



“good country for hardy people”

Minutes

Ordinary Meeting of Council

*19th April
2018*

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Onida Truran welcomed Mr. Peter Clarke as Acting Chief Executive Officer.

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:

Nil

Observers:

Nil

Leave of Absence:

Nil

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council Thursday 15th March 2018

32/2018

Moved Cr Guerini/Seconded Cr Close

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

Carried (7/0)

6.2 Special Meeting of Council 4th April 2018

33/2018

Moved Cr Shaw/Seconded Cr Della Bosca

That the minutes from the Special Meeting of Council held on the 4th April, 2018 be confirmed as a true record of proceedings

Carried (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

At 4.05pm Mr. Richard Durack and Mr. Josh Payne from Adaman Resources attended the meeting and updated Council on the companies mining activities at the Corinthia mine, their proposed haulage route (from Corinthia Mine to the processing plant in Marvel Loch) and the future plans for the Place Hotel, the presentation concluded at 4.29pm.

At the conclusion of the above presentation the Shire President invited questions from Councillors regarding the mining and haulage operations from the Corinthia Mine and issues relating to the ongoing operations of the Palace Hotel.

The Shire President thanked Mr Jurak and Mr Payne for the presentation for the continued communication with Council.

8. DELEGATES' REPORTS

Cr Onida Truran announced the following;

- Attended the Shire of Yilgarn Lady's Day on the 24th March. Thanks, was extended to Jenny Gemund (Manager Community Services) and Monica Fairless, for a very well run and enjoyable day.
- On the 17th April attended the Great Eastern Country Zone Executive Meeting in Merredin.

Cr Shaw announced the following;

- Attended the Shire of Yilgarn Lady's Day on the 24th March.

Cr Della Bosca announced the following;

- Attended the Central Eastern Aged Care Alliance meeting on the 26th March.
- Attended the Bushfire Advisory Committee meeting on the 4th April

Cr Nolan announced the following;

- Attended the Cliffs Meeting/Tour of Koolyanobbing Operations in Preparation for Mine Closure on the 17th April.

Cr Guerini announced the following;

- Attended the Bushfire Advisory Committee Meeting on the 4th April.
- Attended the Community Consultation evening on the 12th April.

9.1 Reporting Officer – Acting Chief Executive Officer

9.1.1 Purchasing and Tendering Policy Review

File Reference	2.3.3.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	None

Purpose of Report

To update Council on the development of the above Policy following Council's decision to defer same at its Special Meeting held on Wednesday, 4 April 2018.

Background

As indicated above, the adoption of the Purchasing and Tendering Policy was considered at the Special Meeting of Council but was deferred to the April 2018 Ordinary Council meeting for further deliberation.

Comment

Whilst it is acknowledged that a review of the Purchasing and Tender Policy is required, the major impact of the Draft Policy presented to Council revolved around the establishment of Panels of Pre-qualified Suppliers and the implications that this could have on local suppliers, especially those relating to provision of services for road construction and maintenance.

At a meeting of senior staff held on Wednesday, 11 April 2018 to discuss the presentation of the Draft Policy to the April 2018 Ordinary meeting, a number of scenarios in relation to the awarding of specific works were discussed and the potential anomalies that could exist in the establishment of the Panels of Pre-qualified Suppliers.

Rather than implement the Policy without further investigation, it was considered that it would be preferable for Council to defer the adoption of the Policy to ensure that all potential consequences are addressed and that Council is confident that such a Policy is beneficial, particularly in relation to the establishment of Panels of Pre-qualified Suppliers.

Statutory Environment

Part 4 of the *Local Government (Functions and General) Regulations 1996* relating to the Provision of Goods and Services.

Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure compliance whilst embracing innovation and best practice principles.

Policy Implications

Review of Current Council Policy 3.5.

Financial Implications

Nil

Officers Recommendation and Council Decision

34/2018

Cr Guerini/Seconded Cr Della Bosca

That whilst Council acknowledges the requirement to review its current Purchasing and Tendering Policy, it defers the adoption of the Policy until senior management can adequately address all areas relating to the establishment of Panels of Pre-qualified Suppliers to the satisfaction of Council.

Carried (7/0)

9.1 Officers Report – Acting Chief Executive Officer

9.1.2 Regional Price Preference Policy

File Reference	2.3.3.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Draft Policy and Regulations

Purpose of Report

To update Council on the development of the above Policy following Council's decision to defer same at its Special Meeting held on Wednesday, 4 April 2018. The purpose of this report is for Council to authorise state wide advertising of the draft Regional Price Preference Policy No 3.5(A).

Background

There is mention of a local pricing policy in the current Purchasing and Tendering Policy. The relevant section states-

LOCAL PRICING POLICY

Officers seeking quotations should ascertain whether local suppliers are capable of supply and should invite those companies to quote. Council Staff are encouraged to utilise local suppliers for goods and services wherever practicable and in compliance with the provisions of the policy (above) and legislation.

As a guideline delegated Officers can exercise the right of price preference in the order of up to 10% for purchases with a value of between \$0 and \$150,000

Comment

Whilst it is proposed to adopt a revised Purchasing and Tendering Policy, which will exclude reference to a Regional Price Preference, the new proposed Regional Price Preference Policy will provide greater clarity to Council and its officers in respect to the allocation of a Regional Price Preference locally and within the Wheatbelt and Goldfields regions.

A copy of the proposed Regional Price Preference Policy is attached.

The draft policy also more clearly defines the requirements of Local Government (Functions and General) Regulations, 1996

Statutory Environment

Section 2.7 of the Local Government Act, 1995 states that one of the roles of a Council is to determine the Local Government Policies.

Part 4(A) of the Local Government (Functions and General) Regulations, 1996 covers the requirements for Regional Price Preference (A copy of the Regulations is attached)

Strategic Implications

Civic Leadership

Goal- A prosperous future for our community.

- Outcome 1 Businesses in the Shire remain competitive and viable
- Outcome 2 Positive and productive regional partnerships.

Policy Implications

New Policy

Financial Implications

Nil

Officer Recommendation and Council Decision

35/2018

Moved Cr Pasini/Seconded Cr Guerini

That;

- 1. Draft Policy No 3.5(A) Regional Price Preference be adopted for public advertising in accordance with the Local Government (Functions and General) Regulations 1996, for a period of 4 Weeks.***
- 2. The draft Policy, together with any public submissions received be included in the June 2018 Ordinary Council meeting agenda, for further consideration by Council.***

Carried (7/0)

9.1 Officers Report – Acting Chief Executive Officer

9.1.3 Adaman Resources – Corinthia Project to Minjar’s Marvel Loch Processing Plant and Proposed Haulage Route

File Reference	3.2.1.26
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Proposed Haulage Route and Business Proprietors Support

Purpose of Report

Adaman Resources seek Council’s approval for the cartage of ore from the Corinthia Mine Project to the Marvel Loch Processing Plant.

Background

Mr Richard Jurak, Group Mining Engineer for Adaman Resources, has written to Council to advise of the above project and to further expand on previous discussions with the A/CEO Pascoe Durtanovich and Executive Manager Infrastructure, Robert Bosenberg, regarding proposed haulage routes.

Mr Jurak advises that the Shire had previously directed that the ore be carted using the Southern Cross South Road and diverted through the Aquarius mine site. However, Minjar is now proposing to mine Aquarius commencing in May or June. Minjar’s work will prevent the use of the road through Aquarius. Mr Jurak indicates that at the previous meeting with the above officers on 5 April it was suggested that Adaman could use the Marvel Loch Road from Southern Cross to haul ore, but expressed concerns that such route may impact on two established businesses, the Palace Hotel and Yilgarn Agencies.

Mr Jurak advises that since the 5 April meeting he has contacted both of the above business proprietors to discuss the proposed haulage route past their premises and they have both confirmed in writing that they have no objections to the proposal.

Therefore, Mr Jurak requests that Council give its formal approval for the haulage of ore from Corinthia to Marvel Loch as described above and by the route as provided in the attachment to his report.

Comment

It is considered that proposed haulage route will not have any adverse impacts on the businesses consulted by Adaman and that as this route has been used in past haulage operations, Council approval is recommended.

Statutory Environment

All routes, including the Great Eastern Highway, are authorised for traffic of haulage vehicles.

Strategic Implications

Economic

Goal- A prosperous future for our community.

- Outcome 5 Safety and quality of transport networks are maintained and improved.

Policy Implications

Policy No.5.2

Heavy Vehicle Cost Recovery

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

Financial Implications

Nil

Officer Recommendation and Council Decision

36/2018

Moved Cr Shaw/Seconded Cr Close

That Council advises Adaman Resources that it approves the haulage of ore from its Corinthia Mining operations as per the route submitted subject to the following conditions: -

- 1. That the CEO in accordance with Council Policy No.5.2, "Heavy Haulage on Local Roads", negotiates with Adaman Resources regarding cost recovery for damages occurred during haulage operations on Three Boys Road;*
- 2. That approval for the use of the Marvel Loch/Southern Cross Road is only authorised up to the Cornishman Mine's access road where haulage vehicles then have to access the existing Haul Road to Minjar Resources Marvel Loch processing plant; and*
- 3. That a review of the overall haulage route be reviewed following a 3 month period from the commencement of the haulage operations*

Carried (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 31 March 2018.

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

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

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

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

37/2018

Moved Cr Nolan/Seconded Cr Close

That Council endorse the various Financial Reports as presented for the period ending 31 March 2018

Carried (7/0)

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 40589 to 40598 totalling \$7,337.41, Municipal Fund-EFT Numbers 7362 to 7444 totalling \$289,057.43, Municipal Fund – Cheque Numbers 1401 to 1408 totalling \$248,894.84, Municipal Fund Direct Debit Numbers 12517.1 to 12570.13 totalling \$62,070.19, Trust Fund 402343 to 402347 totalling \$6,775.25 and Trust Fund – Cheque Numbers 6109 to 6114 (DPI Licensing), totalling \$62,698.75 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

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

Financial Implications

Drawdown of Bank funds

Officer Recommendation and Council Decision

38/2018

Moved Cr Della Bosca/Seconded Cr Guerini

Municipal Fund – Cheque Numbers 40589 to 40598 totalling \$7,337.41, Municipal Fund-EFT Numbers 7362 to 7444 totalling \$289,057.43, Municipal Fund – Cheque Numbers 1401 to 1408 totalling \$248,894.84, Municipal Fund Direct Debit Numbers 12517.1 to 12570.13 totalling \$62,070.19, Trust Fund 402343 to 402347 totalling \$6,775.25 and Trust Fund – Cheque Numbers 6109 to 6114 (DPI Licensing), totalling \$62,698.75 are presented for endorsement as per the submitted list.

Carried (7/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 Plant Replacement Program 2018/2019-2027/2028

File Reference	6.4.1.5
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments	One

Purpose of Report

Shire of Yilgarn Plant Replacement Program – 2018/2019 – 2027/2028

Background

A review of Councils plant replacement is carried out on an annual basis, with the attached Plant Replacement Program being for a ten year period. The proposed Plant Replacement Program is expected to provide council with a Strategic Plant Replacement Program that will result in optimum return on both operating and change over costs of Councils Plant and Equipment.

In the past Council has used the following life cycles for the replacement of equipment and plant. This has resulted in Council achieving minimal costly down time and optimum trade prices of the respected plant items.

Graders/ Construction Loader	8 years or 9,000 hours
Multi Tyred Rollers	8 years or 9,000 hours
Steel Drum Rollers	10 years or 10,000 hours
Prime Movers/Tip Trucks	8 years or 200,000km
Small Loader/Backhoe	10 years or 9,000 hours
Light Trucks/Personal Carries	5 years or 150,000kms
Utilities	3-4 years or 100,000kms
Executive Type Vehicles	2 years
Community Bus	8 years or 80,000km

Comment

In the 2018/2019 Plant Replacement Program it is proposed to replace a John Deere grader, Rosa community bus, Mitsubishi light flat deck truck, four light vehicles and two executive vehicles, as well as purchasing a second hand loader.

The grader that is proposed to be replaced in the 2018/2019 Plant Replacement Program is a John Deere 770 Grader. The grader was purchased by Council in 2010 and has completed 9,050 machine hours. This grader is currently being utilised by Council staff for gravel sheeting programs and maintaining Council's gravel road network.

Also included in 2018/2019 Plant Replacement Program is the replacement of the Toyota Rosa Community Bus. This vehicle was purchased in 2011. The community bus is utilised by community groups to transport group members to and from events in regional areas and metropolitan area. It is proposed the monetary amount required to purchase the Community Bus is to be sourced from the Community Bus Reserve.

Included in the Plant Replacement Program is a monetary amount for a loader to service the "manned" Southern Cross Landfill site. This loader will be utilised by staff for covering of refuse and maintenance requirements at the landfill site. It is proposed to purchase a second hand loader for this purpose.

The loader will be housed at the landfill site in a purposed built shed. It is proposed the monetary amount required to purchase the loader is to be sourced from the Refuse Disposal Site Reserve.

It is also proposed to replace a Hilux utility, Mazda utility, two Landcruiser utilities and a light flat deck truck. These vehicles are currently been utilised for the transporting of staff, materials, tools and fuel required for parks and gardens, building maintenance and road maintenance to and from worksites located throughout the shire.

Executive type vehicles that are proposed to be replaced in the 2018/2019 Financial Year are Chief Executive Officer and Manager Regulatory Services vehicles.

Statutory Environment

Nil

Strategic Implications

Ten-Year Plan will provide Council with a Strategic Plant Replacement Program that will result in optimum return on investment of Plant and Equipment.

Policy Implications

"Staff Policy N^o 7.12 Motor Vehicle Replacement and Vehicle Standard and Accessories"

Financial Implications

Ten Year Plant Replacement Programs will form the basis of Capital Plant Replacement Purchases in future Budgets. Initial indications show the Plant Replacement Programme for 2018/2019 will cost (net) \$898,500

Monetary amount for the replacement of the Grader, Flat Deck Truck and Light Vehicles to be sourced from Plant Replacement Reserve

Monetary amount for the replacement of the Community Bus to be sourced from Community Bus Reserve

Monetary amount for the landfill site loader to be sourced from Refuse Disposal Site Reserve

Officer Recommendation and Council Decision

39/20018

Moved Cr Della Bosca/Seconded Cr Guerini

That the Ten Year Plant Replacement Program for the period 1st July 2018 to 30th June 2028 as presented, be adopted

and

That all vehicles listed for replacement in the 2018/2019 Financial Year Plant Replacement Program be included in 2018/2019 Financial Year Budget deliberations.

Carried (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.1 Bush Fire Advisory Committee Meeting Motions

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	"Bush Fire Advisory Committee Policy"

Purpose of Report

To consider motions carried by the Shire of Yilgarn Bush Fire Advisory Committee at its meeting held on the 4th April 2018.

Background

The Shire of Yilgarn Bush Fire Advisory Committee (BFAC) meeting was held on the 4th April 2018, during the meeting the following motions were moved and carried for Councils consideration:

- MOTION 1:** The Shire makes application for a capital grant through the 2018/2019 Emergency Services Levy for the installation of a one bay appliance shed at 54 McInnes Street, Moorine Rock.
- MOTION 2:** The Bush Fire Advisory Committee endorses the Bush Fire Advisory Committee Policy and submits to Council for inclusion in the Shire of Yilgarn Policy Manual
- MOTION 3:** The Shire investigate the legalities of the Bush Fire Brigade obtaining and using a drone for firefighting purposes with the intention of the Shire purchasing one, should it be legal and practicable.
- MOTION 4:** The Shire make application in the 2019/2020 Emergency Services Levy capital grants for an appliance shed at Mt Hampton, proposed to be located at the Mt Hampton hall site

Comment

MOTION 1 – Moorine Rock Appliance Shed

Due to timing of the BFAC meeting and grant application cut off dates, an application has already been made to the Department of Fire and Emergency Services (DFES) for a one bay appliance shed. Should Council determine not to endorse the motion, DFES will be advised and requested to pull the capital grant application.

In addition to the Emergency Services Levy (ESL) operating grant set by DFES, an additional capital grant of \$51,007.67 has been requested to cover the following expenses:

Shed supply and install:	\$46,901.91
Electrical Install:	\$3,850.00
Building Act Fees and Charges:	\$255.76

The current Moorine Rock appliance shed, located north of the highway opposite the Post Office, was built in 1962 and is unable to house the current DFES issued vehicles.

The new shed, if endorsed and granted, is proposed to be located at 54 McInnes Street, Moorine Rock, this is the property where the now demolished Moorine Rock hall was located. The reasoning behind the proposed location of the shed is the site has access to power and water and there are sanitary facilities at the site.

Consideration will be given to the direction of egress for the fire appliance prior to finalising plans, as travelling vehicles may also be parked at the site due to the amenities available.

MOTION 2 – Bush Fire Advisory Committee Policy

A draft policy was tabled at the meeting which sets the guidelines for operation of the BFAC. The policy is attached for Councillors perusal.

MOTION 3 – Use of Drone for Firefighting Purposes

The committee agreed that a drone could be useful in large scale firefighting operations. It was discussed that a drone could be used to check the fire front, landscapes ahead and locate brigade units.

The DFES representative at the meeting advised DFES staff are not permitted to use drones under a departmental directive, however the brigades operating under the Shire would not have that restriction, however it was raised that there are legal restrictions on the use of drones which should be investigated further.

As such the motion was raised for the Shire to investigate these legalities.

The purchase of a drone, if deemed practicable and legal, would not be able to be funded by the ESL and would need to come from the Shires general revenue.

MOTION 4 - Mt Hampton Appliance Shed

During the meeting a motion was raised regarding the installation of an appliance shed at the Mount Hampton hall site.

Due to some brigade members spending less time at their properties it was raised that the Mt Hampton brigade's appliance would be better housed in a central location, where any brigade member could access.

The Mount Hampton hall site was proposed due to the availability of power and water.

With the 2018/2019 grant application already lodged, it is proposed to submit application for the 2019/2020 capital grants should Council agree.

Statutory Environment

Bush Fires Act 1954

Strategic Implications

GOAL: An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire long term.

OUTCOME: Maintain a liveable, safe and secure community.

STRATEGY: Continue to support our volunteer fire fighters.

Policy Implications

Proposed new "Bush Fire Advisory Committee Policy"

Financial Implications

Application for \$51,007.67 capital grant from the Emergency Services Levy.

Officer Recommendation and Council Decision

40/2018

Moved C Guerini/Seconded Cr Della Bosca

RECOMMENDATION 1:

That Council endorse the application for a capital grant through the 2018/2019 Emergency Services Levy for the installation of a one bay appliance shed at 54 McInnes Street, Moorine Rock.

Carried (7/0)

41/2018

Moved Cr Della Bosca/Seconded Cr Pasini

RECOMMENDATION 2:

That Council endorses the "Bush Fire Advisory Committee Policy" for inclusion in the "Shire of Yilgarn Policy Manual".

Carried (7/0)

42/2018

Moved Cr Nolan/Seconded Cr Guerini

RECOMMENDATION 3:

That Council endorses the Manager Regulatory Services to investigate the legalities of the Bush Fire Brigade obtaining and using a drone for firefighting purposes with the findings to be reported back to Council with a recommendation regarding the purchase of a drone.

Carried (6/1)

43/2018

Moved Cr Pasini/Seconded Cr Della Bosca

RECOMMENDATION 4:

That Council endorses the application through the 2019/2020 Emergency Services Levy capital grants for an appliance shed at the Mt Hampton hall site.

Carried (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.2 Management Order for Reserve 3229, Yellowdine

File Reference	1.6.29.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	<ul style="list-style-type: none"> - Aerial View of Reserve 3229; - Smartplan of Reserve 3229; & - Photographs of Yellowdine Railway Dam

Purpose of Report

To consider the Shire taking on a Management Order on Reserve 3229 in Yellowdine.

Background

The Department of Planning, Lands and Heritage (the Department) has requested the Shire consider taking on a Management Order for Reserve 3229.

The reserve is located in Yellowdine, north of Great Eastern Highway and opposite the Yellowdine Roadhouse. An aerial view and Smartplan have been included as attachments.

The site was managed by the Water Corporation, however the Minister of Works has advised the Department of their wish to relinquish the Management Order.

The site contains the “Yellowdine Railway Dam”, which is included in the Shires Municipal Heritage Inventory.

Comment

The Executive Manager for Infrastructure and Manager of Regulatory Services visited the site on the 10th April 2018.

The Executive Manager for Infrastructure has noted the utilisation of dam water for future road works in the area, this may see a saving in travel and water costs for future road maintenance in the area.

As mentioned, the “Yellowdine Railway Dam” is listed in the Municipal Heritage Inventory, unfortunately sections of the dam’s infrastructure has been poorly maintained and is in a state of disrepair. Photos of the current state of the dam are included as an attachment.

Whilst unlikely the management order would include a requirement to repair the dam’s infrastructure, Council should consider, if they agree to take over management of the Reserve, whether to allocate funds in future budgets for the repair of the site to improve its tourism and recreational value.

The Department have not provided a draft management order at this stage so details on the conditions or requirements imposed, if any, are unable to be provided.

It is unknown whether the site has any forms of contamination, however the implications should there be contamination must be investigated further prior to agreeing to management of the Reserve. Should Council agree to the recommendation provided, further investigation will be undertaken to determine what, if any, implications could arise due to the Shire taking over management of the reserve.

Statutory Environment

Land Administration Act 1997

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil for 2017/2018.

Future expenditure should Council agree to repair of heritage infrastructure under Shire management.

Officer Recommendation and Council Decision

44/2018

Moved Ct Pasini/Seconded Cr Shaw

RECOMMENDATION 1:

That Council endorse taking on a Management Order of Reserve 3229;

AND

Prior to agreeing to a Management Order require:

- ***A draft Management Order be provided by the Department of Planning, Lands and Heritage for perusal; and***
- ***Further investigation into possible contamination and the associated implications for the Shire.***

RECOMMENDATION 2:

That Council endorse Shire administration investigating costs for repair of the "Yellowdine Railway Dam" infrastructure for inclusion in future budgets.

Carried (7/0)

NOTES:

1. The matter will be referred back to Council once the draft Management Order and contamination investigation are available.

9.4 Officers Report – Manager Regulatory Services

9.4.3 Proposed Inclusion of Crown land into Mt Jackson Pastoral Lease N049761

File Reference	1.6.29.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	- Smartplans of Crown Lands

Purpose of Report

To consider a proposal to include various Crown lands into the Mt Jackson Pastoral Lease N049761.

Background

The Department of Planning, Lands and Heritage (the Department) has advised that the Lessee of Mount Jackson Pastoral Lease N049761 is seeking to include the following Crown lands into the existing and adjoining pastoral lease:

- Yilgarn Location 1551 being unmanaged “Common” Reserve 9897;
- Lot 355 of Deposited Plan 56287 being unallocated Crown land (UCL) but formerly part of Diemals Station;
- Lot 38 on Deposited Plan 54511 being unallocated Crown land (UCL) but formerly of Diemals Station; and
- Lot 345 on Deposited Plan 52029 being unallocated Crown land (UCL) but formerly part of Mt Jackson Station.

Smartplans of the relevant lots are included as an attachment.

The Department has advised that the Department of Biodiversity, Conservation and Attractions has responded stating Lot 38 and Lot 345 above have been flagged for inclusion into the Mount Manning Range Nature Reserve 36208 since 2003 and as such does not support their inclusion into the Mt Jackson Pastoral Lease N049761. As such the Department have advised the Shire is only to consider the inclusion of Lot 355 and Location 1551 for inclusion into the pastoral reserve.

It is the Departments intention to include the relevant Crown lands into the Reserve and issue a lease until the 17th November 2063.

Comment

The Shire has no recorded complaints or concerns regarding the management of the Mount Jackson Pastoral Lease N049761.

There are a number of places listed on the Shire of Yilgarn Municipal Heritage Inventory located in the vicinity which the Lessee should be requested to be mindful of and to ensure they are preserved through any operations throughout the lands. The places include:

- Mt Jackson Graves and Cemetery;
- Marda Dam; &
- Mt Jackson homestead.

Statutory Environment

Land Administration Act 1997

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

45/2018

Moved Cr Della Bosca/Seconded Cr Pasini

RECOMMENDATION 1:

That Council endorse the inclusion of the following Crown lands into the Mount Jackson Pastoral Lease N049761 and the issuing of a lease to the current Lessee until 17th November 2063;

- Lot 355 of Deposited Plan 56287; and*
- Yilgarn Location 1551 being unmanaged "Common" Reserve 9897*

Condition 1: *The Lessee is to be advised of the heritage places listed below, that are located within the proposed Reserve; and is requested to be mindful of and preserve through any operations throughout the lands.*

- Mt Jackson Graves and Cemetery;*
- Marda Dam; &*
- Mt Jackson homestead.*

Carried (7/0)

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 INFORMATION BOOK ITEMS

Nil

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The Shire President advised that the Manager Regulatory Services had requested a late Item of Business be introduced in relation to a Lease proposal for Lot 966 Sirius Street, Southern Cross for the purposes of camp accommodation and kitchen facilities.

46/2018

Move Cr Nolan/Seconded Cr Shaw

That Council allows the new business to be introduced.

Carried (7/0)

13.1 DEVELOPMENT AND LEASE OF LOT 966 SIRIUS STREET, SOUTHERN CROSS

File Reference	3.1.7.5 & 3.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	<ul style="list-style-type: none"> - Revised layout plan for Lot 966 Sirius Street - Value Assessment of Lot 966 Sirius Street - Request Letter from M3R Group Pty Ltd

Purpose of Report

To determine a request to increase accommodation numbers and a lease proposal for Lot 966 Sirius Street, Southern Cross for the purposes of camp accommodation and kitchen.

Background

In December 2017, the Shire received an application for the establishment of an accommodation camp and kitchen at Lot 966 Sirius Street, Southern Cross. The matter was taken to the December Council meeting with the following resolutions carried:

That Council:

Determine that "Grouped Dwelling" and "Camp Kitchen" are uses that "may" be consistent with the objectives and purpose of the residentially zoned Lot 966 Sirius Street, Southern Cross and require the "SA" procedures of Clause 6.3 of the Town Planning Scheme 2 be undertaken. This determination is issued on the following conditions:

- 1. Prior to giving notice under Clause 6.3, the applicants are to submit a detailed layout plan and supporting documentation to the satisfaction of the Manager Regulatory Services, which gives sufficient information to allow the general public to determine how the development will look aesthetically and what effects it may have on them;*
- 2. Notice under Clause 6.3 of the TPS2 is to be in the form of an advertisement in a locally distributed newspaper (Kalgoorlie Miner or West Australian) in addition to full page advertisement in the Shire's "Crosswords". The notice is to be to the satisfaction of the Manager Regulatory Services and all costs covered by the applicant; &*
- 3. The notice period will be a minimum of 21 days. The 21 days will start when the second form of advertisement is published (newspaper or Crosswords).*

and

Council determine to enter into the "Disposing of Property" process detailed in Section 3.58(3) of the Local Government Act 1995, for leasing Lot 966 Sirius Street, Southern Cross to the proponents for the purpose of "Grouped Dwelling" and "Camp Kitchen". This determination is issued on the following conditions:

- 1. Applicant is to make formal request to the Shire to lease the land;*
- 2. The valuation is to be undertaken by an independent valuer, approved by the Local Government, arranged by the applicants and all costs covered by the applicant;*
- 3. The notice is to be issued by the Local Government in the form of an advertisement in a locally distributed newspaper (Kalgoorlie Miner or West Australian) in addition to full page advertisement in the Shire's "Crosswords". Any costs incurred by the Local Government are to be covered by the applicant; &*
- 4. The notice period will be a minimum of 21 days. The 21 days will start when the second form of advertisement is published (newspaper or Crosswords).*

Advice Notes:

1. 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.
2. The required public notices above may be combined if both parties agree, unless Council determine otherwise.

The applicants have now submitted a request to increase the number of rooms in the camp from 100 to 140 based on current clientele.

The applicants have also submitted a formal request to lease Lot 966 Sirius Street, including an assessment of value. Both are included as attachments.

Comment

PLANNING

At the December 2017 council meeting, Council agreed to undertake advertising of the proposed development as per the "SA" provisions of the Town Planning Scheme 2. Prior to advertising, the applicant was required to submit sufficient documentation to allow stakeholders to make an informed decision on the proposal during the notice period.

The applicant has since made a request to increase the number of beds from 100 to 140, and has submitted a revised layout plan (attached). The increase is based on clientele who are alleged to be ready to occupy upon completion.

Should Council endorse the increase in room numbers the following process will occur:

- Applicant will submit detailed documentation of proposal including final designs and layouts;
- Manager Regulatory Services will assess the documentation and create a report detailing what, if any, exemptions are required under the relevant planning legislation and Codes of practice;
- Shire will place advertisements in a local newspaper and Crosswords, at the applicants expense, giving public notice of the proposal, for a period of 21 days; &
- Manager Regulatory Services will collate responses, if any, in a report to be brought back to Council for a final determination.

LEASE

As required under the Local Government Act 1995, for the disposition of property, the Shire is required to undertake a process as defined in Section 3.58 of the Act.

Under the Act the Shire is required to advertise, prior to agreeing to dispose of the property, of the intention to dispose of the property including:

- A description of the property;
- Details of the proposed disposition including:
 - Names of parties concerned;
 - Consideration to be received by the local government; &
 - The Market value of the disposition; and
- Invitation for submissions regarding the disposition.

The applicants have made a written request to lease Lot 966 Sirius Street, Southern Cross and have also included a value assessment for the proposed land. The value assessment has been used to determine an indicative lease price, but a full valuation of the land will be required prior to advertising.

The value assessment, undertaken by licenced valuer "Garmony Property Consultants" on the 16th April 2018, assessed the market value for lease of Lot 966 Sirius Street, Southern Cross at \$10,000 per annum plus outgoing and GST.

PROPOSED LEASE TERMS

In accordance with the value assessment received, the applicant has proposed an initial lease value of \$10,000 (ten thousand dollars) plus GST.

The term sought would be ten (10) years, with a ten (10) year option period with applicable consumer price index (CPI) applied annually.

The Shire would impose that all relevant rates, service charges and land based expenses are to be paid for by the applicant for the duration of the lease.

Statutory Environment

Planning and Development Act 2005
Shire of Yilgarn Town Planning Scheme 2
Residential Design Codes
Local Government Act 1995

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

- \$10,000 income per annum plus GST, adjusted in accordance with CPI annually.
- Advertising fees to be reimbursed by applicant;
- Increased Development fees;
- Building application fee and charges;

Officer Recommendation and Council Decision

47/2018

Moved Cr Nolan/Seconded Cr Guerini

RECOMMENDATION 1

That Council: *Endorse the increase in rooms to 140 at the proposed accommodation camp at Lot 966 Sirius Street, Southern Cross with the following conditions:*

- 1. The Manager Regulatory Services is to compile a report, detailing the proposal, including any exemptions required under relevant planning legislation;*
- 2. The Manager Regulatory Services is to arrange, at the applicants expense, advertising of the proposed development in the Shire's Crosswords and the West Australian newspaper;*
- 3. The advertisement is to give notice that stakeholders have 21 days in which to make submissions to the Shire of Yilgarn regarding the proposed development;*
- 4. The Manager Regulatory Services is to compile a report after the notice period, detailing any submissions received; and*
- 5. The Manager Regulatory Services is to table the report and a recommendation regarding the proposed development to Council for a final determination.*

RECOMMENDATION 2:

That Council: *Endorse the advertising of the proposed disposition of Lot 966 Sirius Street, Southern Cross with the following terms of reference and conditions:*

Terms of Reference

1. *M3R Group Pty Ltd are proposed lease holders;*
2. *The lease amount will be \$10,000 (ten thousand dollars) plus GST;*
3. *The lease term will be ten (10) years, with a ten (10) year option period with applicable consumer price index (CPI) applied annually; and*
4. *All relevant land rates, service/utility charges and maintenance expenses are to be paid for by the applicant for the duration of the lease.*

Conditions:

1. *Any expenses incurred by the Shire for the advertising of the proposed disposition are to be paid for by the applicant;*
2. *Prior to advertising; a full valuation of Lot 966 Sirius Street, Southern Cross is required to be submitted by the applicant;*
3. *The notice period is to be 21 days; &*
4. *Submissions received are to be detailed in a report by the Manager Regulatory Services, to be reported to Council with a recommendation.*

Carried (7/0)

Advice Notes:

1. 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.
2. Should the Manager Regulatory Services recommend Council endorse the lease of Lot 966 Sirius Street, Southern Cross, a draft lease agreement will be tabled with the report.
3. At the Council meeting held on the 20th May 2011, Council resolved that Lot 966 Sirius Street, Southern Cross would be leased for \$10,000 and adjusted with CPI, however there was no indication of whether GST was included or excluded, nor if a valuation was undertaken.

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at **4.58pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 19th April 2018, are confirmed on Thursday, 17th May 2018 as a true and correct record of the April Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT