



Minutes

*Ordinary Meeting of
Council*

June

2016

MINUTES
ORDINARY MEETING OF COUNCIL
Thursday 16th June 2016

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1. OFFICIAL OPENING

The Presiding Member declared the meeting open at 4pm

2. RECORD OF ATTENDANCE

PRESENT

Presiding Member President-Cr O Truran

Members Deputy President- Cr W Della Bosca
Cr K Chrisp
Cr B Close
Cr J Della Bosca
Cr P Nolan
Cr D Pasini

Council Officers B Jones, Chief Executive Officer
J Bingham, Deputy Chief Executive Officer
R Bosenberg, Executive Manager Infrastructure
L Della Bosca, Minute Taker

Apologies: Nil

Leave of Absence: Nil

Observers: Nil

3. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 19th May 2016

Voting Requirements: Simple Majority

54/2016

Moved Cr W Della Bosca/Seconded Cr Chrisp

That the minutes from the Ordinary Council Meeting held on the 19th May 2016 be confirmed as a true record of proceedings

Carried (7/0)

5.2 Ordinary Council Meeting Thursday 19th May 2016 Action Sheet

Voting Requirements: Simple Majority

55/2016

Moved Cr Chrisp/Seconded Cr Pasini

That the Action Sheet for the Council Meeting held on Thursday 19th May 2016 be received

Carried (7/0)

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6. ANNOUNCEMENTS BY THE PRESIDNG MEMBER AND COUNCILLORS

Cr Truran announced the following

- Attended the LEMC Meeting on the 26th May
- Met with Senator Dean Smith, Melissa Price and Chris Back along with the CEO and the Deputy President in the Council Chambers on the 1st June
- Attended the DHAC Forum on the 14th June
- GECZ Executive Teleconference on the 16th June

Cr W Della Bosca Announced the following

- On the 26th May attended the LAG meeting
- Attended the LEMC Meeting on the 26th May
- On the 27th May attended a Bush Fire Meeting in Kalgoorlie
- Met with Senator Dean Smith, Melissa Price and Chris Back along with the CEO and Shire President in the Council Chambers on the 1st June

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Submission to:	Ordinary Council Meeting – Thursday, 16 th June 2016
Agenda Reference:	7.1
Subject:	Tender 5-2015/16 – Sale of LAG Vehicle
File Reference:	6.6.10.6
Author:	Brian Jones – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report	10 th June 2016

Background:

The Yilgarn Local Action Group (LAG), through the Shire of Yilgarn, has acquired a new works utility under a lease agreement. As a result of this the LAG has a 2012 Hilux SR/5 Dual Cab Utility surplus to requirements.

As the vehicle is owned by the Shire of Yilgarn and has a value exceeding \$20,000 there is a requirement under the local government act to invite tenders for the sale.

Tenders have been advertised and close on Monday 20 June 2016. Rather than wait until the July ordinary Council meeting this report requests Council delegate authority to the Chief Executive Officer to accept the tender that is most beneficial to the Shire.

Comment:

Nil

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.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council delegate power to the Chief Executive Officer to accept the tender received that is most beneficial to the Shire of Yilgarn for tender 5-2015/16 for the outright sale of a 2012 Hilux SR/5 Dual Cab Utility.

Voting Requirements Absolute Majority

56/2016

Moved Cr W Della Bosca/Seconded Cr Chrisp

That Council delegate power to the Chief Executive Officer to accept the tender received that is most beneficial to the Shire of Yilgarn for tender 5-2015/16 for the outright sale of a 2012 Hilux SR/5 Dual Cab Utility.

Carried (7/0)

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Submission to:	Ordinary Meeting of Council – Thursday 16 th June 2016
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report	Thursday 9th June 2016

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 31st May, 2016:

- 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.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31st May 2016

Voting Requirements Simple Majority

57/2016

Moved Cr Chrisp/Seconded Cr Pasini

That Council endorse the various Financial Reports as presented for the period ending 31st May 2016

Carried (7/0)

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Submission to:	Ordinary Meeting of Council – Thursday 16 th June 2016
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report	Thursday 9 th June 2016

Background:

Municipal Fund – Cheque Numbers 40146 to 40158 totalling \$35,918.35 , Municipal Fund- EFT numbers 4934 to 5028 totalling \$478,107.57, Municipal Fund – Cheque Numbers 1272 to 1275 totalling \$181,205.58, Municipal Fund Direct Debit numbers 10691.1 to 10714.12 totalling \$38,494.75, Trust Fund 402184 to 402187 totalling \$2,143.76 and Trust Fund – Cheque Numbers 6006 to 6009 (DPI Licensing), totalling \$67,784.55 are presented for endorsement as per the submitted list.

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

Policy Implications

Council has provided delegation to the Chief Executive Officer, Deputy Chief Executive Officer, and Finance Manager, Manager for Works and Manager of Environmental Health and Building Services to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Recommendation

Municipal Fund – Cheque Numbers 40146 to 40158 totalling \$35,918.35 , Municipal Fund- EFT numbers 4934 to 5028 totalling \$478,107.57, Municipal Fund – Cheque Numbers 1272 to 1275 totalling \$181,205.58, Municipal Fund Direct Debit numbers 10691.1 to 10714.12 totalling \$38,494.75, Trust Fund 402184 to 402187 totalling \$2,143.76 and Trust Fund – Cheque Numbers 6006 to 6009 (DPI Licensing), totalling \$67,784.55 are presented for endorsement as per the submitted list.

Voting Requirements Simple Majority

58/2016

Moved Cr Chrisp/Seconded Cr Pasini

Municipal Fund – Cheque Numbers 40146 to 40158 totalling \$35,918.35 , Municipal Fund- EFT numbers 4934 to 5028 totalling \$478,107.57, Municipal Fund – Cheque Numbers 1272 to 1275 totalling \$181,205.58, Municipal Fund Direct Debit numbers 10691.1 to 10714.12 totalling \$38,494.75, Trust Fund 402184 to 402187 totalling \$2,143.76 and Trust Fund – Cheque Numbers 6006 to 6009 (DPI Licensing), totalling \$67,784.55 are presented for endorsement as per the submitted list.

Carried (7/0)

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Submission to:	Ordinary Meeting of Council – Thursday 16 th June 2016
Agenda Reference:	8.3
Subject:	Bad Debts Write Off 2015/2016
File Reference:	8.2.1.4
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	Thursday 9 th June 2016

Comment

The Deputy CEO with the assistance of the Finance Manager has conducted an annual review of Debtors. After ensuring debt recovery policy has been applied in each case the following are identified as Bad Debts.

The following debtor is recommended for write off:

Debtor Code	Days o/Due	Debtor Name	Description	Amount
THATCH	572	TONI HATCH	Water charges	\$ 464.55
			TOTAL	\$ 464.55

AMPAC Debt Recovery was contacted on 26th June 2015 and has not been able to locate or contact the person despite leads from the community advising she had re-located to Esperance. Further in recent months her phone has been disconnected and it is advised that for the amount recoverable it is no longer viable to proceed.

Currently the Shire has numerous Dead Mining Tenements. A Dead Mining Tenement is a claim, lease or license to mine that is inactive or has been surrendered by the applicant, withdrawn by the applicant or been forfeited on the grounds a third party proves is legitimate. As the chances of recover for outstanding amounts related to dead mining tenements is near zero. The following is a proposed list of Dead Mining Tenements to be written off:

Period of Billing	Assess No	Lot No	Name	Balance
2013/14	A100424	77/01689E	CAZALY IRON PTY LTD	\$ 1,281.15
2013/14	A100627	77/04046P	CAZALY IRON PTY LTD	\$ 992.13
2013/14	A100628	77/04047P	CAZALY IRON PTY LTD	\$ 992.13
2013/14	A100647	77/01787E	CAZALY IRON PTY LTD	\$ 753.33
2013/14	A100648	77/01788E	CAZALY IRON PTY LTD	\$ 908.91
2013/14	A100649	77/01789E	CAZALY IRON PTY LTD	\$ 753.33
2014/15	A100479	77/01792E	CAZALY IRON PTY LTD	\$ 355.44
2014/15	A100775	77/02115E	CAZALY IRON PTY LTD	\$ 277.92
2014/15	A100809	77/02068E	CAZALY IRON PTY LTD	\$ 1,532.44
			Sub-Total	\$ 4,581.37

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Period of Billing	Assess No	Lot No	Name	Balance
2014/15	A100932	77/02153E	CLEMENTS LJ	\$ 512.65
			Sub-Total	\$ 512.65
2012/13	A100530	77/01822E	GOLDEN MINING AUSTRALIA PTY LTD	\$ 1,219.02
2012/13	A100656	77/01957E	GOLDEN MINING AUSTRALIA PTY LTD	\$ 706.51
2012/13	A100657	77/01958E	GOLDEN MINING AUSTRALIA PTY LTD	\$ 706.51
2012/13	A100661	77/04017P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 1,219.02
2012/13	A100707	77/04088P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 1,616.50
2013/14	A100708	77/04089P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 757.30
2013/14	A100710	77/04091P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 716.51
2013/14	A100711	77/04092P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 716.51
2013/14	A100712	77/04093P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 889.59
2013/14	A100713	77/04094P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 716.51
2013/14	A100716	77/04097P	GOLDEN MINING AUSTRALIA PTY LTD	\$ 716.51
			Sub-Total	\$ 9,980.49
Period of Billing	Assess No	Lot No	Name	Balance
2014/15	A40423	77/00423M	GONDWANA RESOURCES LTD	\$ 2,130.68
2014/15	A40565	77/00565M	GONDWANA RESOURCES LTD	\$ 556.79
2014/15	A40669	77/00669M	GONDWANA RESOURCES LTD	\$ 9,912.73
			Sub-Total	\$ 12,600.20
2012/13	A40039	77/00039M	HB BRADY CO PTY LTD	\$ 7,657.35
			Sub-Total	\$ 7,657.35
2012/13	A100390	77/01640E	HILL AF	\$ 999.02
2012/13	A100502	77/01553E	HILL AF	\$ 999.02
2014/15	A100920	77/02174E	HILL AF	\$ 648.99
			Sub-Total	\$ 2,647.03
2013/14	A100856	77/02132E	KALORRA MINING AND EXPLORATION	\$ 1,828.87
			Sub-Total	\$ 1,828.87
2013/14	A100752	77/02051E	PARRY BA	\$ 2,310.27
2013/14	A100886	77/02134E	PARRY BA	\$ 1,852.67
			Sub-Total	\$ 4,162.94
2014/15	A100815	77/02078E	SAMMY RESOURCES PTY LTD	\$ 277.92
2014/15	A100888	77/02177E	SAMMY RESOURCES PTY LTD	\$ 405.13
2014/15	A40671	77/00671M	SAMMY RESOURCES PTY LTD	\$ 947.75
			Sub-Total	\$ 1,630.80
2014/15	A100905	77/04241P	STRANGE HOLDINGS PTY LTD	\$ 1,252.46
			Sub-Total	\$ 1,252.46
2012/13	A100517	77/01366E	ZIRCON INTERNATIONAL PTY LTD	\$ 1,848.00
			Sub-Total	\$ 1,848.00
			TOTAL	\$ 51,967.57

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Council's authorisation is sought to have the above proposed write offs processed to the value of \$52,432.12

Statutory Environment

Local Government Act 1995, Section 6.12 'Power to defer, grant discounts, waive or write off debts'.

Policy Implications

Section 3.7 Recovery of Fines and Costs from Sundry Debtors

Financial Implications

Budget for E03118 'Debtors Written Off' is \$150,000 – Actuals as at May 2016 \$2449.90

Recommendation

That Council authorises write offs as listed in the table to the value of \$52,432.12

Voting Requirements Absolute majority required

59/2016

Moved Cr Chrisp/Seconded Cr W Della Bosca

That Council authorises write offs as listed in the table to the value of \$52,432.12

Carried (6/1)

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Submission to:	Ordinary Meeting of Council – Thursday, 16th June 2016
Agenda Reference:	8.4
Subject:	Differential Rating for 2016/17 – Submissions and Application to the Minister
File Reference:	8.1.1.5
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Not Applicable
Date of Report:	Thursday 9 th June 2016

Background

At its meeting held on Thursday 17th March 2016 Council resolved as follows:

“That Council propose the following Differential General Rates for the year ending 30th June 2017

Land Category	Proposed Rate	Proposed Minimum Rate
<i>GRV--Residential</i>	<i>11.0121c</i>	<i>\$500</i>
<i>GRV--Commercial</i>	<i>7.3130c</i>	<i>\$400</i>
<i>GRV--Mine-sites</i>	<i>15.5036c</i>	<i>\$400</i>
<i>GRV--Single Persons Quarters</i>	<i>15.5036c</i>	<i>\$400</i>
<i>UV----Rural</i>	<i>1.9274c</i>	<i>\$400</i>
<i>UV----Mining Lease</i>	<i>17.0481c</i>	<i>\$800</i>
<i>UV----Mining License</i>	<i>17.0481c</i>	<i>\$300”</i>

In setting these proposed rates Council considered the key values of objectivity, fairness and equity, consistency, transparency and administrative efficiency.

Council differentiates general rates based on land use. For 2016/17 it is proposed to retain current Land categories except for the UV Mining category which will be split into two groups – Leases and Licenses. The purpose of the split is to provide greater fairness and equity to small tenement owners engaged only in exploration and prospecting and as such a lesser minimum of \$300 has been applied to UV Mining License.

The object of the proposed rate for each category is to ensure the proportion raised is consistent as possible with previous years. This is stated in the ‘Objects and Reasons to Impose Differential Rates for 2016/17’ – see attachment 1.

The Objects and Reasons are based on Council’s Annual Budget process which includes a review of its expenditure and efficiencies. For the upcoming 2016/17 financial year the following measures have been undertaken:

- Reducing employee costs e.g. number of hours needed to clean offices and facilities;
- Reducing Administration overheads e.g. telecommunications, utilities, consultancy etc.
- Reducing or removing maintenance costs on those buildings not delivering levels of service identified as strategic in Council’s Community Plan and Corporate Business Plan; and

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- Implementing a digital infrastructure and software program to take advantage of the upcoming National Broadband Network technology.

The Corporate Business Plan 2013/14 to 2016/17 and Long Term Financial Plan 2013/14 to 2022/23 have assumed rate increases of 6% p.a. Last year this was not practical due to the economic environment however for 2016/17 it is proposed that UV Rural and UV Commercial increase by 6% p.a. As outlined in Council minutes (33/2016) for March 2016 equity and fairness is the principle underlying this increase.

Additionally the proposed rate for UV Mining has been reduced from \$0.1805 in 2015/16 to \$0.1705 in 2016/17 – this measure will further assist mining companies cope with a rate burden during difficult economic times. Notably though the rate is more than twice the lowest rate for the UV category and therefore forms the basis of an application to the Minister for approval.

Importantly the rate in the dollar for GRV Mine-sites and GRV Single Persons Quarters have both been reduced by 31% from 2015/16 levels - now comparable to the State average bringing greater equity to the Shires mining companies. Additionally the proposed rate is no more than twice the lowest rate in its category and hence is now compliant with the Act.

Comment

Public notice of the proposed rates was given on 18 May in both ‘The West Australian’ and ‘The Kalgoorlie Miner’ – see attachment 2.

With 21 days for submissions to be received by 4pm Wednesday 8th June there has been no correspondence received by the CEO’s office. Additionally per requirements of the Local Government Act notice must be given on the Shire Office Administration Board and Library Notice Board – this was done on Monday 23rd May. With 21 days for submissions to be received by 4pm Wednesday 15th June at time of writing this report there were no submissions received.

Additionally on the 16th May the CEO informed the following ratepayers in writing of Council’s Proposal to impose Differential Rates:

- Mr Anthony Miller of ‘Cliffs Natural Resources Pty Ltd’; and
- Mr Martin Hagg of ‘Hanking Gold Mining’.

Statutory Environment

Local Government Act 1995 section 6; 33 Relates to Differential Rating

Financial Implications

Revenue of \$3,762,696 for Budget 2016/17

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Recommendation: That Council:

1. Acknowledge there is no requirement to consider submissions for the '2016/17 Differential Rates Proposal' as none have been received by the deadline;
2. Adopt the Objects and Reasons for each proposed Differential Rate; and
3. Resolve to make Application to the Minister for both 'UV Mining Lease' and 'UV Mining License' being more than twice the lowest differential rate.

Voting Requirements Absolute Majority

The DCEO advised the Council that since the Agenda had been forwarded to Councillors two submissions had been received, being from McMahon Mining Title Services Pty Ltd and Councillor Phil Nolan. A copy of both submissions had been forwarded to all Councillors prior to the meeting and the Shire President suspended the meeting for a period of time to ensure all Councillors had the opportunity to fully consider the submissions received.

Cr Pasini and Deputy Chief Executive Office John Bingham left the room 4.29pm

Cr Pasini returned 4.32pm

Deputy Chief Executive Officer John Bingham returned 4.35pm

The DCEO also informed the meeting that section 6.36(4) of the local government act requires the local government to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Following all Councillors agreeing that they had considered the submissions received the following motions were debated:

60/2016

Moved Cr Chrisp / Seconded Cr D Pasini

That Council:

- ***Adopt the Objects and Reasons for each proposed Differential Rate; and***
- ***Resolve to make Application to the Minister for UV Mining, being more than twice the lowest differential rate.***

Carried 4/3

Cr J Della Bosca and Cr P Nolan requested to be recorded as voting against the motion.

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61/2016

Moved Cr W Della Bosca / Seconded Cr Chrisp

That the submission received from McMahon Mining Title Services Pty Ltd be noted and the Shire respond to the submission received by advising McMahon Mining Title Services Pty Ltd as follows:

- ***Council has been proactive in taking into consideration the issues raised in the submission by proposing a lesser minimum for mining licenses, noting that 149 of the 311 mining licenses are minimum rated,***
- ***Council has substantially reduced the overall rate revenue received from mining and will continue to review the differential rate categories in future years,***
- ***Council rates are a property tax and accordingly, as with all government taxes, are not based on services received by individual tax payers.***

Carried 5/2

Cr J Della Bosca and Cr P Nolan requested to be recorded as voting against the motion.

62/2016

Moved Cr Chrisp / Seconded Cr D Pasini

That the submission received from Councillor Phil Nolan be rejected for the following reasons:

- ✓ ***It is based on sweeping statements and personal opinions with no factual basis or justifications,***
- ✓ ***It appears to argue the case for further reductions in rate revenue, reductions in staff numbers, reductions in Shire services and reductions in the standard of our asset maintenance, which is not in accord with the Strategic Community Plan and Council's Vision for the future.***
- ✓ ***Council is not supportive of a member of Council lodging submissions to the Council as it gives the appearance of a conflict of interest and is contrary to the core reason for calling for submissions, being to receive input from people independent to the Shire.***

Carried 5/2

Cr J Della Bosca and Cr P Nolan requested to be recorded as voting against the motion.

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11 INFORMATION BOOK ITEMS

**12 NOTICE FOR MOTIONS FOR WHICH PRIOR NOTICE HAS
BEEN GIVEN**

Submission to:	Ordinary Council Meeting – Thursday, 16 th June 2016
Agenda Reference:	12.1
Subject:	Chief Executive Officer – Annual Performance Appraisal
File Reference:	
Author:	Cr Onida Truran – Shire President
Disclosure of Interest:	Nil
Date of Report:	Friday 10 th June 2016

Recommendation That the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the local government act.

Voting Requirements Simple Majority

63/2016

Moved Cr Chrisp/Seconded Cr J Della Bosca

That the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the local government act.

Carried (7/0)

64/2016

Moved Cr J Della Bosca/Seconded Cr Close

That Council:

Agree to authorise the Shire President to appoint an independent party to conduct the annual performance review of the Chief Executive Officer in consultation with all councillors

Voting Requirements Simple Majority

Carried (7/0)

Recommendation: That the meeting be open to members of the public

Voting Requirements Simple Majority

65/2016

Move Cr W Della Bosca/Seconded Cr J Della Bosca

That the meeting be open to members of the public

Carried (7/0)

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- 13 **URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**
- 14 **COFIDENTIAL ITEMS**
- 15 **CLOSURE OF MEETING**

As there was no further business to discuss, the Shire President declared the meeting closed at **5pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 16th June 2016, were confirmed on Thursday, 21st July 2016 as a true and correct record of the June Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT