -Pastoral / Rural	0.07077260	23	861,823	60,993
UV.- Mining / Mining Tenement	0.40875000	125	3,881,003	1,586,360
UV.- Exploration / Prospecting	0.22850000	111	751,154	171,639
Sub-Totals		291	5,755,006	1,839,061
	Minimum			
Minimum Payment	\$			
GRV. - Townsites Improved	280	5	11,284	1,400
GRV. - Townsites Vacant	640	11	1,550	7,040
UV -Pastoral / Rural	280	4	4,786	1,120
UV.- Mining / Mining Tenement	300	29	17,144	8,700
UV.- Exploration / Prospecting	300	58	40,630	17,400
Sub-Totals		107	75,394	35,660
		398	5,830,400	
Discounts				0
Total Amount Raised from				
General Rate				1,874,721
Interim Rating				0
Specified Area Rates				0
Total Rates				1,874,721

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2016-17 Budgeted Total Revenue \$
Based on a 4% increase				
Differential General Rate				
GRV. - Townsites Improved	0.07762820	32	261,026	20,263
GRV. - Townsites Vacant	0.07762820	0	0	0
UV -Pastoral / Rural	0.07146050	23	861,823	61,586
UV.- Mining / Mining Tenement	0.41270000	125	3,881,003	1,601,690
UV.- Exploration / Prospecting	0.23029000	111	751,154	172,983
Sub-Totals		291	5,755,006	1,856,522
	Minimum \$			
Minimum Payment				
GRV. - Townsites Improved	280	5	11,284	1,400
GRV. - Townsites Vacant	640	11	1,550	7,040
UV -Pastoral / Rural	280	4	4,786	1,120
UV.- Mining / Mining Tenement	300	29	17,144	8,700
UV.- Exploration / Prospecting	300	58	40,630	17,400
Sub-Totals		107	75,394	35,660
		398	5,830,400	
Discounts				0
Total Amount Raised from General Rate				1,892,182
Interim Rating				0
Specified Area Rates				0
Total Rates				1,892,182

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2016-17 Budgeted Total Revenue \$
Based on a 5% increase				
Differential General Rate				
GRV. - Townsites Improved	0.08080000	30	253,642	20,494
GRV. - Townsites Vacant	0.08080000	0	0	0
UV -Pastoral / Rural	0.07213050	23	861,823	62,164
UV.- Mining / Mining Tenement	0.41666230	126	3,881,727	1,617,369
UV.- Exploration / Prospecting	0.23250620	111	751,154	174,648
Sub-Totals		290	5,748,346	1,874,675
	Minimum \$			
Minimum Payment				
GRV. - Townsites Improved	300	7	18,668	2,100
GRV. - Townsites Vacant	640	11	1,550	7,040
UV -Pastoral / Rural	300	4	4,786	1,200
UV.- Mining / Mining Tenement	300	28	16,420	8,400
UV.- Exploration / Prospecting	300	58	40,630	17,400
Sub-Totals		108	82,054	36,140
		398	5,830,400	
Discounts				0
Total Amount Raised from General Rate				1,910,815
Interim Rating				0
Specified Area Rates				0
Total Rates				1,910,815

All options detailed above fall short of achieving the Long Term Financial Plan estimated rates revenue yield of \$2,007,807 with a proposed rate increase of 4.7%. On that basis it is recommended that Council give consideration of determining the following rates in the dollar and the minimum rates for the various differential rating categories for the 2016 -17 financial year and advertise accordingly.

Differential General Rate	Rate in the \$
GRV. - Townsites Improved	0.08080000
GRV. - TownsitesVacant	0.08080000
UV -Pastoral / Rural	0.07213050
UV.- Mining / Mining Tenement	0.41666230
UV.- Exploration / Prospecting	0.23250620
	Minimum
Minimum Payment	\$
GRV. - Townsites Improved	300
GRV. - TownsitesVacant	640
UV -Pastoral / Rural	300
UV.- Mining / Mining Tenement	300
UV.- Exploration / Prospecting	300

It is proposed that the differential general rates and minimum payments for each of the differential rate categories be advertised on Tuesday 21 June 2016 and an invitation for submissions will be for a period of 21 days closing on Wednesday 13 July 2016 at 4:00 pm. The advertisement to include the time and place where the Shire of Yalgoo Rating Methodology and its Differential Rating Models describing the objects and reasons for the 2016 – 2017 Financial Year may be inspected and be available on the Shire’s website.

The following Officer Recommendation was Moved by Cr J Kanny and Seconded by Cr P Lawson.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Differential Rating 2016/2017 – Proposed Rates and Minimums

That Council:

- 1. Advertise the intention to impose the following differential general rates and minimum payments applying to each of the differential rate categories in accordance with Section 6.36 of the Local Government Act 1995, to be placed in the Geraldton Guardian newspaper and the Bulldust.**
- 2. That the advertisement in (1) above also provide for an invitation for submissions to be made by an elector or a ratepayer for a period of 21 days closing at 4:00 pm on Wednesday 13 July 2016, and detail the time and place where the Shire of Yalgoo Rating Methodology and it’s Differential Rating Model may be inspected and a copy be placed on the Shire’s website.**

Moved: Cr J Kanny Seconded: Cr P Lawson Motion AMENDED

Dominic Carbone then made a presentation to members in relation to the report 5.1. Questions were asked by the elected members and duly answered.

It was then moved:

Voting Requirements

Simple Majority

FINANCE COMMITTEE RECOMMENDATION

F2016-0602 - Differential Rating 2016/2017 – Proposed Rates and Minimums

That Council:

- 1. Advertise the intention to impose the following differential general rates and minimum payments applying to each of the differential rate categories in accordance with Section 6.36 of the Local Government Act 1995 be placed in the Geraldton Guardian newspaper and the Bulldust.**

Differential General Rate	Rate in the \$
GRV. - Townsites Improved	0.08080000
GRV. - TownsitesVacant	0.08080000
UV -Pastoral / Rural	0.07213050
UV.- Mining / Mining Tenement	0.41666230
UV.- Exploration / Prospecting	0.23250620
	Minimum
Minimum Payment	\$
GRV. - Townsites Improved	300
GRV. - TownsitesVacant	640
UV -Pastoral / Rural	300
UV.- Mining / Mining Tenement	300
UV.- Exploration / Prospecting	300

- 2. That the advertisement in (1) above also provide for an invitation for submissions to be made by an elector or a ratepayer for a period of 21 days closing at 4:00 pm on Wednesday 13 July 2016, and detail the time and place where the Shire of Yalgoo Rating Methodology, and it's Differential Rating Model, may be inspected and a copy be placed on the Shire's website.**

Moved: Cr J Kanny

Seconded: Cr P Lawson

Motion put and carried 5/0

9.2 Report on Capital Expenditure Items to be Incorporated in the 2016-17 Draft Annual Budget

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	7 th June 2016
Attachments	Preliminary Draft Annual Budget 2016-17

Matter for Consideration

That the Finance Committee give consideration to the Capital Expenditure items for inclusion in the 2016-17 Annual Draft Budget and recommend accordingly to Council for their inclusion.

Background

Council is in the process of preparing the 2016-17 Annual Draft Budget and is required to determine the Capital Expenditure items for inclusion.

Statutory Environment

Local Government Act 1995
Section 6.2 Local Government to prepare Annual Budget.

Strategic Implications

Consideration needs to be given to the Shire’s Strategic Community Plan (SCP), Corporate Business Plan (CBP) and it’s Long Term Financial Plan (LTFP) when determining the items of Capital Expenditure in order of priority for inclusion in the 2016-17 Annual Budget.

Consultation

Dominic Carbone & Associates

Comment

Attached is a preliminary draft copy of the 2016-17 Draft Annual Budget that details the Capital Expenditure Items for the Finance Committee consideration. Please note that only the Capital Items and associated proceeds from trade-ins and written down values of assets to be sold only are included in the Preliminary Draft Annual Budget 2016-17.

Voting Requirements

Simple Majority

FINANCE COMMITTEE RECOMMENDATION

F2016-0603 - Report on Capital Expenditure Items to be Incorporated in the 2016-17 Draft Annual Budget

That the Finance Committee recommends to Council, that the Capital Expenditure items detailed in the worksheets attached to this report, be incorporated in the 2016-17 Draft Annual Budget with the following amendments:

- Council Chamber chair replacement: \$10,000;
- Council Chamber Improvements (window treatments, computer cabling and electrical): \$5,000
- Consultancy fees – Development Rural and Industrial subdivision: \$40,000
- Amalgamation of Council land to accommodate an emergency management training facility: \$5,000
- Wild dog bounty: \$10,000
- Main Street beautification review and finalisation of study: \$25,000

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 5/0

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

10.1 INFORMATION ITEMS

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

10.1.1

President Neil Grinham to show photos and videos in relation to visit to Nowra Shoalhaven Council, NSW by the President and Deputy President Raul Valenzuela, whilst attending the 56th Floodplain Management Australia Conference.

10.1.2

President Neil Grinham to provide photos and videos in relation to visit to Barossa Valley, attended by President Neil Grinham and the CEO Silvio Brenzi.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 A Development Application (DA) has been received from Pinnacle Planning for Proposed Advertising Signage for Lot 135 (N^o 35) Piesse Street, Yalgoo.

The DA has been forwarded to the Shires’ Town Planning Consultant for assessment and preparation of a report for Council consideration.

Voting Requirements

Simple majority

Officer Recommendation

Report for Planning Development and Environmental Health

That Council will be forwarded a report for consideration, from the Shire’s Town Planning Consultant, URBIS, on which to base an assessment.

Moved:

Seconded:

Motion put and carried/lost

11.3 FINANCE

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

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	11 June 2016
Attachments	Financial Statements for the Month of April 2016
(Red Cover Page)	Financial documents to be provided to members 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.

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 17 June 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	11 June 2016
Attachments (Yellow Cover)	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 status.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
22 nd January 2016	2014-2015 Budget-Imposition of Rates and Minimum Proposal Requiring Ministerial Approval.	That Council: 1/ . Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed: - GRV-Town Vacant Land Minimum \$600. - UV-Mining/Mining Tenement 35:75 cents. - UV-Exploration and Prospecting 18:99 cents.	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. Report N^o: 11.4.4 is included in this Agenda for consideration.

		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 July 2016. In Progress
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 July 2016. In Progress
19-February-2016	Technical Services Report:	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo.	CEO to confirm - Ongoing
22-April-2016	Public Question Time: Ninghan Station Creek Crossing.	Funding of partly completed crossing.	Incorporated in 2016/2017 Draft Annual Budget.
22-April-2016	Public Question Time:	That the following matters be investigated: <ul style="list-style-type: none"> • Warne River crossing; • Goodinow Rd repairs; • Supply of gravel for back filling around the Community Centre between the building and brick surface. 	Included in 2016/2017 Draft Annual Budget.
22-April-2016	Disposal of Council Property: Plant & Equipment.	Provision of funds in the 2016-17 Draft Annual Budget for the replacement of Concrete Agitator Truck and Batching Plant.	Incorporated in the 2016-17 Draft Annual Budget.
27-May-16	Minister for Local Government decision on the proposal to transfer part of Paynes Find and adjacent pastoral stations from the Shire of Yalgoo to the Shire of Dalwallinu.	That Council: <ol style="list-style-type: none"> 1. Receive Report No. 11.4.3 Minister for Local Government Decision on the Proposal to Transfer Part of Paynes Find and Adjacent Pastoral Stations from the Shire of Yalgoo to the Shire of Dalwallinu. 2. Thank all concerned "in writing" when replying to the letters of support and submissions in relation to the proposal. 3. To forward this Council Decision and the Report No. 11.4.3 – to the Minister for Local Government - Decision on the "Proposal to Transfer Part of Paynes Find and Adjacent Pastoral Stations from the 	Thankyou letters forwarded. Media release to be prepared and agreed upon by Elected Members prior to forwarding to local newspapers.

		Shire of Yalgoo to the Shire of Dalwallinu" to the Shire of Dalwallinu and additionally submit it as a media release to the local papers.	
27-May-16	DAIP Progress Report:	That Council adopts the Disability Access and Inclusion Plan and the Progress Report be forwarded to the Disabilities Commission.	DAIP Progress Report has been forwarded to the Disability Services Commission.
27-May-16	Donation to Mid West Group of Affiliated Agricultural Societies:	That Council donates one hundred dollars (\$100) to the Mid West Agriculture Society from Account No: E041065 - Member Donations.	Donation of \$100 has been made to Mid West Group of Affiliated Agricultural Societies.
27-May-16	Donation to Maranalgo Station Endurance Ride:	That Council donates one thousand dollars (\$1000) to the Maranalgo Endurance Ride that was held in Paynes Find from Account No: E041065 - Members Donations.	Donation of \$1000 was made to the Maranalgo Station Endurance Ride.
27-May-16	Shire of Yalgoo Airstrip Grading Policy:	That Council Amend Policy 13.2 "Airstrips Grading" in the following manner: <ol style="list-style-type: none"> 1. That airstrips located on privately run stations be graded once per calendar year, when the Shire of Yalgoo work teams are in the area; and 2. DPAW/Government owned/managed stations are to be graded as "private works" at the current charge rate if requested; 3. To advertise the "Airstrips Grading Policy" changes to the pastoral stations within the Shire of Yalgoo. 	Policy 13.2 to be updated and advertised accordingly. To be included in July Meeting for Policy adoption.
27-May-16	Report on Damage to Shire of Yalgoo property and infrastructure:	That Council request the CEO to prepare a report on the damage to the Shire property and infrastructure over the Financial Year 2015-2016 detailing costs incurred for repairs.	Report N^o: 11.4.5 is included in this Agenda for consideration.
27-May-16	Prepare a Local Law for the Recovery of Costs from Damage to the Shire of Yalgoo Properties.	That Council request the CEO to investigate the legal requirements to create a Local Law to recover the costs associated with damage to Shire property and infrastructure.	Matter to be investigated and Report to be prepared for council consideration.

27-May-16	Review of Bulldust publication.	<p>1. That the Chief Executive Officer prepare a report on improving the form, structure and appearance of the Shire of Yalgoo publication, the “Yalgoo Bulldust”, in particular the report to address the following matters:</p> <ul style="list-style-type: none"> • Ways of improving the content of the publication; • The regularity of the publication; • Current Annual production costs; • Current staff resources; and • Additional resources required and associated estimated costs. 	To be completed for consideration by Council at its’ July 2016 meeting.
27-May-16	Tourism	<p>As per Notice of Motion - 12.1.5(5) Council Decision C2016-0515 - that the Chief Executive Officer prepares a report on the current tourism strategy for Yalgoo. In particular the report to address the following matters:</p> <ul style="list-style-type: none"> a. Improvements to be made to tourist attractions: (Church, museum, Jokers Tunnel, railway building etc). b. Future plans to encourage tourism. c. Possible access to funding to aid tourism. 	To be completed for consideration by Council at its’ July 2016 meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Matters Outstanding as at 17 June 2016

That Council receives Report N^o 11.4.1 Report on Matters Outstanding as at 17 June 2016.

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

11.4.2 Report on Fees and Allowances for Elected Members

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	7 th June 2016
Attachments (Yellow Cover)	WA Salaries and Allowances Act 1975 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members; and Local Government Officers (Western Australia) Interim Award 2011.

Matter for Consideration

To adopt the allowable elected member’s fees and travel reimbursements to enable Council to set its fees and allowances in preparation of the Draft Annual Budget 2016-17.

Background

Western Australia Salaries and Allowances Act 1975 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members on 12th April 2016, reviewed the fees and allowances for elected members to apply from 1st July 2016.

Elected members of a local government are entitled to payment for attending Council, Committee and other designated meetings. The President and Deputy President are also entitled to an annual payment for the additional services provided to the local government. Members are also entitled to payment for travel costs to attend these meetings.

The setting of the fees is prescribed in the Local Government Act and Administration Regulations and is reviewed each year by the Salaries and Allowances Tribunal (SAT). The fees and allowances referred to in this item are those approved in the SAT Determination in April 2016. The travel allowances are those set by Local Government Officers (Western Australia) Interim Award 2011.

The setting of fees paid to elected members is part of the budget process and as a practice, Elected Members will consider current fees and also the permissible fees allowed under the Local Government Act.

Listed below is the determination of meeting fees and allowances from Salaries and Allowances Tribunal in April 2016 for Level 4 local governments and are as follows:

Meeting	Minimum	Maximum	Shire’s Current Fees
Council meeting / Council	\$90	\$236	\$232
Council meetings / President	\$90	\$485	\$477
Committee meeting and prescribed meetings – all elected members	\$45	\$118	\$116
Presidential allowance	\$508	\$19,864	\$8,939
The Deputy President is entitled to 25% of the Presidential allowance			\$2,235
Childcare cost is the actual cost per hour or \$25 per hour, whichever is the lesser amount.			\$25 or actual whichever is the lesser
ICT Expenses			\$3,500

Statutory Environment

WA Salaries and Allowances Act 1975 Section 7A and 7B

SAT Determination June 2014 12 April 2016

Public Service Award 1992

Local Government Act s5.98

Local Government (Administration) regulations Reg.30, Reg.31, Reg. 32

1. Section 7A of the Salaries and Allowances Act 1975 ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') at intervals of not more than 12 months, to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".
2. Section 7B(2) of the SA Act requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine - the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings.

Travel expenses

Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(1) to (5) of this Part for travel costs incurred while driving a privately owned or leased vehicle based on the same rate contained in Section 30.6 of the Local Government Officers (Western Australia) Interim Award 2011.

The rates are as follows:

Cents Per Kilometre	Kms	Rate
Purpose – Over 2600cc		99.01c /km
Purpose – Over 1600cc to 2600cc		70.87c /km
Purpose – 1600cc and under		58.37c/km

Its noted that Council in July 2015 resolved to set the rate at 99.01 cents per km for 2015-16, however the rates that should have been set are as above, as the rate is dependent on the engine capacity of the vehicle.

Consultation

Dominic Carbone

Comment

Council is requested to give consideration and adopt Fees and Allowances for Elected Members to apply from 1st July 2016 and such allowances to be incorporated in the 2016-17 draft annual budget.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Allowances for Elected Members

That Council:

1. Sets the following fees and allowances as follows:

Council Meeting fee – elected members	\$ _____
Council Meeting fee – President	\$ _____
Committee Meeting fee – all members	\$ _____
Presidential allowance	\$ _____
Deputy President allowance (25% of the Presidents allowance)	\$ _____
Childcare Costs reimbursement	\$25 or actual costs per hr which ever is the lesser
Information and technology allowance (ICT)	\$3,500 per member
Travel expense reimbursement	99.01c/km over 2600cc 70.87c/km over 1600cc to 2600cc 58.37c/km 1600cc and under

2. Subject to (1) above the fees and allowances be incorporated in the 2016-17 Annual Budget.

Moved:

Seconded:

Motion put and carried /lost

11.4.3 Purchase of 30,000 Litre Water Tanker

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 June 2016
Attachments (Yellow Cover)	

Matter for Consideration

That Council endorse the actions of the Chief Executive Officer for the purchase of a 30,000 Litre Water Tanker from General Transport Equipment Pty Ltd \$87,724.01 (inclusive of GST \$7,748.00).

Background

The Shire’s water tanker was involved in a rollover accident on 8 March 2016. The damage to the water tanker was the subject of an insurance claim, the insurance company agreed to reimburse the Shire the market value of \$74,000.00 less the excess of \$300.00 = \$73,700.00 (exclusive of GST) which was received on 16 May 2016.

Statutory Environment

Shire of Yalgoo Purchasing Policy 7.2

“...to obtain at least three written quotations to be considered by panel of CEO and either the Executive Manager Corporate or Executive Manager Works and Infrastructure”.

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.

11.4.4 2014-2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval

File:	
Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	13 June 2016
Attachments (Yellow Cover)	Report N ^o 11.3.2 2014-2015 Annual Budget – Imposition of Rates and Minimums Proposal Requiring Ministerial Approval; Legal Advice – Civic Legal.

Matter for Consideration

That Council approve an application to the State Administrative Tribunal (SAT) to make an order quashing the GRV and UV general rates for 2014-15 as per the Solicitor’s advice.

Background

At the Ordinary Council Meeting in January 2016 Council resolved to adopt the following:

“That Council:

- 1/. *Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed:*

<i>GRV – Town Vacant Land Minimum</i>	<i>\$600:00</i>
<i>UV – Mining/Mining Tenement</i>	<i>35:75 cents</i>
<i>UV – Exploration and Prospecting</i>	<i>18:99 cents</i>
- 2/. *The Department of Local Government and Communities be advised of (1) above”.*

The above mentioned resolution was authorised by the Council on the basis that Council adopted the 2014-2015 Annual Budget without first obtaining Ministerial approval for the following:

- 1/. To impose a minimum payment of rates of \$600.00 on vacant land in accordance with Section 6.35(5) of the Local Government Act 1995; and
- 2/. To adopt rates in the dollar that exceeds the 2:1 rates required under Section 6.35(5) of the Local Government Act 1995.

The matter was subsequently referred to the Shire’s Solicitors to prepare the necessary application to SAT.

Statutory Environment

Local Government Act 1995

- s.6.33 Differential general rates***
- s.6.82. General review of imposition of rate or service charge***
- s.6.3. Budget for other circumstances***
- s.6.32 Rates and service charges***

Business Implications

Nil

Consultation

Civic Legal

Dominic Carbone & Associates

Comment

Letter dated 22 February 2016 received from the Shire’s Solicitor Civic Legal in relation to the matter, states in part the following:

- i. Because the Shire’s “non-complying” rates relate to both the GRV rateable land (minimum proposed) and UV rateable land (differential rates for mining tenements), it would be necessary to quash the entire “general rate” for each of the GRV rateable land and the UV rateable land and not merely the particular “minimum payment” and mining tenements “differential rates”.
- ii. It remains open to the Shire to seek to argue that only the non-complying differential rates and the invalid minimum payment should be quashed and that the remainder of the rates should remain on foot. However, we see no particular benefit to the Shire to raise such an argument.
- iii. If all of the rates are quashed the Shire can simply “re-impose” the same “valid rates” if it so desires.
- iv. We therefore recommend that the Shire proceed by seeking that the GRV and UV general rates for 2014-2015 be quashed.

The Council is requested to give consideration to quashing the general rates for both the GRV and UV rateable land in their entirety and not just the non-complying rates as per the Shire’s Solicitors advice.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

2014-2015 Annual Budget – Imposition of Rates and Minimum Proposal Requiring Ministerial Approval

That Council:

- 1) Based on advice received from its’ Solicitors Civic Legal, make application to the State Administrative Tribunal for the 2014-2015 GRV and UV general rates to be quashed in their entirety.**
- 2) Inform the Shire’s Solicitor Civic Legal, of (1) above and to file the Application with the State Administrative Tribunal.**

Moved:

Seconded:

Motion put and carried/lost

11.4.5 Report on Damage to Shire Property and Infrastructure over the Financial Year 2015-2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	7 th June 2016
Attachments (yellow)	LGIS Property – Certificate of Membership; Zurich Policy Schedule.

Matter for Consideration

That Council receives an assessment on damages to calculate the costs incurred to Shire property and infrastructure so that an estimate of financial loss can be made.

Background

Council at its’ May 2016 Ordinary meeting requested the CEO to prepare a report on the damage to the Shire property and infrastructure over the financial year 2015-2016 to date.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

The Shire’s deductibles/excess for Property Protection Policy and Motor Vehicle Insurance Policy are noted on the attached policy documentation and summarised below.

<u>LGIS Property Protection</u>	<u>Deductable / Excess</u>
<u>Standard</u>	<u>\$1,000</u>
<u>Personal Property</u>	<u>\$250</u>
<u>General Property</u>	<u>\$100</u>
<u>Machinery Breakdown</u>	<u>\$100</u>
<u>Electronic Equipment Breakdown</u>	<u>\$250</u>
<u>Named Cyclone</u>	<u>\$50,000</u>
<u>Earthquake</u>	<u>1% or \$20,000 whichever is cheaper</u>
<u>Motor Vehicle and Plant</u>	<u>Deductable / Excess</u>
<u>Basic Excess</u>	<u>\$300</u>
<u>Capped Excess Any One Event</u>	<u>\$30,000</u>
<u>Non-owned Trailer Liability additional excess of \$2,500 per non-owned trailer</u>	

The worksheet below details all expenditure related to insurance claims and vandalism.

Financial year 2015-16	Cost	Insurance Excess/deductible	Amount recouped from Insurance	Net Cost to the Shire
	\$	\$	\$	\$
Damage tom CEO house - Repair broken window	145	0	0	145
Damage to 48 Gibbons Street - Repair broken glass to door	186	0	0	186
Replace damaged gate at Depot	869.55	0	0	869.55
Damage to Railway Station - Repair broken windows	1,248.5	1,000	248.5	1,000
Damage to Museum - Repair broken windows	1,160.5	1,000	160.5	1,000
Damage to CEO house - Replace front door and locks, remove section of damage timber floor, replace with tiles.	1,397	1,000	397	1,000
Replace broken glass window in kitchen , replace sliding door handles	957	0	0	957
Cleaning of CEO house	1,650	1,000	650	1,000
				0
Stolen Fuel Card	36,716.13	300	36,416.13	300
YA827 Holden Colorado Stolen Ute	43,855	300	43,555	300
YA480 Caterpillar Prime Mover	305,781	300	305,481	300
YA499 Holden Colorado Contaminated fuel	7,027	300	6,727	300
YA415 Mitsubishi Community Bus	9,900	300	9,600	300
YA0 Toyota Prado	2,548	300	2,248	300
1ENJ717 Dual Cab Hilux	5,149	300	4,849	300
TOTAL	418,589.68	6,100.00	410,332.13	8,257.55

The worksheet reveals that the overall cost to Council for the 2015-16 financial year to date amounts to \$8,257.55.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Report on Damage to Shire Property and Infrastructure over the Financial Year 2015-2016

That Council:

- 1. Receives the Report N^o 11.4.5 Report on Damage to Shire Property and Infrastructure over the Financial Year 2015-2016 to date.**

Moved:

Seconded:

Motion put and carried /lost

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED
--

STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995**s5.23. Meetings generally open to the public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the

Parliamentary Commissioner Act 1971 ; and
 (h) such other matters as may be prescribed.

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
- (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

s5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

s6. Use of information

- (1) In this regulation —
 closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
 non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
- (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

15. NEXT MEETING

The next Ordinary Meeting of Council will be held in the Council Chambers, Gibbons Street, Yalgoo on Friday 22 July 2016, commencing at 11.00 am.

16. MEETING CLOSURE

