



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

*19 August
2021*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

AUGUST 2021 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 19 August 2021
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*
- *Barto Gold will be presenting to Council at the beginning of the Ordinary Council meeting.*



Peter Clarke
Chief Executive Officer

13/08/2021

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Antares Street, SOUTHERN CROSS WA 6426
Tel (08) 90491 001; Fax (08) 90491 429
E-mail: - yilgarn@yilgarn.wa.gov.au

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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 W Della Bosca President

Members Cr J Cobden
 Cr G Guerini
 Cr P Nolan
 Cr L Rose
 Cr S Shaw

Council Officers	C Watson	Executive Manager Corporate Services
	R Bosenberg	Executive Manager Infrastructure
	N Warren	Executive Manager Regulatory Services
	L Della Bosca	Minute Taker

Apologies: P Clarke Chief Executive Officer

Observers:

Leave of Absence: Cr B Close

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1 PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

- 6.1 Ordinary Meeting of Council, Thursday, 15 July 2021- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on 15 July 2021 be confirmed as a true record of proceedings

Voting Requirements: Simple Majority

- 6.2 Special Meeting of Council Meeting, Tuesday 28 July 2021-(Minutes Attached)

Recommendation

That the minutes from the Special meeting of Council held on the 28 July 2021 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9. OFFICERS REPORTS

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	Financial Reports

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 31 July 2021.

- 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

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31 July 2021

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	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

Municipal Fund – Cheque Numbers 41041 to 41055 totalling \$7,187.85 Municipal Fund- EFT Numbers 11520 to 11664 totalling \$858,268.60 Municipal Fund – Cheque Numbers 1748 to 1764 totalling \$222,874.19 Municipal Fund Direct Debit Numbers 15887.1 to 15887.12 totalling \$20,633.89, Municipal Fund Direct Debit Numbers 15923.1 to 15923.12 totalling \$21,013.85, Trust Fund - Cheque Numbers 402575 to 402577, totalling \$7,263.20 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

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.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

- (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
- 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Transactions require two senior managers to approve.	Moderate (8)	Transactions require two senior managers to sign cheques or approve bank transfers.
Financial Impact	Reduction in available cash.	Moderate (5)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Non or late payment of outstanding invoices and/or commitments	Moderate (9)	Adherence to Timely Payment of Suppliers Policy
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

Municipal Fund – Cheque Numbers 41041 to 41055 totalling \$7,187.85 Municipal Fund-EFT Numbers 11520 to 11664 totalling \$858,268.60 Municipal Fund – Cheque Numbers 1748 to 1764 totalling \$222,874.19 Municipal Fund Direct Debit Numbers 15887.1 to 15887.12 totalling \$20,633.89, Municipal Fund Direct Debit Numbers 15923.1 to 15923.12 totalling \$21,013.85, Trust Fund - Cheque Numbers 402575 to 402577, totalling \$7,263.20 are presented for endorsement as per the submitted list.

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Supply and Spray Bitumen for 2021-2022 Financial Year

File Reference	6.6.8.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Supply and Spray Hot Bitumen for 2021/2022 Financial Year Road Construction Program

Background

Quotations were invited through WALGA Preferred Supply Contract for the supply and spraying of hot bitumen for the 2021/2022 Financial Year Road Construction Program. Bitumen required for the 2021/2022 Road Construction Program is for, Cramphorne Road, Bodallin South Road, Moorine South Road, Bodallin North Road, Koolyanobbing Road, Southern Cross South Road, Arcturus Street and Archeneer Street.

It is estimated 559,000 litres of bitumen is required for 2021/2022 of which 525,000 litres will be sprayed in lots of above 25,000 litres and the remaining 34,000 litres will be sprayed in lots off between 10,000 to 25,000 litres.

Included in the quotation request is a requirement to submit a cost per tonne to carry out pre-coating of 4500 tonnes of aggregate.

Comment

Three companies were invited to submitted quotations (Boral, Bitumen Surfacing and Bitutek) to supply and spray bitumen for 2021-2022 Financial Year, Bitutek supplied quotes, Boral and Bitumen Surfacing did not submit a quote.

1. Bitutek (GST exclusive)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$1.35 per litre	\$1.35 per litre
10,000 - 25,000	\$1.15 per litre	\$1.15 per litre
over 25,000	\$1.10 per litre	\$1.10 per litre

Pre-coating Aggregate *\$2.50 per tonne*

Expected total cost to Council's Construction Program

34,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 39,100.00
525,000 litres in job lots above 25,000 litres of 98/2:	\$577,500.00
4500 tonnes aggregate x \$2.50 per tonne	<u>\$ 11,250.00</u>
Total	<u>\$627,850.00</u>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Bitutek:

- 1) Loader
- 2) Wetting agent (diesel) for the pre-coating

Bitutek have also included an hourly rate for spreader trucks: \$125.00/hour

Council utilized Bitutek for the supply and spraying of bitumen in the 2020/2021 Financial Year. The service and quality of goods supplied was to a good standard.

When setting the 2021/2022 Financial Year Construction Budget an estimated monetary allocation of \$655,000 (*GST exclusive*) was allowed for in council's construction program for the supply and spray of hot bitumen and pre-coating of aggregate.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	There is significant financial cost to council with initial indications showing costs to supply and spray hot bitumen is estimated \$655,000	Moderate (9)	When setting the 2021/2022 Financial Year Construction Budget an estimated monetary allocation of \$680,000 has been allowed for in council's construction program for the supply and spray of hot bitumen and pre-coating of aggregate.
Service Interruption	Lack of funding to maintain Council roads will result in deterioration of council's road network affecting agriculture, mining and transport industries. It will also have an impact on safety for	Moderate (9)	Adequate Funding has been included in the 2021/2022 budget consideration to maintain council's road network.

	motorists utilising these roads if left to deteriorate		
Compliance	Quotation for the Supply and Spraying of Hot Bitumen was sourced through WALGA Preferred Supply Panel	Moderate (9)	In accordance with the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services(1) and section 3
Reputational	Nil	Nil	Nil
Property	Lack of funding to maintain Councils roads will result in deterioration of councils road network	Moderate (9)	Adequate funding has been included in the 2021/2022 budget consideration to maintain council's road network
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

2021/2022 Construction Program

Policy Implications

In line with Council's Policy, *"Finance 3.5 Purchasing Quotes and Tenders"*

Financial Implications

Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in Council's 2021/2022 Construction Program Budget

Officer Recommendation

That Council accepts the Quotation submitted by Bitutek for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2021/2022 Financial Year.

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.1 Development Application – Shed Extension – 3-5 Antares Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development Proposal

Purpose of Report

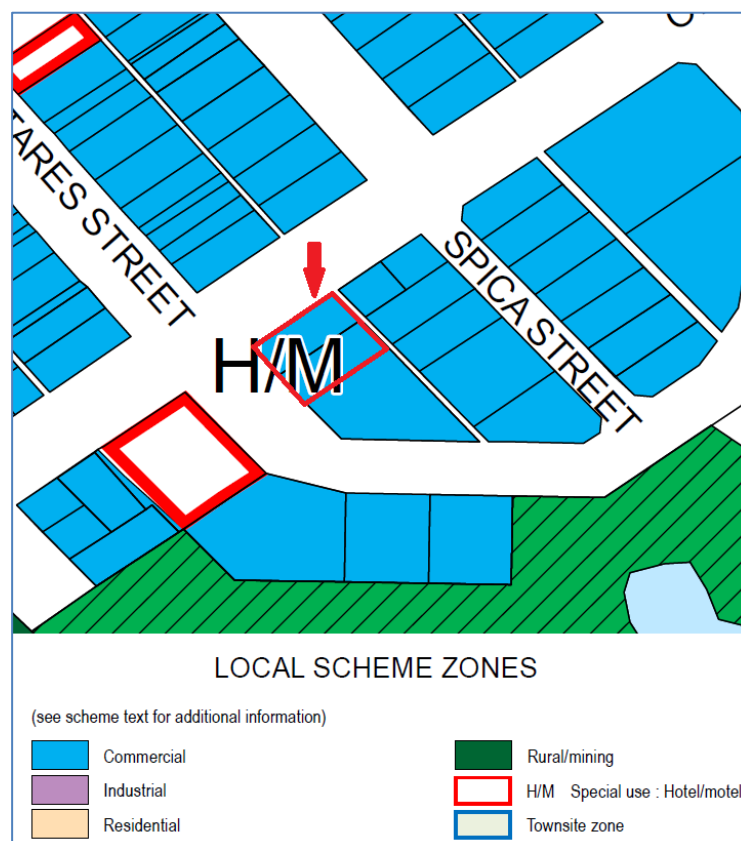
To consider a Development Application for the installation of a shed for commercial purposes at 3-5 Antares Street, Southern Cross.

Background

The Shire is in receipt of a Development Application for 3-5 Antares Street, Southern Cross. The Applicant seeks to install an 11 metre by 9 metre shed, with 4.5 metre wall heights and 5.29 metre pitched roof, including a chemical bund and 2,000 litre sump.

The purpose of the Shed is for the storage of chemicals and dangerous goods, as part of the existing commercial retail outlet.

The site is zoned “Commercial” under the Shire of Yilgarn Town Planning Scheme 2.



As the site is currently operational as a “Commercial” use, and the storage of chemicals is in keeping with Commercial zoning, Council are not required to determine if the use of the site is suitable, however, Council are to determine if the proposed setbacks, plot ratios, landscaping and car parking is adequate for the proposal.

The TPS2 development table details the following requirements for a “Shop” use:

Use Class	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Car Parking Bays
	Front	Rear	Sides			
Shop	*	*	*	*	*	1 for every 15msq of gross floor area.

*means 'to be determined by the Council' in each particular case.

Comment

Setbacks

The proposal seeks a 3.8 metre setback from the front street boundary, being Antares Street. The proposed setback is greater than the existing building setback, and is deemed in keeping with the current aesthetics of the area and commercial zone.

The proposal seeks a 0.5 metre setback from the side street boundary, which is Orion Street (Great Eastern Highway). The proposed setback is greater than the existing building setback, and is deemed in keeping with the current aesthetics of the area and commercial zone.

Plot Ratio

Council have the discretion to approve any plot ratio (which is the percentage of built area versus open space). The proposed plot ratio is intended to increase from approximately 61% to 66%. The plot ration increase is insignificant and is deemed sufficient for the type of use.

Landscaping

The proposal will remove the existing tree and some other shrubbery from the existing Western corner of the lot, and as such there will be no landscaping on the lot, however as per the development table, Council have the discretion to endorse this. There are Shire managed landscaped areas bordering the Western Corner of the lot, and as such, the aesthetics will not be detracted from in a significant manner as a result of the proposal.

Car Bays

The proposed extension does not reduce the number of existing car bays, and it is not thought that the addition will create an increase on patron numbers that would require addition car bays, and as such, it is deemed existing street side parking is adequate.

Traffic Management

It is deemed pertinent that Council consider traffic management, as access to the new addition will be from Antares Street, however it is not envisaged that large vehicles will be accessing

the site for deliveries, and access via the existing crossover will be sufficient. As such, it is not thought that a detailed traffic management plan is required.

Aesthetics

The structure will be a new build and as such, with a condition that the colour scheme must be in keeping with the surrounds, it is deemed the proposal will not detract from the aesthetics of the commercial zone.

Summation

It is the reporting officer opinion that the proposed development will assist the owner of the premises to enhance their viability and competitiveness within the Yilgarn area and will not detract from the aesthetics of the commercial area. It is also deemed that the proposal is in keeping with the commercial zone, and as such, it is recommended that Council approve the proposal as submitted.

It should be noted that a building permit will still be required to be sought by the applicant, and that 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.

Statutory Environment

Planning and Development Act 2005
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.

Policy Implications

Nil

Financial Implications

Planning and building application fees.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Development Application approved via Council decision.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with discretionary clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council approve the installation of an 11 metre by 9 metre shed, with 4.5 metre wall heights and 5.29 metre pitched roof, including a chemical bund and 2,000 litre sump at 3-5 Antares Street, Southern Cross, as per the submitted plans, on the provision the colour scheme is in keeping with current surrounds.

Advice Notes for applicant:

- 1. A building permit will still be required to be sought by the applicant;**
- 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.**

OALON ST.

Proposed Boundary

EXISTING PROPOSED
ROAD 910 ft.
ROAD 20 ft

SEWER
DRAIN

PROPOSED NEW SLOPE
11000 LENGTH
+ 9000 WIDTH
+ 4500 HEIGHT.

500 ft

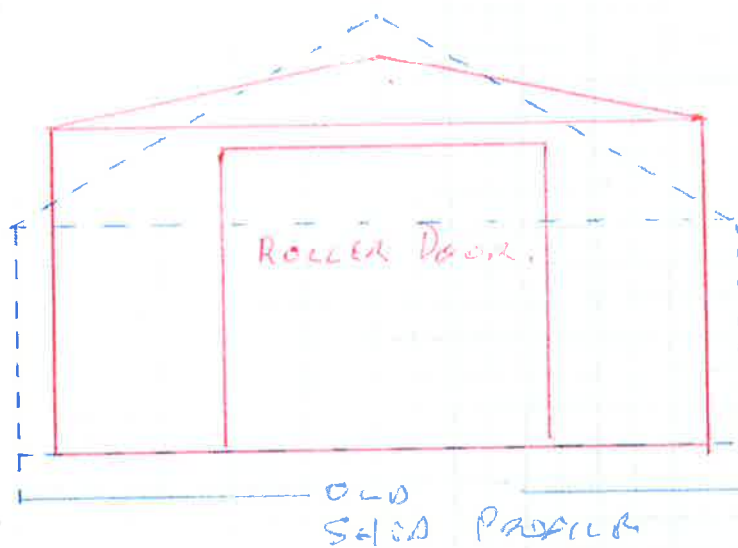
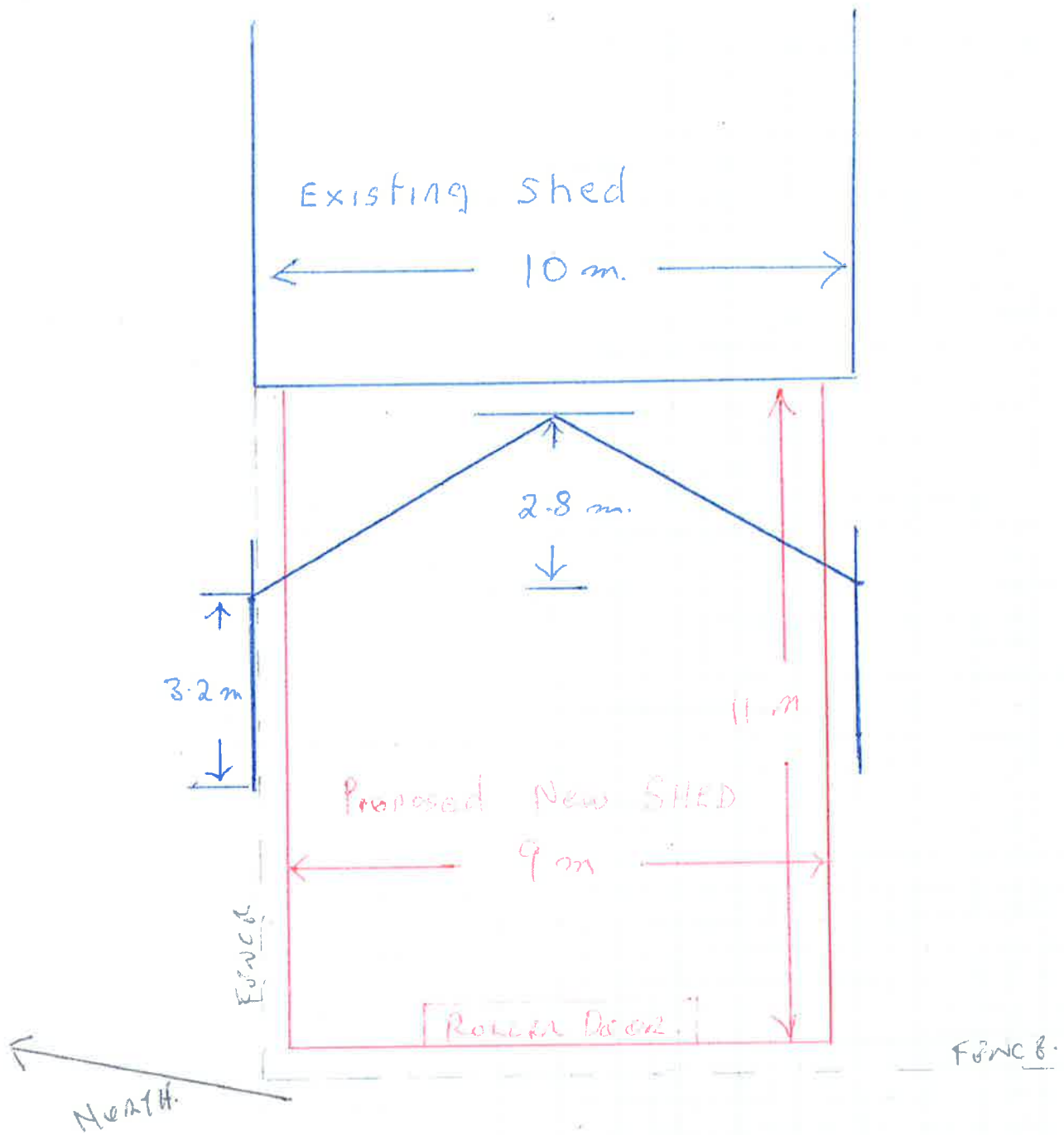
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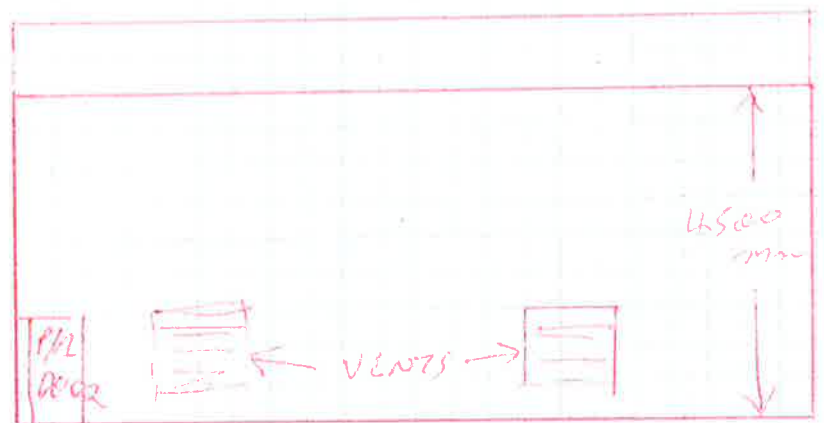
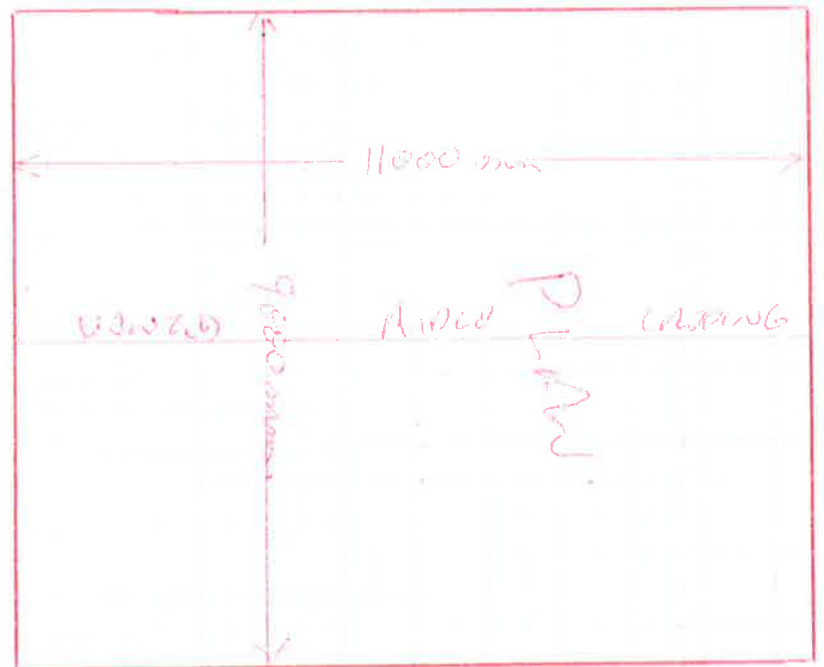
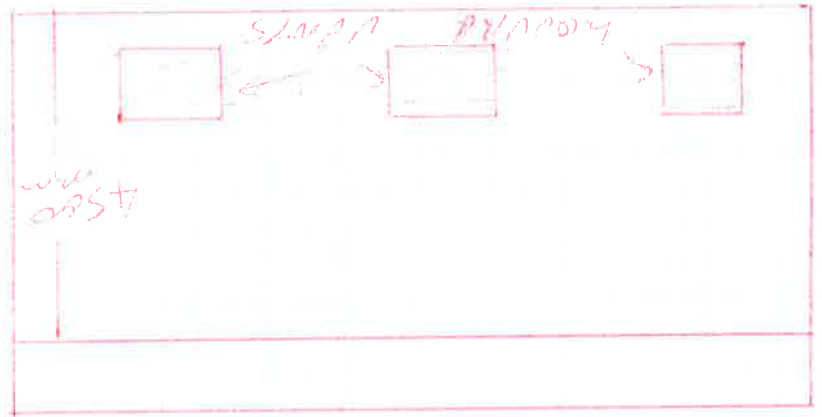
1800

EXISTING
BUILDING
OFFICE &
DISPLAY
PROPERTY BOUNDARY

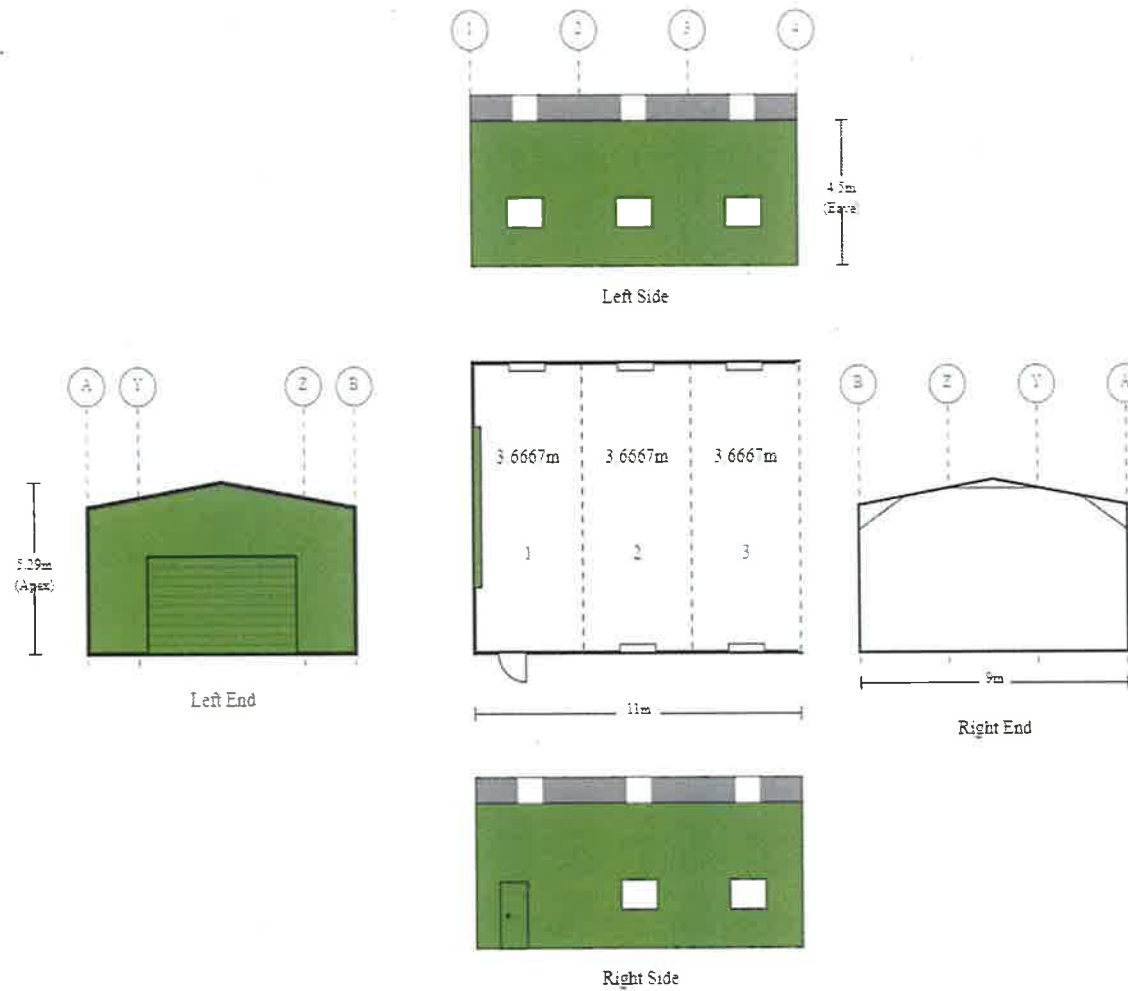
ANTARES ST.



NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION



Purchaser Name: ylgam agencies

Site Address: 3 Antares St Southern Cross WA 6426 Australia

Drawing # WSS213010 - 3

Print Date: 22/06/21

Layout
NOT FOR CONSTRUCTION
Not to Scale
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Seller: Wide Span Sheds Pty Ltd
Wide Span Sheds Pty Ltd
Phone: 07 5657 8888
Fax: 07 5657 8699
Email: admin@sheds.com.au

Apex Engineering Group PTY LTD
ACN 632 588 562
ME Aust. (Registered NER Structural) 5276680
QLD : RPEQ No. 24223; TAS : 185770492; VIC : EC67493; N.T : 303557ES;
Practising Professional Structural & Civil Engineers

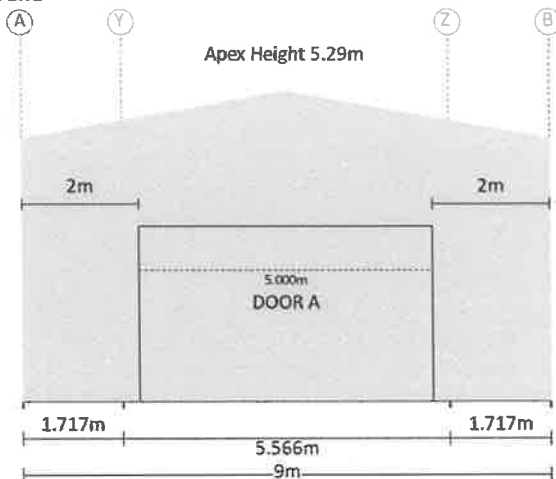
Signature:

J. Ronaldson

J. Ronaldson

Date: 22/06/21

Left End



Measurements are from the outside of side girts to the inside of component opening size.

Purchaser Name: yligam agencies

Site Address: 3 Antares St Southern Cross WA6426 Australia

Drawing # WSS213010 - 10

Print Date: 22/06/21

Component Position
NOT FOR CONSTRUCTION

Not to Scale
Page 2 of 2
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Seller: Wide Span Sheds Pty Ltd
Wide Span Sheds Pty Ltd
Phone: 07 5657 8888
Fax: 07 5657 8889
Email: admin@sheds.com.au

Apex Engineering Group PTY LTD
ACN 632 688 562
ME Aust (Registered NER Structural) 5276690
QLD : RPEQ No. 24223; TAS : 185770492; MC : EC67493; N.T : 303557ES;
Practising Professional Structural & Civil Engineers

Signature:

J. Ronaldson

Date: 22/06/21

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.2 Development Application – Sea Container – 43 Taurus Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	-Proposed Layout -Policy 4.7– Sea Containers & Other Similar Storage Structure

Purpose of Report

To consider a Development Application for a sea container at 43 Taurus Street, Southern Cross.

Background

The Shire is in receipt of a Development Application for 43 Taurus Street, Southern Cross, seeking to install a twelve (12) metre sea container upon the residential lot. The proposed layout plan is attached for Councillors perusal.

The Shires Council Policy 4.7 – Sea Containers & Other Similar Storage Structures (the Policy), details the requirements for the placement, use, size, and construction of sea containers, and is also attached for Councillors perusal.

The Policy states:

The location of sea containers and other similar structures within the Shire is regarded as development and will require planning approval.

All applicants will also be required to obtain both Planning Approval and a Building Permit for the sea container or structure.

For the purpose of assessment and approval, the local government will classify a sea container or other similar relocatable storage units as an outbuilding ancillary to the approved use of the land.

No sea container or other similar structure is permitted to be used for human habitation.

In relation to its placement, the Policy states:

The sea container or other similar structure is to be located in the rear yard of the property (that is behind the dwelling on the property) so that it will not readily be seen from the main access road or thoroughfare. If the property is a corner block then the sea container or other similar structure needs to be setback from the secondary street

frontage to meet this same condition for the secondary street, or may need to be screened to the satisfaction of Council.

The sea container is to be setback from the rear and side boundaries at least 1.0 metre or greater, with the doors opening into the residential yard.

The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.

The structure is to be in good condition and well maintained, painted one uniform colour to match the dwelling or nearby buildings on the property, professionally painted, and is to be treated to control rust.

That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

Comment

The proposed location of the sea container meets the requirements of Policy 4.7, and with a condition of approval being compliance with all conditions contained within the Policy, it is deemed the proposal will not create a significant aesthetic nuisance.

Statutory Environment

Planning and Development Act 2005

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.

Policy Implications

Policy 4.7– Sea Containers & Other Similar Storage Structure

Financial Implications

Planning and building application fees.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Development Application approved via Council decision.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with Policy 4.7 clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council approve the installation of a 12 metre sea container within the rear yard of 43 Taurus Street, Southern Cross, on the condition the installation and use of the sea container complies with Policy 4.7– Sea Containers & Other Similar Storage Structure

Advice Notes

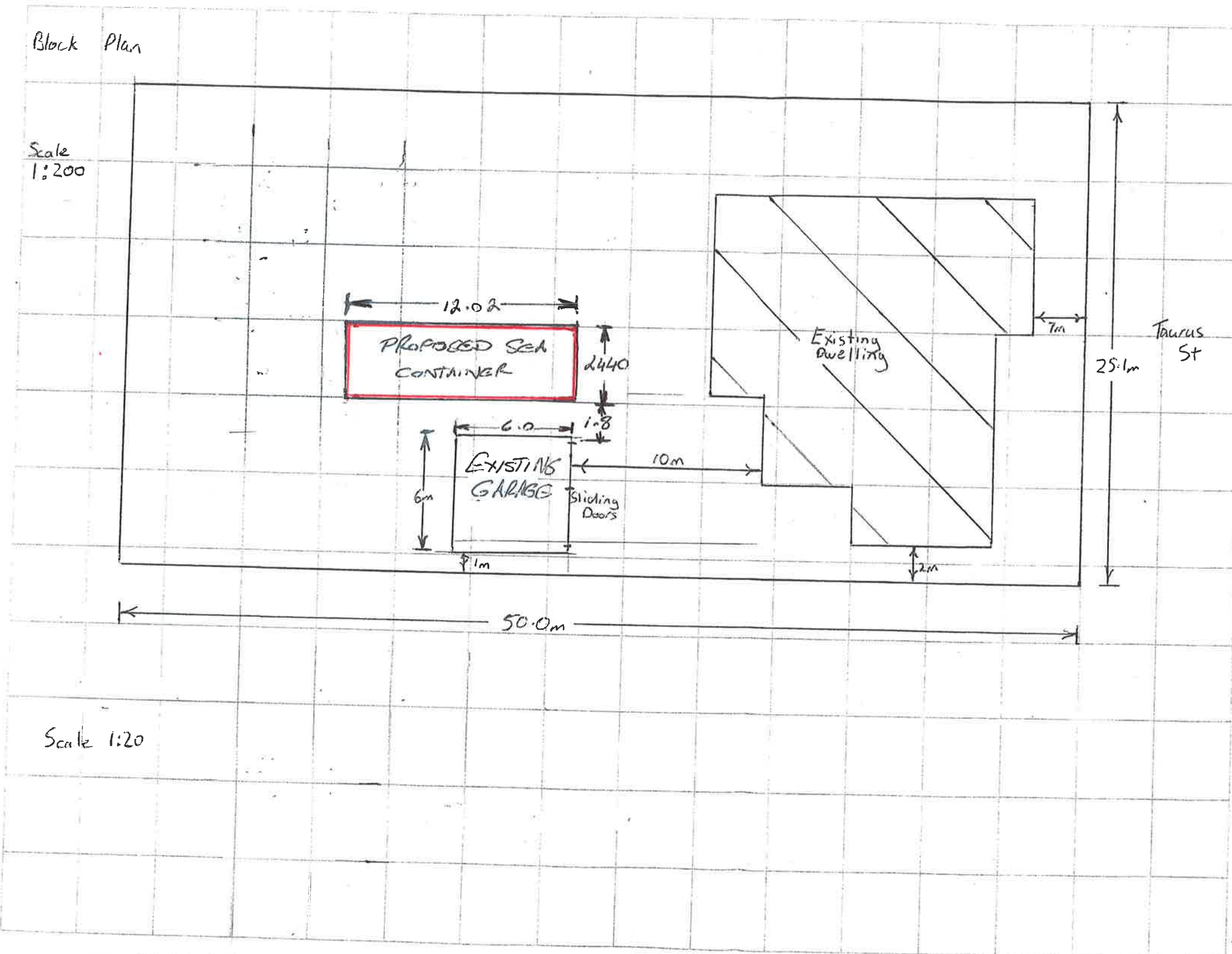
- 1. Applicant must apply for and obtain a Building Permit for the sea container or structure prior to it being installed on the property; &**
- 2. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary 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.**

Plan of SEA CONTAINER proposed to be erected on Lot No. 886 Street Taurus St Southern Cross
 Loc. No. _____ House No. 4B

PLANS MUST BE DRAWN IN INK AND IN DUPLICATE

Block Plan

Scale
1:200



Scale 1:20

PLAN: When separate plans showing sections, elevations, etc., are provided, standard Sheet is to be used for Locality Plan and is to be drawn to a scale of not less than 1:500. For Garages, Outbuildings, Sleepouts, or any Temporary Structure, ground plan, sections and elevations are to be drawn hereon to a scale of not less than 1:100. Plan should show the size and height of all rooms and covered floor area of all buildings; also the relative positions of all boundaries and outbuildings. Locality Plan should show Original Lots or re-subdivision (if any), position of existing buildings and street trees and should be drawn to a scale of not less than 1:500.

Address _____

Builder _____

Address _____

Signature of _____

Applicant _____

SCHEDULE OF MATERIALS

Item	Size	Spacing
Sole Plates		
Stumps		
Bearers		
Floor Joists		
Bottom Plates		
Studs		
Corner Studs		
Top Plates		
Braces		
Ceiling Joists		
Hangers		
Beams		
Lintels		
Rafters		
Ridge		
Hips and Valleys		
Valley Boards		
Purlins		
Under Purlins		
Struts		
Wind Braces		
Collar Ties		
Fascia		
Barges		
Guttering		
Downpipe		
Ventilators		
Windows		
Doors		
Footings		

Materials:

Floor _____
 Walls, Exterior _____
 Walls, Interior _____
 Ceiling _____
 Roof _____

Estimated Cost of Work:

Materials _____ \$
 Labour _____ \$
 Total _____ \$

POLICY:	SEA CONTAINERS & OTHER SIMILAR STORAGE STRUCTURES
POLICY NO:	4.8
SECTION:	COUNCIL
LAST REVIEW DATE:	JULY 2015
DATE TO BE REVIEWED:	JULY 2016

OBJECTIVES

The primary objectives are to:

- (c) To provide guidelines for the placement, use, size, and construction of sea containers or other similar storage structures.
- (d) To maintain a high level of visual amenity in the areas in which the sea containers will be located.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions in the Shire of Yilgarn Town Planning Scheme No 2.

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

"Donga" means a transportable building typically utilised as workers' accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

"Other similar storage structure" means a prefabricated structure with a flat roof, regular in shape and is capable of being readily transported (including a donga and a railway carriage).

"Residential Design Codes" or "R Codes" means State Planning Policy 3.1 issued by the Department of Planning.

"Sea Container" means a large metal container originally manufactured to carry goods on a sea vessel, and now used to transport or carry goods by rail and roads as well.

"Setback" means the distance from boundaries as defined in the Shire of Yilgarn Town Planning Scheme No 2 or the Residential Design Codes.

“Shire” means the Shire of Yilgarn.

POLICY STATEMENTS

The location of sea containers and other similar structures within the Shire is regarded as development and will require planning approval.

All applicants will also be required to obtain both Planning Approval and a Building Permit for the sea container or structure.

For the purpose of assessment and approval, the local government will classify a sea container or other similar relocatable storage units as an outbuilding ancillary to the approved use of the land.

No sea container or other similar structure is permitted to be used for human habitation.

EXISTING SEA CONTAINER OR OTHER SIMILAR STRUCTURES

At the time of endorsing this Policy in December 2014 Council is aware of several existing sea containers situated on “Residential” zoned land within the Shire District as well as on “Commercial” and “Industrial” zoned land.

Council has agreed to allow these pre-existing sea containers to remain on-site on these blocks on the following conditions:-

1. That the owner of an existing sea container must apply for Planning Approval for each sea container, if not previously obtained.
2. That the owner of an existing sea container must apply for a Building Permit for the structure to remain on the property as a storage shed or outbuilding, if not previously obtained.
3. The sea containers are able to be used for the current purpose until they are no longer required for this purpose.
4. If a current owner wishes to keep the sea container on the property and use it for another quite different purpose, then the owner will need to apply to Council for permission to keep the sea container for the new purpose(s).
5. Plus all existing sea containers must also comply with the conditions set-out below for proposed sea containers or other similar structures.

PROPOSED SEA CONTAINER OR OTHER SIMILAR STRUCTURES

On “Residential” Zoned Land:-

Council will consider the approval of such a structure on “Residential” zoned land based on the following conditions:-

- a) That the owner wishing to install a sea container on his/her property must apply for and obtain Planning Approval for each sea container prior to it being installed on the property.
- b) That the owner wishing to install a sea container on his/her property must apply for and obtain a Building Permit for the sea container or structure prior to it being installed on the property.
- c) The structure is only to be used for the secure storage of household items including vehicles, collectables and the like, but is not to be for the carrying out of a commercial activity on the property, unless approved by Council.
- d) The sea container or other similar structure is to be located in the rear yard of the property (that is behind the dwelling on the property) so that it will not readily be seen from the main access road or thoroughfare. If the property is a corner block then the sea container or other similar structure needs to be setback from the secondary street frontage to meet this same condition for the secondary street, or may need to be screened to the satisfaction of Council.
- e) The sea container is to be setback from the rear and side boundaries at least 1.0 metre or greater, with the doors opening into the residential yard.
- f) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
- g) The structure is to be in good condition and well maintained, painted one uniform colour to match the dwelling or nearby buildings on the property, professionally painted, and is to be treated to control rust.
- h) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

The only exception to the above is a structure for temporary storage during the conduct of building works which will be exempt from this requirement, provided that the following criteria are achieved:-

- 1. The structure is only being used for the secure storage of materials, plant, machinery, or building equipment on a building site.
- 2. The building site has a current building permit, and when necessary, planning approval.
- 3. Construction works are actively being undertaken on the site and do not lapse for any period greater than 30 days.
- 4. The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines.
- 5. The structure may not be permitted on the building site for a period longer than 6 months, unless specific approval from the Shire is obtained.
- 6. The structure is removed from the building site at the completion of the building works.

On Other Zoned Land:-

Such structures may be permitted on land zoned "Commercial" on the following conditions:-

- i) That the structure is only being used for the secure storage of items or materials used or sold as part of the commercial activity carried out on the property.
- ii) The structure is located at the rear of the property, generally out of sight of the main access road or thoroughfare.
- iii) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
- iv) The structure is in good condition and is well maintained so that is one uniform colour to match the main building or adjoining buildings on the property, and is treated to control rust.
- v) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

Sea containers or other similar structures are permitted on "Industrial" zoned land within or outside a gazetted townsite but the owner will still need to seek planning approval from Council and a building permit needs to be obtained from the Shire prior to the structure being placed on-site.

This Policy does not pertain to structures situated on "Rural/Mining" zoned land outside of a gazetted townsite.

No sea container or other similar structure is permitted on Council roads /footpaths or Reserve land unless approved by Council.

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.3 Public Works Proposal – Grouped Dwellings - 117 Altair Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development Proposal

Purpose of Report

To consider a public works development proposal for two dwellings at 117 Altair Street, Southern Cross.

Background

The Shire of Yilgarn is in receipt of a proposal, lodged on behalf of the Department of Communities – Housing branch (the Department), to develop and construct two (2) grouped dwellings at Lot 776 & 100 (No. 117) Altair Street, Southern Cross.

The proposal does not comply with the Shire's current Town Planning Scheme 2 (TPS2), zoning requirements, however, as the proposed development is being undertaken by the Department of Communities, and is classed as "Public Works", the Planning and Development Act 2005 (the Act) exempts this work from requiring Development Approval from the Shire.

In complying with the exemption permitted under the Act, the Department must show due regard for the intentions of the Shire's Town Planning Scheme, and must undertake relevant public consultation of the proposed development.

On behalf of the Department, the Shire advertised the proposal on the Shire website and Shire notice board on the 4th August 2021 and included it in the local Crosswords edition on the 5th August 2021, allowing until the 19th August 2021 for submissions to be received. A verbal report will be provided at the Council meeting to detail any submissions received. At the time of writing this report, there had been one general enquiry and no submissions.

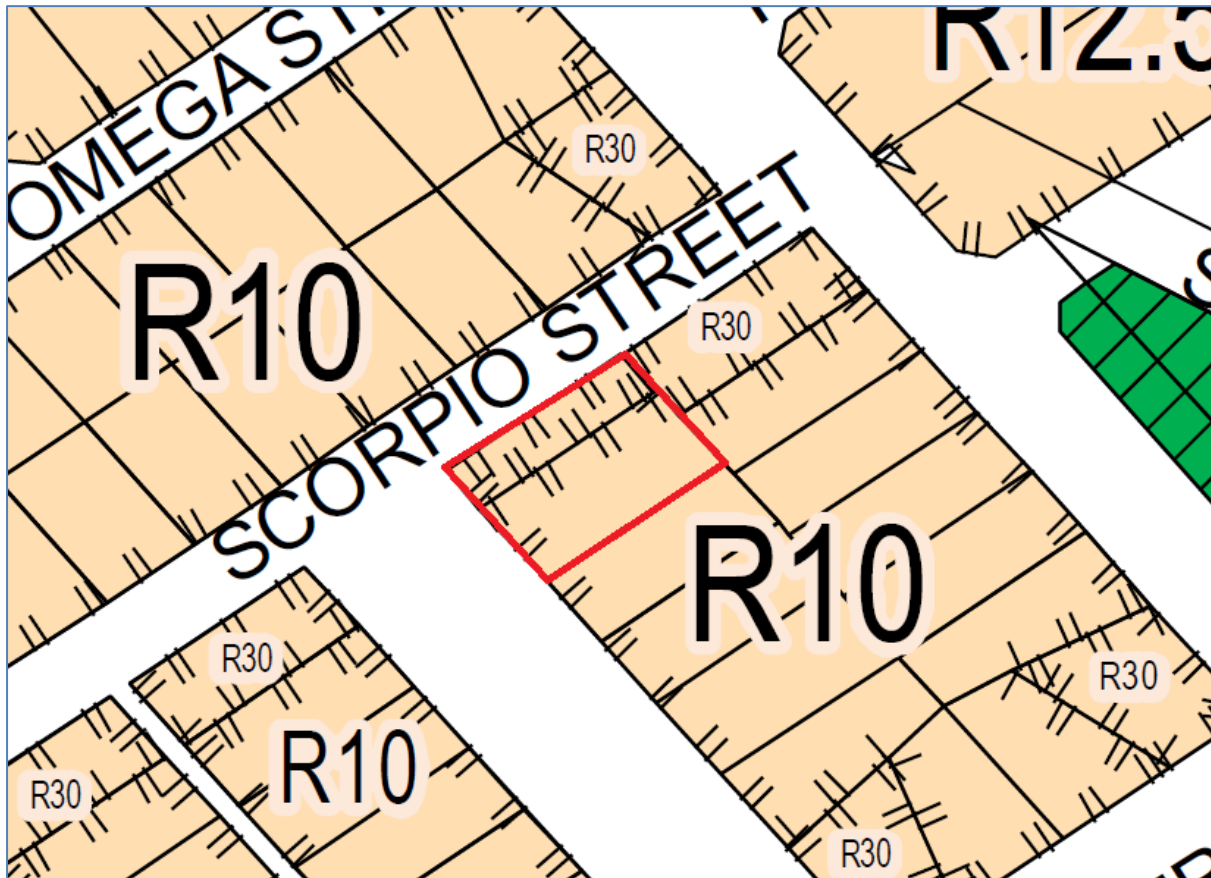
Comment

As mentioned, the proposed development does not comply with the current density zoning of the Shire's TPS2. The Scheme currently zones the residential lots as R10, which for a grouped dwelling requires a minimum site area per dwelling of 1000 m². However, the proposal seeks a minimum site area per dwelling of 869 m².

This type of development would require a zoning of R12,5, however the Department is seeking adoption of R20 zoning, this is to allow a reduced setbacks.

During the last amendment of the Town Planning Scheme, the majority of corner blocks within the Southern Cross townsite were rezoned to R30, however lots 100 and 776 Altair Street were

not rezoned, most likely due to the configuration of the smaller lot on the corner as per the image below.



The proposed zoning of R20 over both lots, of which the Department have advised will be subdivided at a later date, will be in keeping with other corner block zoning levels within the Southern Cross townsite.

The Department's consultant Dynamic Planning have provided a Development Proposal document, which details the proposed development, and justifications for the non-compliances with the Shire's TPS2.

There is a current demand for quality Government Regional Officer Housing properties, and it is the reporting Officers opinion that, subject to any submissions received prior to the closing date for public notice, that Council endorse the proposed development.

Statutory Environment

Planning and Development Act 2005
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.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Unable to attract professional government staff due to poor housing	Moderate (8)	Endorse proposal to permit additional GROH properties.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Compliance with Planning and Development Act 2005.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with Planning and Development Act 2005.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

Council endorse the proposal, submitted on behalf of the Department of Communities, to construct two dwellings upon Lots 776 and 100 Altair Street, Southern Cross, as per the submitted plans, noting that whilst it may not meet the allocated Residential Design Code zoning, the proposal has given due regard to:

- 1. The purpose and intent of the Shire of Yilgarn Town Planning Scheme No. 2;*
- 2. The order and proper planning, and the preservation of the amenity, of that locality at that time; and*
- 3. Submissions received during the public consultation period.*

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Renewal of Lease L962268 - Grazing

File Reference	1.6.17.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Aerial View and Tenure Map

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage regarding a request to renew lease L962268, located East of Lake Baladjie.

Background

The Shire is in receipt of correspondence from the Department of Planning, Lands and Heritage (the Department), seeking comments in regards to a proposal to renew lease L962268, consisting of the following Lots:

- Lot 1069 as on Deposited Plan 203752
- Lot 1070 as on Deposited Plan 203752
- Lot 1071 as on Deposited Plan 203752
- Lot 1571 as on Deposited Plan 203752
- Lot 1580 as on Deposited Plan 243168

Comment

The aerial and tenure maps from the Department are attached for Councillors perusal.

There are no outstanding issues relating to the property, and the reporting officer can see no issues relating to the renewal of the lease.

Statutory Environment

Nil

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.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

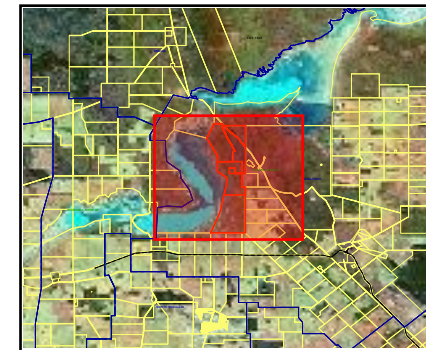
Officer Recommendation

Council endorse the following response to the Department Planning Lands and Heritage:

In relation to the proposal to renew lease L962268, the Shire of Yilgarn holds no objections.

Lease Area

Created 10 Nov 2016



Scale: 1:75,000

Description

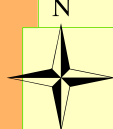
Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia 1994

1 Midland Square
Midland WA 6056
(08) 9273 7341
customerservice@landgate.wa.gov.au
www.landgate.wa.gov.au



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9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Site Lease Agreement – WA Billboards – Lot 88 Great Eastern Highway

File Reference	1.6.19.3
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Licence to Occupy

Purpose of Report

To present to Council the proposed Site Lease Agreement to utilise the billboard located upon Lot 88 Great Eastern Highway, Southern Cross.

Background

The billboard located on Lot 88 Great Eastern Highway, Southern Cross, better known as the Southern Cross Airstrip, is currently leased for advertising purposes by WA Billboards.

The current agreement is due to expire and as such, the Shire and WA Billboards are seeking to sign a new agreement.

The proposed site lease agreement is attached for Councillors perusal.

Comment

The proposed agreement is for the Freestanding Double Sided Static 6 metre by 3 metre billboard located on Lot 88 Great Eastern Highway, Southern Cross.

The agreement is to commence on the 01/08/2021 and will continue for five (5) years, with a five (5) year option.

The annual rental, payable to the Shire of Yilgarn by WA Billboards is \$1450.

Statutory Environment

Site Lease Agreement.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

\$1450 income per annum.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council agree to the terms and endorse the President and Chief Executive Officer signing the Site Rental Agreement, as presented, between the Shire of Yilgarn and WA Billboards, for use of the billboard located upon Lot 88 Great Eastern Highway Southern Cross, for the purpose of advertising.

10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE