



Shire of
YILGARN

“good country for hardy people”

Minutes

*Ordinary Meeting of
Council*

*15 March
2018*

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4pm- The Shire President, Cr Onida Truran declared the meeting open.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Onida Truran extended thanks to the members of Southern Cross community who kindly opened their homes and billeted medical students from Murdock and Notre Dame Universities.

3. ATTENDANCE

Presiding Member	Cr O Truran	- Shire President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	- Deputy Shire President
Council Officers	P Durtanovich C Watson R Bosenberg N Warren J. Gemund L Della Bosca	Acting Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Manager Regulator Services Manager Community Services Minute Taker

Apologies:
Nil

Observers:
Nil

Leave of Absence:
Nil

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council Thursday 15 February 2018

19/2018

Moved Cr Shaw/Seconded Cr Guerin

That the minutes from the Ordinary Council Meeting held on the 15 February 2018 be confirmed as a true and correct record of proceedings.

Carried (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Truran announced the following:

- Attended the District Health Advisory Council tele conference and the Community Training Plan workshop on the 20 February
- Thank you to Cr Della Bosca for chairing the Local Emergency Management Committee meeting in her absence on 22 February, 2018
- Attended the Wheatbelt East Regional Organisation of Councils meeting with the ACEO on 28 February, 2018
- On 2 March, 2018 attended the Great Easter Country Zone Executive meeting and the GECZ meeting with the ACEO
- Attended the WALGA presentation on Procurement in the Shire Council Chambers on 9 March, 2018
- Attended the Local Government Grants Commission Public Hearing and welcomed the medical students on 13 March, 2018.

Cr Shaw announced the following:

- Attended the Yilgarn Occasional Child Care center meeting.

Cr Close announced the following

- Attended the WALGA presentation on Procurement in the Shire Council Chambers on 9 March, 2018
- Billeted two medical students.

Cr Della Bosca announced the following:

- Chairing the LEMC meeting on 22 February, 2018
- Attended the District Officers Advisory Committee on 12 March, 2018
- On 13 March, 2018 attended the Local Government Grants Commission Public Hearing

Cr Nolan announce the following

- Attended the Ag Care meeting on the 27 February, 2018
- Attended the WALGA presentation on Procurement in the Shire Council Chambers on 9 March, 2018
- Attended the Local Government Grants Commission Public Hearing on the 13 March, 2018

Cr Guerini announced the following

- Attended the WALGA presentation on Procurement in the Shire Council Chambers on 9 March, 2018
- Attended the Local Government Grants Commission Public Hearing on 13 March, 2018.

9.1 Reporting Officer – Chief Executive Officer

9.1.1 11 Antares Street, Southern Cross - Future use

File Reference	10.4.1.39
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	None

Purpose of Report

The purpose of this report is for Council to determine future use and/or disposal of 11 Antares Street, Southern Cross.

Background

Purchase of 11 Antares Street, by the Shire of Yilgarn, was settled on 2 November, 2015 at a cost of \$253,566.

At the Council meeting held 20 August, 2015 Council resolved as follows:

That Council in relation to the purchase of 11 Antares Street Southern Cross:

1. *Endorse the actions of the President and Acting Chief Executive Officer in making an offer of Two hundred and twenty thousand dollars (\$220,000) with settlement on 31st October 2015*
2. *Authorise the Acting Chief Executive Officer to engage the services of a suitably qualified company/ person to design and draw building plans for appropriate building modifications*
3. *Form an internal Working Group reporting direct to Council to make recommendations and oversee the design of the interior of the building with such committee consisting of;*
 - * The Chief Executive Officer*
 - * The Manager Environmental Health and Building Services*
 - * The Co-ordinator of the CRC*
 - * Councillors J Della Bosca, G Guerini and President Onida Truran*

In February, 2016 when considering the Shire's role in tourism Council resolved as follows:

- *Acknowledge that providing quality information about our services and attractions to tourists / visitors to our Shire is an important role of the Shire;*
- *Understands that in 2016 and beyond the role of information technology in information dissemination renders the Visitor Information Centre model of buildings and staff for this purpose trending towards being obsolete (especially in the case of Southern Cross where there is little opportunity to generate income from bookings or other services). In particular due to the costs of maintaining a building and employing staff and the restrictions of when the information is available (based on opening hours);*

- *Agree that our visitor information strategy should be based on information technology and signage as Council is keen for the information to be available at all times. With the NBN being available in 2017 it is important that we take full advantage of the opportunities this will present;*
- *Agree to explore the opportunities of providing quality visitor information at key destinations within the Shire where tourists would ordinarily be expected to visit, including roadhouses;*
- *Not change the location or structure of the CRC and Library at this point and will review further when the current service provision contract for the CRC is due to be renegotiated with the Department of Regional Development;*
- *Review possible uses for the building located at 11 Antares Street as part of our community consultation and Strategic Community Plan review.*

The Chief Executive Officer is not aware that the future of the property in question was considered through the Strategic Community Plan review process however the property is not identified in the Strategic Community Plan.

At the meeting held 15 December, 2017 Council again considered the future of the property and resolved as follows:

- 1 *Determine if it is to retain or dispose of the property at 11 Antares Street, Southern Cross by the 29/2/2018;*
- 2 *If the property is to be retained determine the future acceptable uses and the repairs/modifications required for consideration in the 2018/19 and future budgets by the 31st March 2018;*
- 3 *If the property is to be disposed of determine if it is to be offered for sale on an 'as is' basis or the level of repairs required prior to sale for consideration in future budgets by the 31st March 2018.*

Improvements on the property comprise a brick and iron retail office/shop building with a detached brick and iron house.

The total land area is 708sqm, the retail office/shop area is 248sqm and the house is 89sqm. The zoning is Commercial.

Currently a small business operates in the office/shop area at a weekly rental of \$25 per week. The house is rented at \$60 per week. Both tenancies are on a monthly basis.

Comment

The options available to council are:

1. Retain ownership of the building and relocate the CRC facility into the office/shop area and continue to rent the residential accommodation. The CRC would also disseminate visitor information.
2. Retain ownership of the building and call for expressions of interest for the leasing of same.
3. Sell the property.

Option 1 has been previously considered and appears to have been discounted. The CEO is not aware to what extent this option was assessed, however if this option is revisited a detailed assessment of the pros and cons, including public consultation, would need to be undertaken. This can be done in-house.

The focus of option 2 is to have the premises occupied. Under this option council may have to consider some incentives, such as a rent free period, rate discount, etc.

Option 3 is the most straight forward, however, in the current market environment it would be difficult to achieve a cost neutral outcome. At the February, 2018 Councillors Discussion session this option seemed to be the preferred option.

In terms of the condition of the building, the inspection report received from KAL Engineering Consultants has identified the replacement of the roof sheeting as the main issue. A quote of \$26,286 (Inclusive of GST) has been received for this work and includes: Remove and dispose of existing iron roof. Supply and fix steel roof battens where required to replace damaged battens. Supply and fix Zinalume .48BMT Trimdeck roof sheeting and all necessary capping and flashings (includes wall cover and capping to front fascia). Supply and fit Zinalume sheerline gutters and 2 x Zinalume 100x75 downpipes. Supply and fix 55mm Anticon Insulation.

The insulation is optional, at a cost of \$2,588. This has been included in the overall cost.

Irrespective of what option Council decides on administration recommends the roof be replaced.

Councillors attention is also drawn to dot point 5 of Resolution19/2016 which states;

That Council not change the location or structure of the CRC and Library at this point and will review further when the current service provision contract for the CRC is due to be renegotiated with the Department of Regional Development.

The service provision contract has been renegotiated and funding has been guaranteed to 31 March, 2019 therefore the relocation review should be undertaken before any other option is considered unless dot point 5 of Resolution 19/2016 is rescinded.

There are a number of positives to relocating the CRC to 11 Antares Street, particularly as it could double as a visitor information centre, however, there are many unknowns also, such as floor space required, visitor information centre model that would be appropriate and cost of relocation.

Statutory Environment

If the decision is to dispose of the property, either by leasing or freehold title then Section 3.58 of the Local Government Act, 1995 will apply. Under this section council can dispose of the property Public Tender, Public Auction or Private Treaty.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

The 2017/2018 Budget does not include an allowance for the disposal of the property nor for the relocation of the CRC. The cost to relocate the CRC is unknown at this stage. If this option was adopted it would not be achieved in the current financial year therefore expenditure would be allowed for in the 2018/2019 Budget.

The cost of the roof repairs is not included in the current Budget therefore unbudgeted expenditure would have to be authorised by absolute majority.

Officer Recommendation (1)

That unbudgeted expenditure of up to \$28,000 be authorised for the replacement of the roof on the office/shop building at 11 Antares Street, Southern Cross.

**Absolute Majority required.*

Officer Recommendation (2)

That the Chief Executive Officer prepare a report, to be presented to the April, 2018 Council meeting, on the viability, suitability and cost of relocating the CRC, with the inclusion of a Visitor Information service, to 11 Antares Street, Southern Cross.

Council Decision

20/2018

Moved Cr Della Bosca/Seconded Cr Guerini

The funding for the replacement of the roof on the office/shop building at 11 Antares street, Southern Cross be included in the 2018/2019 Budget.

21/2018

Carried 6/1

Moved Cr Pasini/Seconded Cr Close

That tenders be invited for the purchase of 11 Antares Street, Southern Cross.

Carried 5/2

Reason for change to Officer Recommendation (1)

Council is in favour of replacing the roof however is of the view that delaying the replacement to the 2018/2019 financial year rather than authorising unbudgeted expenditure will not adversely impact on the building.

Reason for change to Officer Recommendation (2)

Given the uncertainty of the State Government funding for the Community Resource Centre operation beyond 31 March, 2019, Council was reluctant to incur expenditure on relocating from the current location.

9. Reporting Officer – Chief Executive Officer

9.1.2 Acting Chief Executive Officer Employment Contract

File Reference	1.1.1.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Copy of Draft Contract provided to Councillors under separate cover.

Purpose of Report

The purpose of this report is for Council to approve the Contract of Employment for the Acting Chief Executive Officer.

Background

At the November, 2017 meeting Council appointed Mr Peter Clarke as Acting CEO for the period 9 April, 2018 to 2 November, 2018, inclusive. Council also authorised the Shire President and Deputy Shire President to authorise an appropriate employment contract.

Comment

Although Council has authorised the Shire President and Deputy Shire President to act in this situation it is appropriate that Council now formally approve the Contract of Employment.

Statutory Environment

Under the Local Government Act 1995, Section 5.39 19 (a) a Contract of Employment is not required for an acting ceo however in this situation the contract formalises arrangements.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

22/2018

Moved Cr Della Bosca/Seconded Cr Shaw

That the Contract of Employment for Mr Peter Clarke, Acting Chief Executive Officer, and the conditions therein be adopted.

Carried (7/0)

9. Reporting Officer – Chief Executive Officer

9.1.3 Wheatbelt Communities - Appointment of Deputy Member.

File Reference	1.6.25.5
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	None

Purpose of Report

The purpose of this report is for Council to appoint a deputy member to Wheatbelt Communities.

Background

Nil

Comment

At the Council meeting held 16 November, 2017 Council appointed Cr Truran as a Member and the CEO as a Deputy Member to the Wheatbelt Communities organization.

Under the Organisations rules each member shire, there are five, is required to appoint two members and a deputy member.

Given that WEROC meetings are normally held on the same day as Wheatbelt Communities and the Shire President and the CEO are the delegates to WEROC it is appropriate that the Shire President and CEO be appointed as Members on Wheatbelt Communities and a councillor be appointed as a Deputy Member.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

23/2018

Moved Cr Guerini/Seconded Cr Pasini

That Councillor Truran and the Chief Executive Officer be appointed as Shire of Yilgarn members to Wheatbelt Communities and Councillor Della Bosca be appointed as Deputy Member.

Carried (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.1

Purpose of Report

To consider the Financial Reports

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 28 February 2018.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

During the 2012/2013 audit it was noted by the Shire's Auditors that the own source revenue was below acceptable. Council asked for the ratio to be monitored and is therefore included as part of this report.

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

24/2018

Moved Cr Guerini/Seconded Cr Nolan

That Council endorse the various Financial Reports as presented for the period ending 28 February 2018

Carried (7/0)

Note: Cr Della Bosca requested that a Cash on Hand Ratio Report be added into the monthly Financial Reports.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.2

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40576 to 40588 totalling \$60,044.45, Municipal Fund-EFT Numbers 7283 to 7361 totalling \$202,089.24, Municipal Fund – Cheque Numbers 1395 to 1400 totalling \$175,799.54, Municipal Fund Direct Debit Numbers 12406.1 to 12455.13 totalling \$42,633.89 Trust Fund 402339 to 402342 totalling \$1,276.20 and Trust Fund – Cheque Numbers 6105 to 6108 (DPI Licensing), totalling \$64,030.00 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

Strategic Implications

Nil

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation and Council Decision

25/2018

Moved Cr Shaw Seconded Cr Pasini

Municipal Fund – Cheque Numbers 40576 to 40588 totalling \$60,044.45, Municipal Fund- EFT Numbers 7283 to 7361 totalling \$202,089.24, Municipal Fund – Cheque Numbers 1395 to 1400 totalling \$175,799.54, Municipal Fund Direct Debit Numbers 12406.1 to 12455.13 totalling \$42,633.89 Trust Fund 402339 to 402342 totalling \$1,276.20 and Trust Fund – Cheque Numbers 6105 to 6108 (DPI Licensing), totalling \$64,030.00 are presented for endorsement as per the submitted list.

Carried (7/0)

9.2 Reporting Officer-Executive Manager Corporate Services

9.2.3 2018/2019 Differential Rates – Objects & Reasons

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 – 2018/2019 Rating Strategy Attachment 2 – 2018/2019 Rating Objects & Reasons

Purpose of Report

Council is requested to endorse the 2018/2019 Rating Strategy & Objects & Reasons.

Background

It is proposed to impose Differential Rates for the year ending 30th June 2019 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2018/2019 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

The Rates in the dollar being recommended are a result of efficiency measures being implemented over the previous few years. As a result of these measures, Council has significantly reduced the burden on its Ratepayers, in some categories, to the effect of as much as a 61% reduction in the rate in the dollar.

The following table illustrates the result of these efficiency measures for the financial years 2014/15 to 2017/18:

Land Category	Rate – Cents in the Dollar		% Change
	2014/2015	2017/2018	
GRV - Residential/Industrial	10.3800	11.0120	6.09%
GRV - Commercial	7.1000	7.7520	9.18%
GRV - Minesites	40.0100	15.5040	-61.25%
GRV -Single Persons Quarters	40.0100	15.5040	-61.25%
UV - Rural	1.7400	1.7230	-0.98%
UV - Mining	21.3053	17.0500	-19.35%

The reduction in the Rates in the dollar has resulted in a reduced amount of Rates being received of approximately \$702,000

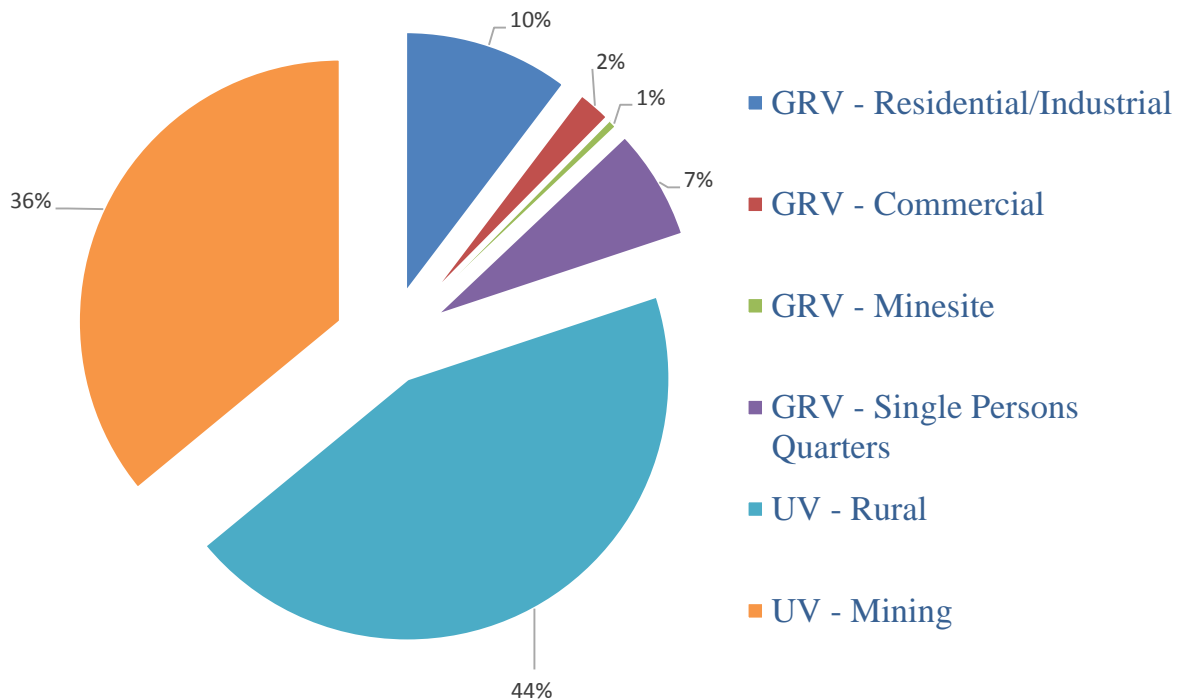
2018/2019 Proposed Differential Rates

The proposed Differential Rate for each rating category are as follows:

<u>Land Category</u>	<u>Rate – Cents in the Dollar</u>	<u>Minimum Payment</u>
GRV - Residential/Industrial	11.1773	\$500
GRV - Commercial	7.8681	\$400
GRV - Minesites	15.7362	\$400
GRV -Single Persons Quarters	15.7362	\$400
UV - Rural	1.7487	\$400
UV - Mining	17.3058	\$400

The proposed Rates in the dollar for 2018/2019 represent a 1.5% increase over those imposed in 2017/2018.

Indicative Percentage of Rates Contribution by Differential



The recommended Rate in the dollar increase of 1.5% is in line with the WA Local Government Cost Index (WALGCI) 2017/18 closing estimate of 2.0%. The WALGCI is

similar in principal to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments.

The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such as food and non-alcoholic beverages, alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government.

The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government. The most recent "Local Government Economic Briefing" issued by WALGA in September 2017 has indicated a current WALGCI value of 1.5%.

Both Councils Long Term Financial Plan and Corporate Business Plan indicate an estimated 6% rate increase per year for the duration of the plans. Both these plans are currently under review and it is expected that these estimates will be revised down.

Statutory Environment

Attachment 1 - 2018/2019 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

The outcome of this recommendation will ultimately inform the direction for the 2018/2019 Income Budget as it relates to the raising of Rates

Officer Recommendation and Council Decision

26/2018

Moved Cr Guerini/Seconded Cr Della Bosca

That Council:

- 1. Endorse the Differential Rating – Objects and Reasons for the 2018/2019 rating years as presented;***

2. *Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2018/2019 financial year:*

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.1773</i>	<i>\$500</i>
<i>GRV - Commercial</i>	<i>7.8681</i>	<i>\$400</i>
<i>GRV - Minesites</i>	<i>15.7362</i>	<i>\$400</i>
<i>GRV - Single Persons Quarters</i>	<i>15.7362</i>	<i>\$400</i>
<i>UV - Rural</i>	<i>1.7487</i>	<i>\$400</i>
<i>UV - Mining</i>	<i>17.3058</i>	<i>\$400</i>

3. *Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:*

- Statewide and local public notice on Wednesday 2nd May 2018 as per the requirements of section 6.36 of the Local Government Act 1995.*
- Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.*

Carried (6/1)

*Cr Nolan recorded his vote against the motion

9.2. Reporting Officer-Executive Manager Corporate Services

9.2.4 GECZ Submission – Audit & Financial Management Regs Draft Amendments

File Reference	1.6.21.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 – Local Government (Audit) Regs - Extract Attachment 2 – Local Government (Financial Management) Regs - Extract

Purpose of Report

Council is requested to endorse WALGA's submission relating to proposed regulatory amendments to the Local Government (Audit) and Local Government (Financial Management) Regulations.

Background

The Local Government Act 1995 was amended to accommodate auditing of Local Government to be undertaken by the Auditor General. As a consequence associated Regulations are now being reviewed. This review process includes calls for submissions from Local Governments.

Comment

The following recommendation was presented to the Great Eastern County Zone of WALGA meeting held the 1st of March 2018. Administration recommends Council endorse the WALGA position.

ZONE EXECUTIVE OFFICER COMMENT:

In considering this recommendation it should be noted that due to the time frame local governments only had a limited time to respond to WALGA over the Christmas/New Year period.

The draft amendments to *Local Government (Audit) Regulations 1996* and *Local Government (Financial Management) Regulations 1996* were circulated to the sector for comment in an Infopage dated 23 January 2018 requesting Local Government's comments to be provided to WALGA by 9 February.

This timeframe was structured to enable this report to the March 2018 State Council meeting and enable further consideration through the Zone meetings. WALGA's comment on behalf of Local Government is due to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 29 March 2018.

As the reported provided in the State Council Agenda notes, WALGA received comment from a number of Councils.

The Executive Officer is unaware if any of the GECZ's Member Councils provided feedback to WALGA on the DLGSC's proposed amendments. The matter of financial regulations is one considered by the GECZ at a Zone meeting held in September last year.

The WALGA recommendation has regard for the concerns raised by Councils who responded to the Infopage on the proposed amendments and unless there are additional concerns that Member Councils wish to be raised the Executive Officer believes the WALGA recommendation be supported as presented.

Notwithstanding the above, the changes proposed by the amendment to the Audit and Financial Management Regulations could be seen to have significant consequential change to the manner in which the audit and management of assets is undertaken.

For example, currently the compliance audits are carried out on a calendar year basis and the regulations propose that this would continue. However, WALGA is proposing that the compliance audit be aligned with the financial year.

The meeting may wish to review this proposal to enable Member Councils to express any views contrary to the WALGA recommendation.

5.2 Local Government Act - Audit and Financial Management Regulations Amendment - (05-034-01-001 LF)

WALGA Recommendation

That WALGA endorse the following response to the Department of Local Government, Sport and Cultural Industries, regarding proposed regulatory amendments to facilitate introduction of Local Government auditing by the Auditor General:

- (1) *Local Government (Audit) Regulations 1996* proposed amendments are supported, subject to the following:
 - (a) Proposed amendment of Regulation 9 - supported subject to:
 - (i) The definition of Australian Accounting Standards being consistent between this Regulation and Financial Management Regulation 3.
 - (b) Proposed new Regulation 9A - Not Supported:
 - (i) Section 7.10 of the Act already sufficiently provides for the Auditor's right of access to documents.
 - (ii) If proposed new Regulation 9A is retained, then subject to:
 - Changing requirement for CEO to provide documentation from 14-days to 30-days; or alternatively,
 - Ensuring audit planning under Audit Regulation 7 includes identification and agreement on documentation required to be provided.
 - Re-sequencing the definitions for Strategic Community Plan and Corporate Business Plan to align with the sequence of Subregulations 9(A)(1) {a} and (b).
 - (c) Proposed amendment of Regulation 13 - supported subject to:
 - (i) Consideration of changing the Compliance Return period from a calendar year to a financial year to be consistent with other audits. Noting that this change would require consequential changes to Audit Reg.15.
 - (d) Proposed amendment of Regulation 16 - Supported subject to:
 - (i) Sub-regulation 16(a) being deleted as Audit Committee involvement in 'guiding and assisting' Local Government to prepare budgets, financial reports, rates, etc. compromises the Committee's objectivity / impartiality when undertaking the audit role.

- (ii) Redrafting Sub-regulation 16(d) to prescribe the Audit Committee's function as being 'to monitor and advise the CEO in regard to the outcome of any review undertaken in accordance with Audit Regulation 17(1) and Financial Management Regulation 5(2)(c)'. The redraft is proposed to avoid any confusion between the Audit Committee function and the CEO's responsibilities for the administration of the Local Government.
 - (iii) Amendment of Sub-regulation 16(d) to include a requirement for the Audit Committee to report to Council.
- (2) *Local Government (Financial Management) Regulations 1996* proposed amendments are supported, subject to the following:
- (a) Proposed amendment of Regulation 5 - supported subject to:
 - (i) Including a requirement for the outcome of a review to be reported to Council via the Audit Committee, consistent with other similar reporting requirements.
 - (b) Proposed amendment of Regulation 17A- supported subject to:
 - (i) Resolution of the conflict between the proposed 3-5 year review cycle and AASB 116 clause 34 which requires annual review of asset valuations in some circumstances.
 - (ii) Deletion of Sub-regulation 17A (4) as it replicates the requirements of AASB 116 clause 34 and may become inconsistent with the AAS should the AAS be amended in future.
 - (iii) Redrafting of Sub-regulation 17 A(6) to enable Local Governments to determine the \$value threshold through their accounting policy, enabling Local Governments to apply an effective size and scale regime.
 - (iv) Inserting a new sub-regulation excluding Local Governments from compliance with AASB 166, clause 36, so to avoid requirements for revaluation of a whole class of assets, on the basis that revaluation within the 3-5 year cycle is sufficient.
 - (c) Regulation 178 is not supported on the basis that:
 - (i) Regulation 178 is contrary to the intent of Regulation 17A which expenses assets valued less than \$5000.
 - (ii) "Attractive" assets is not defined.
 - (iii) Regulation 178's purpose is unclear if the asset is written off and therefore active audit is not required.
 - (iv) Theft of portable assets is not considered a widespread problem and where concerns arise regarding theft Local Governments will address those risks, therefore additional red-tape should not be created for the whole sector.
 - (v) If Regulation 178 is proposed to retained, then its retention should be justified by a cost benefit analysis evidencing that sector wide benefit will be achieved i.e. the actual cost of implementing proposed Regulation 178 versus the actual cost of 'lost' portable assets. If no such benefit is evidenced, then Regulation 178 should not be implemented.

All of the points raised in the GECZ motion are pertinent and as such, it will be recommended that Council endorse this motion.

Statutory Environment

This item relates to the current review of the Audit and Financial Regulation and could influence the final result.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

There are no financial implications as a result of this report.

Officer Recommendation and Council Decision

27/2018

Moved Cr Shaw/Seconded Cr Guerini

That Council endorse the WALGA recommendation - Local Government Act - Audit and Financial Management Regulations Amendment - (05-034-01-001 LF) as presented.

Carried (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Tender Kluger Sedan 3/2017-2018

File Reference:	6.6.1.9
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	Nil

Purpose of Report

Tender N^o 3/2017-2018 - To consider the sale by tender of the 2015 Kluger Sedan

Background

Council in the past have supplied doctors with a vehicle, in this case a 2015 Kluger Sedan, with the recent appointment of a new doctor the Kluger Sedan has become surplus to requirement as the incoming doctor indicated he will be using his own vehicle.

Council at its December 2017 Meeting resolved to dispose of the 2015 Kluger Sedan with proceeds from income generated from the sale of the vehicle been transferred to the Health Services Reserve Fund (*Resolution 141/2017*)

Comment

Tender for the outright purchase of the 2015 Kluger Sedan have been advertised in the Western Australian on 17th February 2018 with the closing date being 6th March 2018. The sale of this vehicle was also advertised on Community Resource Centre face book page and website as well as Shire of Yilgarn website.

One tender had been received by the closing date, for the outright purchase of the 2015 Kluger Sedan. This was from Mr Phil Valvoi for \$21,050

Statutory Environment

3.58. Disposing of Property

(1) In this section — dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Strategic Implications

At this time demand for a "Doctors Vehicle" is no longer required therefore it should be removed from Council's Ten Year Plant Replacement Program

Policy Implications

Nil

Financial Implications

In accordance to Council's 2017 December Meeting

"Resolution 141/2017 (dot point 5) Proceed with sale of the vehicle and transfer of the income to the Health Services Reserve Fund"

Officer Recommendation and Council Decision

28/2018

Moved Cr Close/Seconded Cr Pasini

That the tender of \$21,050 submitted by Mr Phil Valvoi for the outright purchase of the 2015 Kluger Sedan (1GJ0 572) be accepted.

Carried (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.1 Mass Balloon Release

File Reference	5.2.2.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To determine Council's position on mass balloon release.

Background

The Shire has received an email from the Honourable Robin Chapple MLC the Member for the Mining and Pastoral Region, which is copied verbatim below:

Dear Yilgarn Shire

As you're likely aware beaches, cemeteries, schools and parklands are popular spaces for mass balloon releases to occur. I have received correspondence from many concerned community members regarding the legality of these events.

I have put on notice a motion to introduce the Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2017 into the Legislative Council of Western Australia. The Bill will likely become parliamentary agenda during the first few weeks of sitting in March.

It is my understanding that the Litter Act 1979, defines items as litter when they are deposited on land or water. Therefore, under this law, the action of releasing balloons is not an offence. However, when the balloons land, littering subsequently occurs. Under the Litter Act 1979, this is a very difficult offence to substantiate and there is currently no other legislation in Western Australia, apart from Cottesloe and East Fremantle's respective bans, that address these acts of illegal dumping.

The environmental impacts of released balloons are widespread and can be catastrophic. Not only is helium a finite resource, but a single balloon, even one made from natural latex to the highest industry standards, will take at least 5 years to break down. In the years the balloon (or fragments) exist in our ecosystems, land and marine life are put in existential danger. This is the case especially for birds and marine animals. Fish, birds, turtles and other animals are often found dead with balloon remnants littered throughout their bodies. The string attached to the balloon can also be fatal wrapping around limbs, necks, birds' beaks and turtles' shells.

It is simply astounding to me, given the impacts that balloons and other plastics are having on our marine life are known, that we have not immediately curtailed such reckless environmental vandalism.

Balloons are a wasteful, single-use product that quickly becomes trash. Therefore, I am writing to all Western Australian Local Governments - including yours – to ask two questions:

- What is your shire's position on mass helium balloon release?
- Would your shire support state-wide action on mass helium balloon release? If yes, would you consider following the City of Stirling in writing to WALGA/State government advocating for state-wide action?

I look forward to hearing your position on this issue.

Comment

The mass release of balloons does pose a risk to native wildlife, however the Shire seldom has mass balloon releases. As such, the risk posed to native wildlife from mass balloon release within the Yilgarn is minimal when compared to other forms of litter and environmental impacts.

The Hon R Chapple's correspondence specifically mentions the effects on "marine life" but does not mention how balloon fragments affect inland fauna.

As such, it is the Manager of Regulatory Services opinion that the Council should endorse the following response:

"The Shire of Yilgarn supports any action that will reduce litter entering into the environment, however due to the unknown effects on inland native animals within the Wheatbelt; and the infrequent occurrences of mass balloon releases within the Shire, it is not an issue the Shire is willing to regulate locally at this stage.

The Shire does however support further investigation into the effects of mass balloon releases on native animals within the Wheatbelt and if deemed a significant risk to native wildlife would support a ban or restrictions."

Statutory Environment

Litter Act 1979

Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2017

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

1. That Council endorse the following response to the Honourable Robin Chapple MLC the Member for the Mining and Pastoral Region:

“The Shire of Yilgarn supports any action that will reduce litter entering into the environment, however due to the unknown effects on inland native animals within the Wheatbelt; and the infrequent occurrences of mass balloon releases within the Shire, it is not an issue the Shire is willing to actively regulate at this stage.

The Shire does however support further investigation into the effects of mass balloon releases on native animals within the Wheatbelt and if deemed a significant risk to native wildlife would support a ban or restrictions.”

2. That Council endorse the correspondence to the Honourable Robin Chapple MLC the Member for the Mining and Pastoral Region being forwarded to the Western Australian Local Government Association.

Council Decision

29/2018

Moved Cr Guerini/Seconded Cr Pasini

- 1 *That Council endorse the following response to the Honourable Robin Chapple MLC the Member for the Mining and Pastoral Region:*

“The Shire of Yilgarn supports any action that will reduce litter entering into the environment, however due to the unknown affects on inland native animals within the Wheatbelt; and the infrequent occurrences of mass balloon releases within the Shire, it is not an issue the Shire is willing to actively regulate at this stage.

The Shire does however support further investigation into the affects of mass balloon releases on native animals within the Wheatbelt and if deemed a significant risk to native wildlife would consider a ban or restrictions.”

- 2 *That Council endorse the correspondence to the Honourable Robin Chapple MLC the Member for the Mining and Pastoral Region being forwarded to the Western Australian Local Government Association.*

Carried (6/1)

Reason for change to the Officer Recommendation

Council felt the change to 'consider' from 'support' in the third paragraph in part 1 of the officer recommendation retains some flexibility in decision making should further investigation into the affect of mass balloon releases on native animals be undertaken.

*Cr Nolan recorded his vote against the motion.

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 INFORMATION BOOK ITEMS

Nil

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

30/2018

Moved Cr Guerini/Seconded Cr Shaw

That item 13.1 be considered at this meeting as the next CEACA meeting will be held prior to the April Council meeting.

Carried (7/0)

13. Officers Report – Chief Executive Officer

13.1 CEACA Inc Voting Member

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	None

Purpose of Report

The purpose of this report is to appoint the Chief Executive Officer as a Deputy Member to CEACA Inc. for the meeting to be held on 26 March, 2018

Background

Nil

Comment

Cr Truran is the Shire of Yilgarn Member on CEACA Inc and Cr Della Bosca is Deputy. Cr Truran is unable to attend the meeting that is scheduled for 26 March, 2018, therefore Cr Della Bosca would be the voting member. It is suggested that for the meeting on 26 March, only, the CEO be appointed Deputy Member so that the Shire of Yilgarn has a voting member in the event Cr Della Bosca cannot attend the meeting on 26 March 2018

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

31/2018

Moved Cr Close/Seconded Cr Guerini

That the Chief Executive Officer be appointed Deputy Voting Member to CEACA Inc. for the meeting to be held on 26 March, 2018

Carried (7/0)

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at **4.50pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 15th March 2018, are confirmed on Thursday, 19th April 2018 as a true and correct record of the March Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT