



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

17th May

2018

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

MAY 2018 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 17th May 2018
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Council Discussion/Briefing Session will commence at 3.30pm*
- *The Ordinary Meeting of Council will commence at 4pm*
- *Martin Haugg, Evan Caruana, Goran Prvulovic, David Swan and Clint Kuehnaplef from Minjar Gold will be presenting to Council after the opening of the meeting.*

Peter Clarke
Acting Chief Executive Officer

17/05/2018

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	Deputy President
Council Officers	P Clarke 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:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council Thursday 19 April 2018

(Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 19 April 2018 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Audit Committee Meeting-11 May 2018
(Minutes Attached)

Recommendation

**That the minutes from the Audit Committee Meeting held on the 11 May, 2018
be confirmed as a true record of proceedings**

Voting Requirements: Simple Majority

Carried/Lost

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1. Officers Report – Acting Chief Executive Officer

9.1.1 Local Government Week Convention

File Reference	1.6.21.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Local Government Week Convention Program

Purpose of Report

To inform Councillors that the annual Local Government Week Convention will be conducted at the Perth Convention Centre between Wednesday, 1 August and Friday, 3 August 2018.

Background

The Conference Program is summarised below:-

Wednesday, 1 August 9.00am – 12.15pm – State and Local Government Forum

Wednesday, 1 August 2018 1.30pm – 5.00pm – WALGA Annual General Meeting

Thursday, 2 August Main - Convention Sessions

Friday, 3 August – Continuation of Convention Sessions

The conference sessions aim to support and inform Mayors, Shire Presidents, Elected Members and Chief Executive Officers. There are also social networking functions, particularly the Gala Dinner on the Thursday evening of the Convention.

Registrations close on **Tuesday, 3 July 2018.**

Comment

The 2018 Convention is titled “Ready and “Relevant and there is an array of presenters for topical individual and concurrent sessions (see attached program).

Full Delegate registration fees total \$1,475 plus additional costs are applied for attendance at the optional extras e.g., Gala Dinner.

In 2017, the Shire President, Deputy Shire President and CEO represented the Shire of Yilgarn at the Convention. Councillors should indicate at this meeting whether they wish to attend the Convention to allow staff time to undertake registrations and also arrange for accommodation.

WALGA is also seeking the names of the appointed Delegates with voting entitlements at the Annual General Meeting. Normally this would be the Shire President and Deputy Shire President if they are attending.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure training programs for Elected Members and Staff.

Policy Implications

Nil

Financial Implications

Council allocates funds within its Annual Budget to accommodate those Councillors wishing to attend the Convention.

Recommendation

That Council:-

- 1. Authorises the Shire President, Deputy Shire President, and Crs together with A/CEO in attending the 2018 Local Government Week Convention;**
- 2. Crs be appointed as Voting Delegates at the WALGA Annual General Meeting and WALGA be informed accordingly; and**
- 3. If it considers necessary, meets with nominated Government Departmental representatives at the State and Local Government Forum on Wednesday, 1 August.**

9.1 Officers Report – Acting Chief Executive Officer

9.1.2 Cliffs Natural Resources – Mine Closure Asset Transfers

File Reference	3.2.1.5
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Mine Closure Workshop Meeting Minutes

Purpose of Report

To inform Council that Cliffs is now formally seeking interest in potential asset transfers associated with the rehabilitation/closure phase of their operations at Koolyanobbing.

Background

At the April 2018 Ordinary Meeting of Council it was advised that Cr Nolan and Council's Executive team had attended a Mine Closure briefing conducted by Cliffs on Tuesday, 17 April 2018.

Comment

Mr Daniel Radovic, Senior Environmental Advisor – Closure with Cliffs Natural Resources Pty Ltd. has written to advise Council that it is moving to its rehabilitation/closure phase and would like to give its stakeholders with the opportunity to contribute to the closure process.

Mr Radovic advises that this is Council's chance to share its vision for the site after mining operations have ceased or raise concerns about potential issues. There may also be opportunities for asset transfer but due to the current timeline of events, these discussions will need to occur in the near future.

As indicated in the attached Minutes, Council's attendees had identified the following items of interest:-

- Gravel Pits
- Several demountables for the Caravan park; and
- Access to Pigeon Rocks

At the April 2018 Council meeting Cr Nolan had also mentioned the potential for the tennis court and immediate shelters to be utilised for camping purposes in the future.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 –Economic Strategy – Tourism Opportunities are Maximised.

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic Strategy – safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Nil

Financial Implications

There are potential financial implications, be it costs to obtain Cliffs Natural Resources assets and ongoing maintenance of these assets in the future.

Recommendation

That Council authorises the A/CEO to commence negotiations with Cliff Natural Resources to obtain identified assets as part of the mine closure process and that authorisation be granted to secure/purchase such assets that are considered to be of benefit to the Shire of Yilgarn into the future.

9.1 Officers Report – Acting Chief Executive Officer

9.1.3 Western Australian Lithium

File Reference	3.2.1.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	State Government Press Release – WA Lithium Kwinana Refinery

Purpose of Report

To inform Council of Western Australian Lithium's proposals to build a lithium refinery in Kwinana and the construction of an open pit lithium mine and concentrator at its Mt. Holland site south of Southern Cross.

Background

Council's executive team has been communicating with Kidman Resources over a period of time regarding the above mine developments and potential transport routes and the recent Press Release by the Premier and Minister for Mines together with the following communique by Mr Mark Fones, CEO of Western Australian Lithium, the project has now gained significant momentum.

Mr Fones wrote to the CEO on Friday, 4 May 2018 providing the following information:-

"I am writing to introduce myself and provide an update on the Mt Holland Lithium Project, following the initial meeting late last year when I believe you met with my colleague Chris Williams from Kidman Resources Limited.

Since that time, Western Australia Lithium Pty Ltd has been formed by 50:50 joint venture partners Kidman Resources and Sociedad Quimica y Minera de Chile (SQM), to take the Mt Holland Project forward through its development stages.

I was appointed Chief Executive Officer in February and have been leading the project delivery team, including finalising the site selection process for the proposed lithium refinery in Western Australia.

In partnership with our two joint venture companies, we have today signed an exclusive option to lease our preferred site within the Kwinana Strategic Industrial Area. As you will be aware, this decision follows a detailed technical review of three potential sites in the State, including the Mungari and Kemerton SIAs.

The 76-hectare site selected in Kwinana is in close proximity to critical logistics infrastructure including rail, road and port, as well as benefiting from access to electricity, natural gas and chemical reagents, and a pool of highly skilled labour.

The Mt Holland Lithium Project includes the construction of an open pit lithium mine and concentrator on site at Mt Holland, near Southern Cross, as well as associated rail and road infrastructure, and the downstream processing facility in Kwinana. This project will create about 300 ongoing jobs in the State for the life of the mining and refining operation, with considerable additional employment to be created during the construction phase and through indirect economic activity.

I look forward to meeting you in person next time we travel in the region of the Mt Holland site, as the nearby towns continue to be an important part of our logistics and supply chain planning”.

Comment

In discussions with Council’s Executive Manager Infrastructure, transportation routes of the mined product from the Mt Holland mine site will necessitate considerable negotiations with Western Australian Lithium and that it will be imperative that negotiated routes and the road infrastructure are upgraded to meet the demand of heavy traffic from the mine site to the rail head.

Council did engage WML Consultants in October 2017 to prepare an assessment report on the suitability of the Marvel Loch-Forrestania Road for accessibility by RAV 7 classified vehicles following a request by Kidman Resources to have an approximate 88km length of the Marvel Loch-Forrestania Road for this purpose. The current classification of this section of road is RAV 4. The above report was provided to Council via the November 2017 Information Booklet.

Whilst the Marvel Loch-Forrestania Road is integral to the transport of the mined product, additional feeder roads will be subjected to similar heavy haulage impacts however these routes have yet to be ascertained.

It is considered by Council’s executive team that a sub-committee of Council, consisting of at least two Councillors and Council’s executive team, be established to work with Western Australian Lithium to develop appropriate transportation routes of the mined product to maximise the best outcomes for Council’s road infrastructure and for the safety of all road users.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic Strategy – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Nil

Financial Implications

It is envisaged that there will be no major financial implications towards road upgrades and that Western Australian Lithium will be subject to these costs.

Recommendation

That a sub-committee of Council, consisting of at least two Councillors and Council's executive team, be established to work with Western Australian Lithium to develop appropriate transportation routes of the mined product from their Mt. Holland mine site to the rail head to maximise the best outcomes for Council's road infrastructure and the safety of all road users.

9.1 Officers Report – Acting Chief Executive Officer

9.1.4 Wheatbelt Communities Inc. – 2018/2019 Budget

File Reference	1.6.25.5
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Minute Resolution and Draft Budget Workings

Purpose of Report

To inform Council of the Wheatbelt Communities Inc. resolution in respect to its Draft Budget figures for the 2018/2019 Budget.

Background

Wheatbelt Communities Inc. is comprised of the Shires of Yilgarn, Westonia, Merredin, Bruce Rock and Kellerberrin (same composition to that of WEROC) and was made an incorporated body to enable the group of Councils to obtain funding for specific projects which WEROC was unable to undertake as a Voluntary Regional Organisation of Councils (VROC).

One of the projects that Wheatbelt Communities has undertaken in recent times was the development of the WEROC App and whilst the majority of this project has been achieved, there still remains some outstanding issues to enhance the App.

Comment

At a recent meeting of Wheatbelt Communities Inc., on Wednesday, 2 May 2018, at which the Shire President and A/CEO attended, there was discussion amongst members regarding the continuation/winding-up of this Incorporated Body or alternatively, include WEROC into the Incorporation to allow the VROC to carry out the tasks of Wheatbelt Communities Inc.

Member Councils considered, which is reflected in the attached Minute, that Wheatbelt Communities Inc., continue in its current form for the 2018/2019 financial year. Therefore at the above meeting it was resolved to adopt the Draft 2018/2019 Budget subject to member Councils approving of same.

The Shire President did suggest to the Member Councils that Wheatbelt Communities performance be assessed over the coming 12 months to ascertain its relevance prior to the end of the 2018/2019 financial year.

Statutory Environment

Wheatbelt Communities Inc. is a body established under the *Western Australian Associations Incorporation Act 2015*.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership – Positive and Productive Regional Partnerships – Actively participate in regional forums including GECZ, WEROC, Wheatbelt Communities Inc., and CEACA.

Policy Implications

Nil

Financial Implications

Provision of the \$2,000 subscription fee to Wheatbelt Communities Inc., is normally incorporated into the Annual Budget.

Recommendation

That Council advises Wheatbelt Communities Inc., that it is prepared to contribute \$2,000 for subscription fees in the Shire of Yilgarn's 2018/2019 Budget subject to a thorough analysis of the performance of Wheatbelt Communities Inc's., achievements at the conclusion of the 2018/2019 financial year and if this performance cannot be satisfied, Council will consider withdrawing its membership from the Incorporated Body.

9.1 Officers Report – Acting Chief Executive Officer

9.1.5 Chief Executive Officer Recruitment

File Reference	1.1.11.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the next phase in the Recruitment process for the Chief Executive Officer position.

Background

In August 2017 Council engaged the Western Australian Local Government Association (WALGA) to manage the recruitment process for the Chief Executive Officer position. Unfortunately a suitable applicant was not recruited and due to the number of CEO's being recruited by Local Government authorities in WA at the time, it was decided that Council would engage contract personnel in an Acting CEO capacity until recruitments state wide had abated. Whilst this satisfied the *Local Government Act 1995* in Council employing a CEO, it has not been ideal as there has not been continuity in the position.

Comment

The Shire President contacted WALGA's Recruitment Services Manager on Tuesday, 8 May 2018 to advise that Council would re-commence recruitment of a CEO in June of 2018 and enquired as to costs associated with same.

Based on the initial Recruitment Contract with WALGA, the Recruitment Services Manager indicated that WALGA would honour the previous Contract other than additional advertising and incidental costs, which will cost approximately \$6,800.00. Council has already paid WALGA for its previous services.

At the conclusion of the Recruitment process, hopefully by the end of July 2018, an applicant will be selected and commencement dates of the appointee will be determined by the length of notice that they are required to give to their current employer. If the successful applicant is a CEO of another local government authority, normal contractual requirements necessitate a 3 month notice period.

Statutory Environment

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* *Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

Local Government (Administration) Regulations 1996

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.

- (2) An advertisement referred to in subregulation (1) is to contain —
- (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

As indicated previously in this Report, additional Recruitment costs are expected to be in the vicinity of \$6,800 to that which has already been paid to WALGA in the initial Recruitment Contract.

Recommendation

That Council:-

- 1. Receives this Report on the update of the recruitment process of a new CEO;
and**
- 2. That Council re-confirms its previous decision at the Ordinary Council meeting held on Thursday, 17 August 2017 "that all Councillors who are able to attend all interviews, sit on the Interview Panel".**

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 30th April 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.

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

Recommendation

That Council endorse the various Financial Reports as presented for the period ending 30th April 2018

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 40599 to 40615 totalling \$32,382.63, Municipal Fund-EFT Numbers 7445 to 7516 totalling \$534,852.67, Municipal Fund – Cheque Numbers 1409 to 1413 totalling \$90,687.08, Municipal Fund Direct Debit Numbers 12613.1 to 12638.13 totalling \$36,485.56, Trust Fund 402348 to 402350 totalling \$2,385.15 and Trust Fund – Cheque Numbers 6115 to 6119 (DPI Licensing), totalling \$51,307.55 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

Recommendation

Municipal Fund – Cheque Numbers 40599 to 40615 totalling \$32,382.63, Municipal Fund- EFT Numbers 7445 to 7516 totalling \$534,852.67, Municipal Fund – Cheque Numbers 1409 to 1413 totalling \$90,687.08, Municipal Fund Direct Debit Numbers 12613.1 to 12638.13 totalling \$36,485.56, Trust Fund 402348 to 402350 totalling \$2,385.15 and Trust Fund – Cheque Numbers 6115 to 6119 (DPI Licensing), totalling \$51,307.55 are presented for endorsement as per the submitted list.

9.2 Reporting Officer – Chief Executive Officer

9.2.3 2016/17 Audit & Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – 2016/2017 Annual Report including the Annual Financial Report incorporating the Independent Auditor’s Report.

Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor’s Report for the year ending 2016/2017.

Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

The Auditor’s Report for the 2016/2017 financial year was made available on the 24th of April 2018.

Comment

The Annual Report for the financial year ending 30 June 2017 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, 14 days local public notice of this meeting is to be given.

Statutory Environment

Local Government Act 1995 –

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —

- (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

[Section 5.55A inserted by No. 5 of 2017 s. 8.]

The recommendation that follows is consistent with the legislative requirements.

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.

Recommendation

That Council:

- 1. accept the Annual Report for 2016/2017 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2017; and**
- 2. conducts the 2016/17 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on 21st June 2018 commencing at 6.00 pm.**

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2018/19 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – Proposed 2018/2019 Schedule of Fees & Charges.

Purpose of Report

To consider the fees & charges to be applied in 2018/19.

Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year to be adopted with the annual Budget.

As the Budget will not be adopted until after 1st July 2018, Council is requested to consider the schedule of fees and charges prior to the Budget adoption so that the agreed fees & charges can be taken into consideration when preparing the Budget and to allow the fees & charges to be applied from 1st July 2018.

Comment

A copy of the current fees & charges and proposed changes are included in the attachments. The items in **Red** are proposed to be deleted and the items in **Green** are proposed to be included or have been amended.

It is intended that the proposed fees and charges remain largely unchanged from those imposed in 2017/2018, however a summary of the recommended changes follows:

- Freedom of Information Application Fee (Non-Personal) reduced to the fee allowed for in the Freedom of Information Act 1992 and associated Regulations.
- Add charges for advertising in the Community Directory and Shire Calendar.
- Add charges for Area Promotions Material.
- Add residential rental charges for 4 x units on Lot 50 Antares Street.
- Drop the charge for a replacement 240 ltr rubbish bin from \$130.00.
- Added charges for Southern Cross Rubbish Tip opening out of hours and local residential waste.
- Removed septic tank licence fees and added note indicating applicable Health Regulations.
- Removal of Minor Planning Application fees.
- Community Bus & Car Hire wording changes to enhance understanding of application of fee.

- Removal of Annual Landing fee for China Southern Air as they no longer use the Southern Cross Aerodrome.
- Removal of Southern Cross Caravan Park Lease.
- Addition of provision for cropping land at aerodrome and Lots 36 & 44.
- Addition of Stand Pipe Usage Swipe Card purchase cost.
- Caravan Park fees amended.
- Increase in RV Water Dispenser cost to \$0.30 per 20 litres dispensed.
- A 2.5% increase on Plant and Labour Hire charges.

Statutory Environment

Local Government Act 1995 –

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and

- (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

The recommendation that follows is consistent with the legislative requirements.

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 however the adopted Schedule of Fees & Charges will influence the level of 2018/2019 Budgeted income.

Recommendation

That Council adopts the 2018/2019 Schedule of Fees and Charges as presented.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5. Debtors Write Off Request

File Reference	2.4.1.18
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the a request to write off a debt.

Background

Council has historically leased a facility to the Southern Cross Playgroup for an annual fee of \$550.00.

Comment

A request has been received from Tammy Collins, representing the Southern Cross Playgroup, to write off the facility lease fee for the playgroup building for 2017/18 as the Playgroup is no longer operational.

Statutory Environment

Local Government Act 1995 –

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

The recommendation that follows is consistent with the legislative requirements.

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

If Council was to endorse the recommendation then an amount of \$550 in facility income would be removed from revenue.

Recommendation

That Council approves the write off of invoice 10886 on debtor code SXPLAY totalling \$550 being for 2017/2018 play group building fees.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.6 2018/19 Councillor Sitting Fees

File Reference	2.1.1.1
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To set Councillors Sitting Fees for 2018/19.

Background

Section 7B (2) of the Salaries and Wages Act 1975 requires the Salaries and Allowances 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 to elected council members for attendance at meetings;
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The amount of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

The Tribunal continues to utilise the four band Local Government classification model adopted in 2012 with the Shire of Yilgarn falling under Band 3.

The following parameters have been set by the tribunal for the Band 3 Councils. In essence these remain unchanged from 207/2018.

- Council Meeting Attendance Fees per Meeting

Where a Local Government decides, by Absolute Majority, to pay a Council Member a fee referred to in section 5.98 of the Local Government Act for attendance at a Council Meeting, the following per meeting fee range will be applicable;

<i>Band</i>	For a council member other than mayor or president		For a council member who holds the office of mayor or president	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
3	\$191	\$406	\$191	\$628

- Committee Meeting and Prescribed Meeting Fees per Meeting

Where a Local Government decides to pay a Council Member a fee referred to in: -

- (a) section 5.98(1)(b) of the Local Government Act for attendance at a Committee Meeting; or
- (b) section 5.98(2A)(b) of the Local Government Act for attendance at a Meeting of the type prescribed in regulation 30(3A) of the Local Government (Administration) Regulations 1996.

the following per meeting fee range will be applicable;

For a council member (including mayor or president)		
<i>Band</i>	<i>Minimum</i>	<i>Maximum</i>
3	\$96	\$203

It should be noted that a Local Government may decide, by Absolute Majority, that instead of paying Council Members a per Meeting Attendance Fee it may, instead, decided it will pay all Council Members who attend Council, Committee or proscribed meetings a fixed annual fee.

The benefits of this to Council are that there are significantly reduced administrative requirements involved, in that payments to Councillors are usually only made on either an annual, bi-annual or quarterly basis. Additionally, the record keeping requirements of collating Councils attendance forms with time saving on the associated financial processing.

There is a downside to electing to utilise a fixed annual fee for Councillor sitting fees which is if there was to be consistently absent Councillor, there would be no mechanism to adjust their sitting fees.

At this time, it is not recommended that Council utilise annual sitting fees as it may require amending Council Policy 1.5 – Elected Member Entitlements. If Council was to consider annual sitting fees, then it could be in place for the 2019/2020 financial year.

- Annual Allowance for mayor or president of a local government

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act the following allowance range will be applicable;

For a mayor or president		
<i>Band</i>	<i>Minimum</i>	<i>Maximum</i>
3	\$1,015	\$36,591

- Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the Local Government Act the annual allowance for a Deputy President is determined to be 25% of the Presidents Allowance.

- Travel Expenses

The Salaries & Wages Determination has Councillor travel reimbursements for actual distances travelled being paid at the same rate contained in section 30.6 of the Local Government Officers (Western Australia) Interim Award 2011, being

<i>Engine Displacement (in cubic centimetres)</i>			
<i>Area & Details</i>	<i>Over 2600cc</i>	<i>Over 1600cc to 2600cc</i>	<i>1600cc and under</i>
Cents per Kilometre			
Metropolitan Area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of State	99.01	70.87	58.37

Comment

The following are the 2017/2018 financial years Elected Member meeting attendance fees and expense reimbursement / allowances:

	For a council member other than mayor or president	For a council member who holds the office of mayor or president
<i>Meeting Fee Type</i>		
Council - Per Meeting	\$250	\$500
Committee - Per Meeting	\$150	\$150
<i>Expense Reimbursement / Allowance Type</i>		
Travel - Per Kilometre	\$1.00	
<i>Other Allowances</i>		
President - Per Annum	\$8,000	
Deputy President - Per Annum	\$2,000	

Statutory Environment

Local Government Act 1995 –

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

(a) the fee determined for attending a council or committee meeting; or

- (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
 - (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the fee determined for attending a meeting of that type; or
 - (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
 - (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,
- is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
 - (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
 - (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance determined for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
 - (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

- (7) A reference in this section to a ***committee meeting*** is a reference to a meeting of a committee comprising —
- (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37; amended by No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.*

[Section 5.99 amended by No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* *Absolute majority required.*

- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;
 - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

[Section 5.99A inserted by No. 64 of 1998 s. 38; amended by No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

Local Government (Administration) Regulations 1996 –

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

[(1), (2) deleted]

- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
 - (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

[(3B) deleted]

- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99; or

- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

[(3)-(5) deleted]

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

[(2)-(5) deleted]

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

[(2) deleted]

[Regulation 32 amended in Gazette 13 Jul 2012 p. 3219.]

[33-34AB. Deleted in Gazette 13 Jul 2012 p. 3219]

Salaries and Allowance Act 1975

7B. Determinations as to fees and allowances of local government councillors

- (1) In this section —
elected council member means a person elected under the *Local Government Act 1995* as a member of the council of a local government.

- (2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —
- (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected council members for attendance at meetings; and
 - (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
 - (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members.
- (3) Section 6(2) and (3) apply to a determination under this section.
[Section 7B inserted by No. 2 of 2012 s. 39.]

The recommendation that follows is consistent with the legislative requirements.

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

Any resolution on the value of sitting fees and Members expenses will for part of the 2018/2019 Budget.

Recommendation

That Council adopts the following sitting fees and president & deputy presidents allowances for 2018/2019 financial year:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
<i>Meeting Fee Type</i>			
Council	- Per Meeting	\$250	\$500
Committee	- Per Meeting	\$150	\$150
<i>Other Allowances</i>			
President	- Per Annum		\$8000
Deputy President	- Per Annum		\$2000

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.7 Proposed 2018/2019 Draft Budget Timetable

File Reference	8.2.5.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present a timeline for the adoption of the 2018/2019 Budget.

Background

Council is to endorse and adopt a budget for the operations of Council annually.

Comment

Work has commenced in preparation of Councils 2018/2019 Annual Budget. A timeline has been established with proposed dates for key milestones identified as follows:

Activities Currently Completed or Underway

On going	Preparations to be well underway on the budget in terms of obtaining quotations for products and estimates of Capital Works.
* Thurs, 15 th March 2018	2018/19 Rating Strategy and Differential Rate Objects & Reasons presented by Executive Manager Corporate Services to Council for consideration and adoption.
* Thurs, 19 th April 2018	2018/19 to 2027/28 Plant replacement program presented by Executive Manager of Infrastructure to Council for consideration and adoption.
Tues, 1 st May 2018	Advertising of availability of 2018/19 Differential Rates Objects & Reasons carried out in Kalgoorlie Miner and Crosswords as well as Shire website.

Future Activities

* Thurs, 17 th May 2018	2018/19 Schedule of Fees & Charges presented by Executive Manager Corporate Services to Council for consideration and adoption.
* Thurs, 17 th May 2018	2018/19 Councillor Sitting Fees presented by Executive Manager Corporate Services to Council for consideration and adoption.

- | | |
|--|---|
| Thurs, 24 th May 2018 | 2018/19 Differential Rating submission period closes. |
| * Tues, 29 th May 2018 | Special Meeting of Council – Council to consider submissions and determine appropriate level of differential rates. Council decision to seek ministerial approval for imposition of differential general rates. <i>Submission to Minister to be made ASAP after conclusion of meeting.</i> |
| Fri, 15 th June 2018 | Last day for the issuing of Council Purchase Orders for the 2017/2018 financial year. |
| Week Commencing
Mon, 25 th June 2018 | - Senior Management to hold first draft budget deliberation meeting identifying major projects to be included and to prepare a 1 st draft list of excluded items. |
| Mon, 2 nd July 2018 | Senior Management to hold final draft budget meeting. All expenditure accounted and rating scenarios finalised. |
| * Wed, 4 th July 2018 | Circulate final draft budget to Council |
| * Fri, 6 th July 2018 | Special Meeting of Council – Finalise draft budget. |
| * Thurs, 19 th July 2018 | Council adopt the 2018/2019 Statutory Annual Budget at the Ordinary Meeting of Council scheduled for this day. |

Items marked with an (*) indicate matters which are specific to Council.

Statutory Environment

Local Government Act 1995 –

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended by No. 17 of 2009 s. 4.]

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

The recommendation that follows is consistent with the legislative requirements.

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

Sets forth a timeline for the adoption of the 2018/2019 Annual Budget

Recommendation

That Council notes the proposed 2018/2019 Draft Budget timetable and hold the following Special Meetings of Council:

- 1. Tuesday, 29th of May 2018, to consider submissions and determine appropriate level of differential rates and to decide to seek ministerial approval for imposition of differential general rates; and**
- 2. Friday, 6th July 2018, to finalise the draft 2018/2019 budget.**

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Application for Give way Sign, Marvel Loch

File Reference	3.2.1.24
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments	Nil

Purpose of Report

To consider making application to Main Roads Western Australia for installation of give-way signage at the intersection of Williamson and Aurum Street Marvel Loch

Background

Council has received electronic correspondence from Mr Martin Haugg Manager for Minjar Gold requesting consideration for give-way signage to be installed at the intersection of Williamson and Aurum Street located in Marvel Loch

The request is as result of a recent Minjar Gold Safety Meeting at which it was raised as a matter concern as there have been a number of vehicle near misses occurring at this intersection.

Comment

Main Roads Western Australia (MRWA) is the governing body for regulatory signage (stop, give-way and posted speed limit signs). Before a regulatory sign can be installed on roads reserves under council control, formal endorsement is required from Council. Following Council endorsement a request is made to MRWA. MRWA will then have the intersection accessed for possible regulatory signage control.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Purchasing and Installation costs associated with this signage to be funded by the 2017/2018 Financial Year Road Maintenance Budget

Recommendation

That Council resolves to apply to Main Roads Western Australia to seek approval to install regulatory give-way signage at the intersection of Aurum and Williamson Street located in Marvel Loch, with Aurum Street having right of way over Williamson Street



9.4 Officers Report – Manager Regulatory Services

9.4.1 Tender – Outright Purchase of 11 Antares Street, Southern Cross

File Reference	2.4.1.26
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To receive a report detailing tender submission for outright purchase of 11 Antares Street, Southern Cross.

Background

At the March ordinary Council meeting, the following recommendations were carried:

20/2018

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

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

As per decision 21/2018, tenders were called on the outright purchase of 11 Antares Street, Southern Cross. The tender period closed on the 8th May 2018.

Tenders were advertised in:

- Kalgoorlie Miner – Classifieds - 24th March 2018;
- The Weekend West – Local Government Tenders – 24th March 2018;
- The Wednesday West – Real Estate Section – 11th April 2018; &
- Shire of Yilgarn Crosswords – 22nd March 2018.

No tenders were received.

Comment

As no tenders were received the Shire is unable to relinquish the property at this stage. Should Council wish, tenders can be called again at a later date.

Alternatively, the property could be advertised for sale via the shop front only, avoiding any cost related advertising, for a further 12 month period, and should an interested party make an offer, the Shire can undertake the process detailed under Section 3.58 (3) of the Local Government Act 1995. The relevant section of 3.58 reads as follows:

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.

As determined via decision 20/2018 at the March council meeting, funding will be allocated in the 2018/2019 budget to cover the quoted works for replacement of the roof.

Moving forward, it is suggested Council should seek expressions of interest from the community to determine if there are any commercial entities that would be interested in leasing the space.

Statutory Environment

Local Government Act 1995

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Businesses in the Shire remain competitive and viable.

STRATEGY: Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

Funding of \$28,000 to be included in the 2018/2019 budget.

Recommendation

Recommendation 1:

That Council endorse the continued advertising of 11 Antares Street, Southern Cross via poster in the shop front for a further period of 12 months. With any offers subject to the disposal of land clauses in section 3.58 of the Local Government Act 1995.

Recommendation 2:

That Council endorse seeking expressions of interest from the community via the Shires Crosswords publication, for leasing the commercial portion of 11 Antares Street, Southern Cross, either in its entirety or in individual sections.

Recommendation 3:

That Council endorse the use of the fair value assessment of 11 Antares Street, Southern Cross, undertaken by Griffin Valuation Advisory in April 2018 for valuation purposes required under the Local Government Act 1995 for any proposed disposition of land.

9.4 Officers Report – Manager Regulatory Services

9.4.2 Development Application – 18 Arcturus Street, Southern Cross

File Reference	3.1.7.5
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Site Plan

Purpose of Report

To determine a development application for ancillary buildings for an “Industry – Light” property.

Background

The owners of 18 Arcturus Street, Southern Cross (the property) have lodged a development application for a workshop office, store room, lunch room, lean too and ablution facility.

The property is zoned “industrial” with the Town Planning Scheme 2 (TPS2) stating:

“The Industrial Zone is to be used primarily for the manufacture of goods or allied uses such as fuel storage, fuel sales, vehicle repairs, public utilities and showrooms for bulky goods. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered an integral part of the industrial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.”

Existing on site is an industrial sized shed and office, with the “Industrial - Light” use class still deemed the main use of the land. As such the proposed structures are deemed ancillary to the main use class.

The development requirements for “Industrial - Light” and the proposed specifications are as follows:

Use	Minimum Boundary Setback			Maximum Plot Ratio	Minimum Landscape Area%	Minimum Number Parking Bays
	Front	Rear Average	Sides			
Industrial Light	7.5	7.5	*	*	10%	1 per 2 employees
Proposed	4.4	14.2	2.8	24%	10%	10+

*Means “to be determined by the Council” in each particular case

Comment

Council are required to make a determination on the following:

- Reduced front boundary setback;
- Proposed side boundary setback; and
- Plot ratio.

REDUCED FRONT BOUNDARY SETBACK

The applicant is seeking an exemption from the 7.5 metre front boundary setback requirement, to a reduced setback of 4.4 metres.

The property faces Arcturus Street, and Lot 967 Sirius Street which is Shire owned "Public Amenities" land. To the West is Pegasi Street, and the Shire depot. To the rear is industrial zoned land, and to the East is Crown leased land, of which it is understood to be reverting back to Unallocated Crown Land.

Given the front setbacks of surrounding properties and the nature of the proposed works, being in keeping with industrial zoned land; it is deemed the proposed reduced front setback will have minimal risk of creating a nuisance or traffic issue nor would it detract from the current amenity of the streetscape.

PROPOSED SIDE SETBACK

Council have discretion to approve any side setback it deems suitable. In this instance, the applicant is proposing a side setback to the West of 2.8 metres.

As discussed previously, to the West is Pegasi Street and the Shire Depot, the proposed setback, as shown on the plans will not create a nuisance, traffic issue or detract from the amenity of the area.

PLOT RATIO

Council have discretion to approve any plot ratio they deem suitable. The proposed plot ratio of 24% is low, the owners have already removed a number of structures and the proposed ratio is in keeping with other properties within the Industrial area.

BUILDING APPLICATION

Should Council endorse the proposed recommendations, the applicant will be required to submit a Building Permit Application for the proposed development.

Statutory Environment

Planning and Development Act 2005
Shire of Yilgarn Town Planning Scheme 2

Strategic Implications

Goal: A prosperous future for our community

Outcome: Businesses in the Shire remain competitive and viable

Strategy: - Continue to provide an efficient and effective approval process; &
- Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

Development Application Fees - \$147.00.
Building Services Fee - \$97.70.

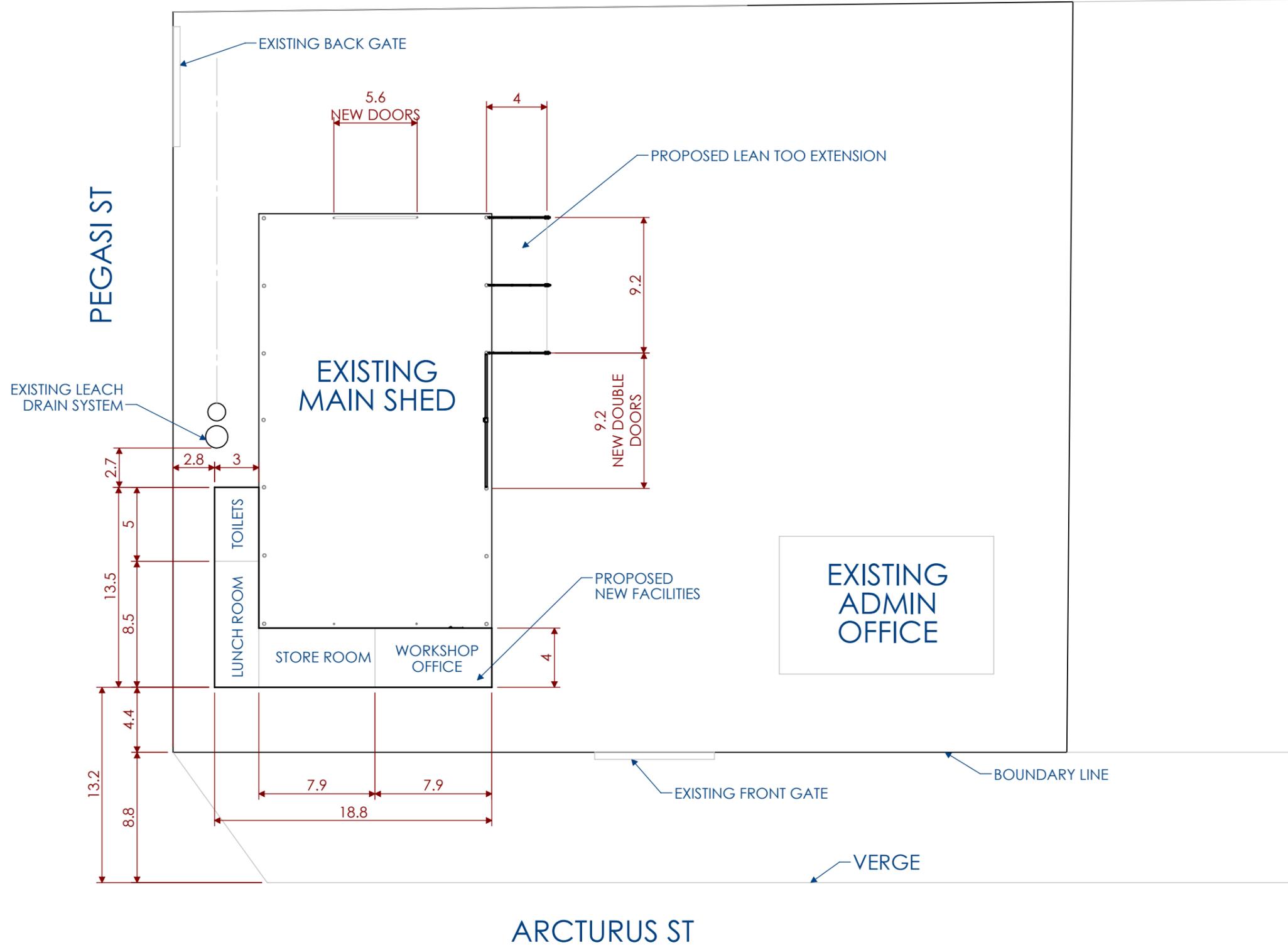
Recommendation

THAT COUNCIL:

- 1. Approve the proposed development of a workshop office, store room, lunch room, lean too and ablution facility on 18 Arcturus Street, Southern Cross; and in doing so:**
 - a. Grant an exemption from the minimum front boundary setback requirement under the Shire of Yilgarn Town Planning Scheme 2, to a distance no less than 4.4 metres;**
 - b. Endorse the side boundary setback at 2.8 metres; and**
 - c. Endorse the plot ration at 24%.**

ADVICE NOTES

- 1. Applicant will be required to submit a certified Building Permit Application and gain approval prior to commencing works.**
- 2. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.**



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10 APPLICATION FOR LEAVE OF ABSENCE

11 INFORMATION BOOK ITEMS

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

15 CLOSURE