



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

*21st June
2018*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

JUNE 2018 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 21st June 2018
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Councillors Forum/Briefing session will start at 3.30pm*
- *The Ordinary meeting of Council will commence at 4pm*
- *The OIC, Southern Cross Police Station, Sargent Dave Thirwell will be making a presentation shortly after the commencement of the Council Meeting.*

Peter Clarke
Acting Chief Executive Officer

21/06/2018

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

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

Apologies:

Observers:

Leave of Absence: Cr D Pasini

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

- 6.1 Ordinary Meeting of Council, Thursday 17th May 2018
(Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 17th May 2018 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Special Meeting of Council, Tuesday 29th May 2018
(Minutes Attached)

Recommendation

That the minutes from the Special Meeting of Council held on the 29th May 2018 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.3 Great Eastern Country Zone, Thursday 26th April 2018
(Minutes Attached)

Recommendation

That the minutes from the Great Eastern Country Zone meeting held on the 26th April 2018 be received.

Voting Requirements: Simple Majority

6.4 Wheatbelt East Regional Organisations of Councils, Wednesday 2nd May 2018
(Minutes Attached)

Recommendation

That the minutes from the WE-ROC meeting held on Wednesday 2nd May 2018 be received.

Voting Requirements: Simple Majority

6.5 Central East Aged Care Alliance Inc., Wednesday 2nd May 2018
(Minutes Attached)

Recommendation

That the minutes from the CEACA Special Committee meeting held on Wednesday 2nd May 2018 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

The Officer in Charge of Southern Cross Police, Sargent Dave Thirwell, will present to Council.

8. DELEGATES' REPORTS

9.1 Officers Report – Acting Chief Executive Officer

9.1.1 Review of Shire of Yilgarn Strategic Community Plan 2016-2026

| | |
|-------------------------------|--|
| File Reference | 1.1.12.4 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Shire of Yilgarn Strategic Community Plan 2016-2026 |

Purpose of Report

To inform Council of the requirements to undertake a review of the Strategic Community Plan

Background

Council adopted the above Plan on 21 July 2016 and in accordance with the *Local Government (Administration) Regulations 1996*, regular reviews are to be undertaken.

In the current Plan's "Message from the President", it states the following:-

The Strategic Community Plan is a ten year plan. However, it is not fixed for ten years – it would be long out of date by then. Rather, it is a "rolling" plan which is reviewed every two years. The two yearly reviews alternate between a minor review (updating as needed) and a major review (going through all the steps again).

Comment

Based on the above statement by the Shire President, a two yearly review of the Plan is now required.

Council needs to determine whether the Plan's content is relevant and still meets the strategic objectives of the Shire or whether changes need to be made to accommodate same. Therefore, it would be appreciated if Councillors could peruse the Plan to ascertain whether modifications are required.

From staff's perspective, the Community and Financial Profile's contained within the Plan require updating as the last available figures were from 2013 and 2015 respectively. The Goals, Outcomes and Strategies still appear to be relevant.

It is intended to present a revised Plan to Council at the July 2018 Ordinary meeting for adoption.

Statutory Environment

The *Local Government (Administration) Regulations 1996* state the following in respect to reviews of Community Plans:-

- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Strategic Implications

To maintain an up to date relevant Community Strategic Plan.

Policy Implications

Nil

Financial Implications

Nil.

Recommendation

That Council advertises in “*Crosswords*” of its intentions to undertake a two yearly review of its 2016-2026 Strategic Community Plan and invites comments from the electors and ratepayers regarding the current status of the Plan and whether modifications should be made, particularly relating to the Goals, Outcomes and Strategies contained within the current Plan.

9.1 Officers Report – Acting Chief Executive Officer

9.1.2 WALGA State Council Representation

| | |
|-------------------------------|------------------------|
| File Reference | 1.6.21.4 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | None |

Purpose of Report

To consider a resolution from the Great Eastern Country Zone (GECZ) of WALGA regarding composition of WALGA State Council representation.

Background

At the GECZ Meeting held on Thursday, 26 April 2018 the member Councils considered the proposed amendments to the WALGA State Council Constitution (WALGA State Council Agenda Item 5.12 Proposed Amendments to the WALGA Constitution).

Whilst the GECZ accepted the WALGA recommendation, member Councils also considered the matter of the size of membership to the WALGA State Council. This discussion followed comments at the March Meeting of the GECZ by Cr Stephen Strange that the size of the State Councils should be reviewed, with Cr Strange suggesting that 24 State Councillors may be too many and as such a review of membership on State Council should be undertaken.

Following the above discussion GECZ resolved the following:-

RESOLUTION: **Moved: Cr O’Connell** **Seconded: Cr Truran**
That the matter of representation on State Council be referred to Member Councils for consideration with responses to be considered at the June Meeting of the Great Eastern Country Zone.

CARRIED

Comment

The WALGA State Council is comprised of the following:-

- 12 representatives from the 12 Country Zones (111 LGA’s)
- 12 representatives from the 5 Metropolitan Zones (28 LGA’s)
- The President of WALGA
- Ex-Officio – Local Government Professionals representative
- WALGA Associate Member – The Rt Hon Lord Mayor of the City of Perth

How to reduce the composition of the WALGA State Council is difficult when looking at the number of local governments in WA. The GECZ itself is comprised of 16 local governments and if Zones were to be merged to reduce State Council membership, there would be difficulties in the conduct of meetings, particularly in-person and also having like-for-like issues discussed.

When WALGA was first formed, it was considered that County and City representation on State Council had to be of equal representation to avoid either group from having control of issues. Whilst the current composition of the WALGA State Council is unwieldy, how to reduce numbers and still maintain equal representation is difficult to consider.

Statutory Environment

Nil

Strategic Implications

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

Policy Implications

Nil

Financial Implications

Nil.

Recommendation

That Council advises the Executive Officer of the Great Eastern Country Zone of WALGA that whilst it considers that the composition of the WALGA State Council is unwieldy, Council does not have a view on reducing the representation as the primary objective of the WALGA State Council is being achieved, that being Country and City local governments having equal representation and the fact that this has worked since the existence of WALGA.

9.1 Officers Report – Acting Chief Executive Officer

9.1.3 Procurement and Tendering Processes

| | |
|-------------------------------|---|
| File Reference | 2.3.3.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | 1.Civic Legal Correspondence 2. Proposed Purchasing and Tendering Policy |

Purpose of Report

To provide Council with advice from a legal perspective with regards to its current Procurement and Tendering processes.

Background

At the Special Meeting of Council held on Wednesday, 4 April 2018, the then Acting CEO presented three (3) reports to Council on the following matters:-

- *Regional Price Preference Policy;*
- *Purchasing and Tendering Policy Review; and*
- *Panel Tender Pre-Qualified Suppliers.*

The purpose of presenting these reports was based upon the assumption by the A/CEO at the time that Council was non-compliant with respect to the Provision of Goods and Services as per the *Local Government Act (1995)* and the *Local Government (Functions and General) Regulations 1996* as reported in the 2017 Annual Compliance Audit Return.

The then A/CEO had also invited WALGA's Strategic Sourcing Manager within its Business Solutions Division to Southern Cross to provide Council with their opinions on Panel Tenders for Pre-Qualified Suppliers.

At the April 4 Special Meeting of Council, the following decisions were made in respect to the three (3) items presented:-

- *Regional Price Preference Policy*

Officer Recommendation

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 on the May 2018 Ordinary Council meeting agenda, for further consideration by Council.

Resolution

Moved Cr Della Bosca/Seconded Cr Nolan

That this item be deferred to the April, 2018, council meeting to provide Councillors additional time to consider the draft policy.

Carried (6/0)

- *Purchasing and Tendering Policy Review*

Officer Recommendation

That Purchasing and Tendering Policy 3.5 be deleted and the draft Purchasing Policy, identified as attachment No 3 be adopted.

Resolution

Moved Cr Della Bosca/Seconded Cr Nolan

That this item be deferred to the April, 2018, council meeting to provide Councillors additional time to consider the draft policy.

Carried (6/0)

- *Panel Tender Pre-Qualified Suppliers*

Officer Recommendation (1)

That a Panel of Pre-Qualified Suppliers, for the provision of earthmoving plant, equipment and contractor services, plumbing services, electrical services and automotive supplies, be established for a period of three (3) years.

Officer Recommendation (2)

That the Western Australian Local Government Association be engaged to undertake the tender process for the establishment of a Panel of Pre-Qualified Suppliers of goods and services, specifically earthmoving plant, equipment and contractors, plumbing services, electrical services and automotive supplies.

Officer Recommendation (3)

That unbudgeted expenditure of up to \$20,000 be authorised for the tender process for the establishment of a Panel of Pre-Qualified Suppliers of goods and services.

Resolution

Moved Cr Della Bosca/Seconded Cr Nolan

That this item be deferred to the April, 2018, council meeting to provide Councillors additional time to consider the draft policy.

Carried (6/0)

The above matters were then re-presented to the April 2018 Ordinary meeting of Council

- *Purchasing and Tendering Policy Review and Panel Tender Pre-Qualified Suppliers 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)

- ***Regional Price Preference Policy
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)

Comment

Staff have commenced the statutory advertising process as per Minute No.35/2018 with the advertising period closing on Friday, 29 June 2018. The matter will then be presented to Council at its July 2018 Ordinary meeting to consider any submissions received and for a final resolution for the adoption of the Regional Price Preference Policy.

In respect to the Purchasing and Tendering Policy Review and Panel Tender for Pre-Qualified Suppliers, the A/CEO in consultation with the Shire President, considered it was appropriate to obtain legal advice as to whether Council was non-compliant in the first instance in respect to its provision of Goods and Services and secondly, whether Council should implement the establishment of a Panel of Pre-Qualified Suppliers and engage the services of WALGA, at a cost of approximately \$20,000, to undertake the tender process on behalf of Council.

The following is an extract of the advice contained within the correspondence from Civic Legal:-

3. SUMMARY OF ADVICE

- 3.1 There is no provision in the LGA or the LGFGR which states that if the threshold limit with one supplier is reached within a specified period of time (eg 3 years) then a tender is to be publicly invited. The threshold limit of \$150,000 applies to each single contractual transaction and not the accumulated value of multiple contracts with the same supplier.
- 3.2 The Shire is permitted under the LGA and the LGFGR to enter into contracts for other persons to supply goods or services in respect of one-off projects without the requirement to put the work to tender provided that:
 - (a) the amount paid under each individual contract does not exceed the threshold limit of \$150,000 (regulation 11 LGFGR);

- (b) the Shire complies with its purchasing policy in relation to contracts where the consideration under the contract is, or is expected to be, less than \$150,000 (regulation 11A LGFGR); and
 - (c) the Council is satisfied that the primary objective for not dealing with the various projects in a single contract is **not** to avoid having to call a tender (regulation 12 LGFGR).
- 3.3 On the face of our instructions to date, there has been no apparent breach of the conditions contained at (a) and (b) above.
- 3.4 The *primary* objectives behind the Shire having multiple low-value contracts with its suppliers appear to be reasonable in the circumstances described in your instructions. Further, it does not appear to be the case that the primary objective for not dealing with the various projects in a single contract was to avoid having to call a tender. On that basis, there has been no apparent breach of the condition contained at (c) above.
- 3.5 The Shire may continue with its current purchasing and procurement practices. However, as a risk management strategy it should consider following our recommendations at paragraphs 4.23 and 4.24 of our below advice.
- 3.6 Further, such an approach is not entirely without risk as there is always a risk that the Shire will be suspected or accused of contravening the anti-avoidance provisions in regulation 12 of the LGFGR regardless of its apparent (or documented) motivations or objectives.
- 3.7 To eliminate that risk entirely, the Shire may wish to give further consideration to the recommendations previously given to the Shire by WALGA representatives with regard to the establishment of a panel of prequalified suppliers under Division 3 of the LGFGR.

As per the Summary of Advice above, 3.5 refers to recommendations 4.23 and 4.24 under Point 4 of Civic Legal's own advice, which is as follows:-

Councillors should note that the content of the above advice should be read in whole in the attached correspondence from Civic Legal

- 4.23 On that basis, the Shire may continue to enter into contracts for one-off projects without the requirement to put the work to tender provided that:
- (a) the amount paid under each individual contract does not exceed the threshold limit of \$150,000;
 - (b) the Shire complies with its purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, less than \$150,000 (regulation 11A LGFGR); and

- (c) the Council is satisfied that the *primary* objective for not dealing with the matters in a single contract is *not* to avoid having to call a tender.
- 4.24 In relation to paragraph (c), we recommend that Council Agenda Items, reports, and resolutions, and any Shire correspondence carefully detail the Shire's aims and objectives with respect to its decision to continue to award low value, repetitive contracts in accordance with its purchasing and procurement policies in order to prevent any inference that the Shire is primarily motivated by a desire to seek to avoid going to tender.
- 4.25 We note that our above conclusions and recommendations are based on a literal interpretation of the words used in the LGA and regulations 11 and 12 of the LGFGR.
- 4.26 If the Shire wishes to continue with its current purchasing and procurement practices, it would be a reasonable risk management strategy

Based on the advice received, Council is compliant with its procurement and tendering processes.

Council did acknowledge at the April 2018 Ordinary meeting that there was a case for the review of its current Purchasing and Tendering Policy and this is now presented to Council for consideration. In respect to the provision of Panels of Pre-Qualified Suppliers, the proposed Policy states that the Shire **will** consider the creation of a Panel of Pre-Qualified Suppliers, so there is no obligation to do so.

The main change to the Policy is the "Table of Purchasing Thresholds", which expands upon the requirement to obtain quotations relating to purchase value.

Statutory Environment

Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership Strategy – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community – Ensure compliance whilst embracing innovation and best practice principles.

Policy Implications

Purchasing and Tendering Policy Review

Financial Implications

Nil.

Recommendation

That Council;

- 1. Receives the advice from Civic Legal in relation to Tender Value Limits;**
- 2. Based upon the advice received, Council is satisfied of the procedures and processes undertaken by staff to date in respect to the provision of goods and services and, that Council's primary objective for not dealing with the matters in a single contract has not been to avoid the calling of tenders.**
- 3. That as a means to minimise the perceived risk of anti-avoidance provisions as per Regulation 12 of the *Local Government (Functions and General) Regulations 1996*, Council establishes Panels of Pre-Qualified Suppliers for Gravel Carting, Contract Grading and Earthmoving Works.**

In the case of all other Suppliers, Council continues with its current practices of procurement based on one-off contracts in accordance with purchasing thresholds contained within the Shire of Yilgarn's Purchasing and Tendering Policy.

- 4. That Council adopts the revised Purchasing and Tendering Policy as presented.**

9.1 Officers Report – Acting Chief Executive Officer

9.1.4 Local Government Development Assessment Panel (DAP)

| | |
|-------------------------------|-------------------------------|
| File Reference | 2.1.1.6 & 1.6.29.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | None |

Purpose of Report

To inform Council of the recent decision by the Minister for Planning on the composition of Development Assessment Panels.

Background

The Department of Planning, Lands and Heritage have advised that the Minister for Planning, the Hon. Rita Saffioti, had appointed DAP Local Government members for a 1 year term expiring on 26 July 2018 with an option to extend the term of office up to 3 years, in accordance with Regulation 29 of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

The Department now advises that the Minister has now appointed new and continuing DAP Local Government Memberships for a further 2 year appointment term until 26 January 2020. This appointment is intended to align with the local government election in October 2019, facilitating streamlined approach for the DAP nomination process following the LG elections.

The Department has advised that mandatory training sessions will be arranged for new members in due course, to which existing members are also encouraged to attend as a refresher training.

Comment

For Councillors information, the Shire of Yilgarn's DAP and Alternate DAP members are as follows:-

| | |
|----------------------|----------------------|
| Cr Dave Pasini | Member (1) |
| Cr Onida Truran | Member (2) |
| Cr Wayne Della Bosca | Alternate Member (1) |
| Cr Phil Nolan | Alternate Member (2) |

Statutory Environment

Planning and Development (Development Assessment Panel) Regulations 2011

Strategic Implications

N/A

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council receives the information from the Department of Planning, Lands and Heritage regarding the re-appointment of the Shire of Yilgarn DAP and Alternate DAP Members for an additional 2 year term until 26 January 2020.

9.1 Officers Report – Acting Chief Executive Officer

9.1.5 Regional Telecommunications Review 2018

| | |
|-------------------------------|---|
| File Reference | 1.6.19.2 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Regional Telecommunications Review 2018 - Issues Paper |

Purpose of Report

To inform Council that the Australian Government's Minister for Regional Communications, Senator Bridget McKenzie, has announced the 2018 Regional Telecommunications Review.

Background

The Minister has advised that a Regional Telecommunications Independent Review Committee is established every 3 years under Part 9B of the *Telecommunications (Consumer Protections and Services Standards) Act 1999* to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

The Committee in 2018 is comprised of Mr Sean Edwards (Chair, Ms Wendy Duncan, Ms Johanna Plante, Ms Robbie Sefton, Ms Kylie Stretton and Mr Paul Weller.

As part of the review, the Committee will consider:-

- How regional communities can maximize the economic benefits of digital technologies;
- How regional consumers use their broadband services and how they might derive further benefit from it; and
- The outcomes achieved the Mobile Black Spot Program, and examine the extent of the existing gaps in mobile coverage in regional Australia.

Comment

The Regional Telecommunications Independent Review Committee's Terms of reference are outlined in the attached Issues Paper.

The Committee welcomes submissions from individuals, businesses, peak bodies and other interested organisations. Submissions will close on **Sunday, 5 August 2018 at 5,00pm**. It is the intention of the Committee to conduct face to face meetings with meetings being scheduled in Bunbury, Albany and Kalgoorlie in the week commencing 16 July 2018.

Staff will be advertising the Review in an upcoming edition of the "Crosswords".

Council may wish to provide a submission to the Regional Telecommunications Independent Review Committee and if so, it would be appreciated if Councillors could provide issues of relevance that could be included in a submission

Statutory Environment

Telecommunications (Consumer Protections and Services Standards) Act 1999.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic – Improved Telecommunications Infrastructure – Continue to lobby for improved telecommunications infrastructure to eliminate blackspots in the Shire and embrace the opportunities afforded by NBN.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That should Council wish to provide a submission to the Regional Telecommunications Independent Review Committee on the 2018 Regional Telecommunications Review, Councillors provide staff with relevant matters for inclusion in the submission, noting that submissions close on 5 August 2018.

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 31st May 2018.

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

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

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

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

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40619 to 40639 totalling \$14,230.63, Municipal Fund-EFT Numbers 7517 to 7675 totalling \$617,630.93, Municipal Fund – Cheque Numbers 1414 to 1419 totalling \$168,748.15, Municipal Fund Direct Debit Numbers 12665.1 to 12697.12 totalling \$37,152.54, Trust Fund 402351 to 402355 totalling \$1,259.10 and Trust Fund – Cheque Numbers 6120 to 6125 (DPI Licensing), totalling \$44,219.80 are presented for endorsement as per the submitted list.

Comment

Cheque Numbers 40616 to 40618 were cancelled due to a printing error.

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

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

Financial Implications

Drawdown of Bank funds

Recommendation

Municipal Fund – Cheque Numbers 40619 to 40639 totalling \$14,230.63, Municipal Fund- EFT Numbers 7517 to 7675 totalling \$617,630.93, Municipal Fund – Cheque Numbers 1414 to 1419 totalling \$168,748.15, Municipal Fund Direct Debit Numbers 12665.1 to 12697.12 totalling \$37,152.54, Trust Fund 402351 to 402355 totalling \$1,259.10 and Trust Fund – Cheque Numbers 6120 to 6125 (DPI Licensing), totalling \$44,219.80 are presented for endorsement as per the submitted list.

9.4 Officers Report – Manager Regulatory Services

9.4.1 Development Application – 6 Orion Street, Southern Cross

| | |
|-------------------------------|--|
| File Reference | 3.1.7.5 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Attachment 1-Layout Plan Attachment 2-Unit Design Specifications Attachment 3-Heritage Council Response |

Purpose of Report

To determine a development application for additional accommodation units.

Background

PROPOSED DEVELOPMENT

The proprietor of the Palace Hotel, located at 6 Orion Street, Southern Cross (the property), has lodged a development application for two transportable accommodation units.

The two units will increase the room numbers by six, with a four bed unit (12m x 3.1m x 2.75m) and a 2 bed unit (6m x 3.1m x 2.75m).

Each unit will have a sloped verandah of 1.8m width to tie in with existing units onsite.

The units are proposed to be located to the rear of the existing hotel, a layout plan and design specifications are included as attachments.

ZONING

The property is zoned “Special Use – Hotel/Motel” under the Town Planning Scheme 2 (TPS2) as seen on the below “Zoning Plan”.

The classification of “Special Use” is as follows:

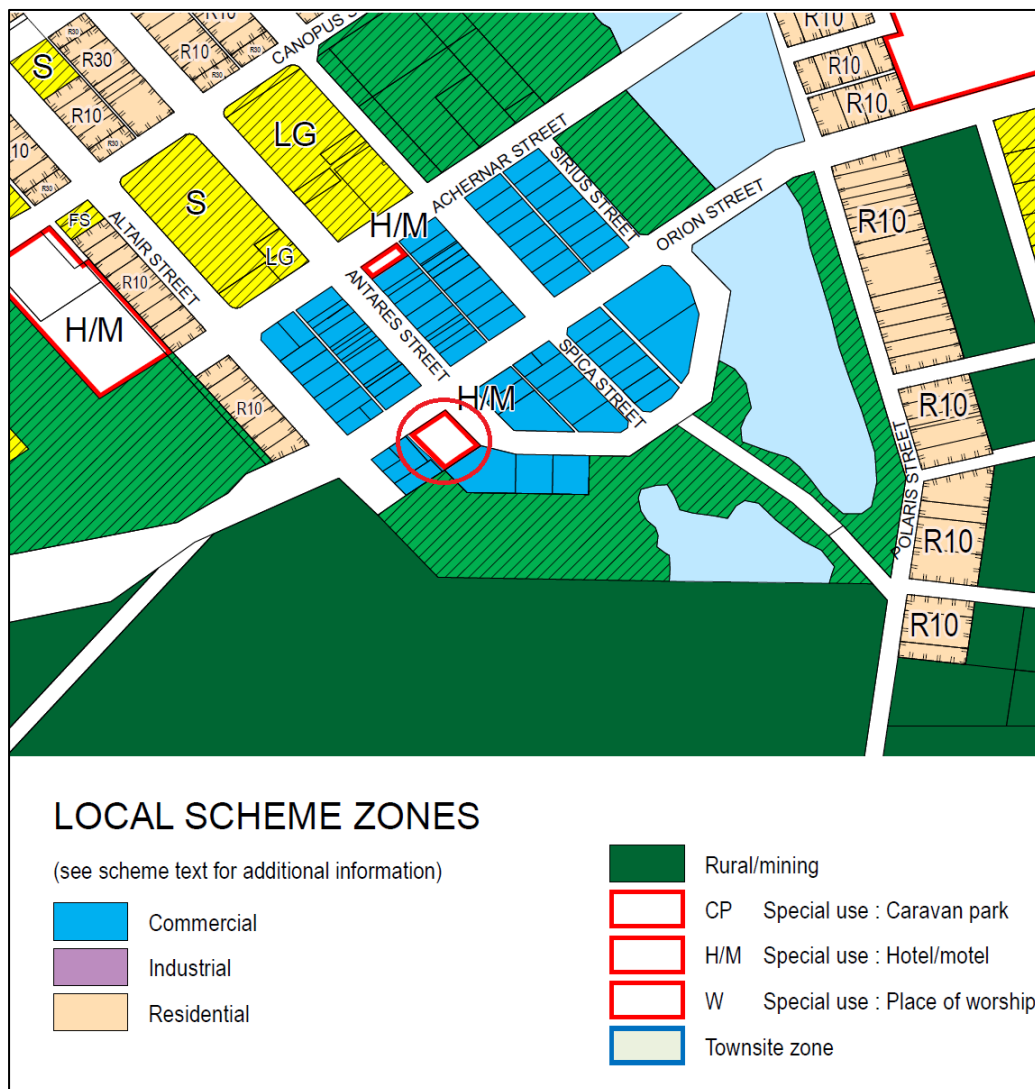
“The Special Use Zone is to be used in accordance with special development standards or conditions permitted by Council and noted in Appendix No 3 of this Town Planning Scheme.”

Appendix 3 of the TPS2, shown below, details the relevant development standards and conditions, of which none are listed for the Palace Hotel. As such Council has discretion to approve any development they deem is in keeping with the permitted “hotel” use.

“Hotel” is defined as: *“any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting*

Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act."

ZONING MAP



SPECIAL USE STANDARDS AND CONDITIONS

| APPENDIX 3 - SPECIAL USE ZONE | | | |
|--------------------------------------|-------------------------|-----------------------------------|--|
| NO | LAND PARTICULARS | PERMITTED USES | DEVELOPMENT STANDARDS/ CONDITIONS |
| 1. | Palace Hotel | Hotel | |
| 2. | Southern Cross Motel | Motel | |
| 3. | Club Hotel | Hotel | |
| 4. | Railway Tavern | Hotel | |
| 5. | Catholic Church | Public Worship Public Assembly | |
| 6. | Anglican Church | Public Worship Public Assembly | |
| 7. | Caravan Park | Caravan Park | |

SITE AND DEVELOPMENT REQUIREMENTS

The main use of the property is Hotel/Tavern and as such the development requirements for this classification have been used to assess the proposed development.

| Use | Minimum Boundary Setback | | | Maximum Plot Ratio | Minimum Landscape Area% | Minimum Number Parking Bays |
|--|---------------------------------|---------------------|--------------|---------------------------|--------------------------------|--|
| | Front | Rear Average | Sides | | | |
| Hotel/Tavern | * | * | * | * | 10% | 1 / Bedroom & 1 / 4m ² Bar and Lounge = 125 |
| Proposed | Not Affected | 1.38m | 0 | 44% | 8% | 44 |
| *Means "to be determined by the Council" in each particular case | | | | | | |

HERITAGE

The Palace Hotel is a State Heritage Registered place, deeming it to be of significant historical value and is listed as a Category A place in the TPS2. The TPS2 states:

"These places have a great deal of significance and the highest level of protection is appropriate, recommended for entry into the State Register of Heritage Places; provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be considered."

"The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application."

"Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List."

The State Planning Policy: Historic Heritage Conservation states:

The Model Scheme Text provisions require local governments in considering applications for planning approval to have regard, amongst other things, to—

- The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under clause 7.1 of the scheme, or which is designated as a heritage area under clause 7.2 of the scheme.*
- Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.*

In addition to these broad considerations, local governments should also have regard to the following specific matters.

Alterations, extensions, change of use or demolition affecting a heritage place (including a place within a heritage area)

- The level of heritage significance of the place, based on a relevant heritage assessment.*
- Measures proposed to conserve the heritage significance of the place and its setting.*
- The structural condition of the place, and whether the place is reasonably capable of conservation.*
- Whether the place is capable of adaptation to a new use which will enable its retention and conservation.*

There is no Heritage Order or Agreement placed on the property.

Comment

PROPOSED DEVELOPMENT

The property already contains three transportable accommodation units, amounting to 12 bedrooms, these additions will tie in with the existing colour scheme and design and bring the total number of transportable accommodation rooms to 18.

The property has one adjoining neighbour to the West, given the location of the proposed additions; there will be no effect to their land.

ZONING

The property is zoned "Special Use" with no specific development standards and conditions, therefore Council can approve any development in keeping with the "hotel" use.

SITE AND DEVELOPMENT REQUIREMENTS

SETBACKS

Council has discretion to approve any setback they deem suitable. All proposed setbacks for the new additions are greater or equal to the setbacks of existing structures on the site.

There are no adjoining neighbours on the boundaries closest to the proposed additions and as such there should be no effects upon neighbouring properties.

It is deemed the proposed setbacks detailed in the table above are adequate given the nature of the development and existing and surrounding properties.

PLOT RATIO

Council have discretion to approve any plot ratio they deem adequate. The proposed development will see an overall plot ratio of 44%, which will give adequate open space and is in keeping with other commercial properties in the area.

LANDSCAPING

Due to the additions the property will lose a small percentage of landscaping. The minimum requirement is 10%, though calculations show landscaping will be approximately 8%. However there is a margin for error in all calculations and a 2% difference is deemed to be negligible and will not detract from the amenity of the area.

PARKING BAYS

The Palace Hotel has historically had significantly fewer than the required parking bays. The development proposed would ordinarily require an increase of 6 bays, however the premise has been operating with 75 less bays than the scheme permits. The Shire has not recorded any complaints regarding parking issues at the premises indicating it has not been an issue to this point.

Based on the historical nature of parking bays at the Palace, the parking constraints based on six additional bedrooms should be negligible. In addition the applicant has advised that due to management intending to house mining workers at the premises, whom will be bused in and out, there will be no increase in vehicles parked onsite to what is currently.

However a condition of the development approval should pertain to the owners being required to reduce the number of rooms onsite should in the view of the Shire, parking becomes an issue or a change operation sees the rooms used for purposes other than workers accommodation and an increase in the number of vehicles parked onsite occurs.

HERITAGE

As mentioned, the Palace Hotel is a State Heritage Registered place, indicating both the Shire and the State Heritage Council have identified the premises as being of historical significance and should be conserved and protected.

The proposed additions do not affect the original hotel structure; they are free standing buildings, of which there are currently three similar structures already installed onsite.

It is in the opinion of the Manager Regulatory Services that the heritage significance of the Palace Hotel will not be reduced with these additions.

The proposal has been forwarded to the Heritage Development section of the Department of Planning Lands and Heritage. The Department has advised they support the proposed development, their response is attached.

Statutory Environment

Planning and Development Act 2005
Shire of Yilgarn Town Planning Scheme 2
State Planning Policy: Historic Heritage Conservation

Strategic Implications

Goal: A prosperous future for our community
Outcome: Businesses in the Shire remain competitive and viable
Strategy: - Continue to provide an efficient and effective approval process; &
- Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

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

Recommendation

THAT COUNCIL:

Approve the proposed development, as per supplied plans, of two accommodation units to be installed on 6 Orion Street, Southern Cross. The units being a four bed unit (12m x 3.1m x 2.75m) and a 2 bed unit (6m x 3.1m x 2.75m) respectively, each with a sloped verandah of 1.8m width to tie in with existing units onsite. With the following conditions:

CONDITIONS

- 1. Applicant will be required to submit a certified Building Permit Application and gain approval prior to commencing works.**
- 2. The accommodation units are to be colour and design matched with existing accommodation units onsite.**
- 3. The owners of 6 Orion Street, Southern Cross, must at any stage in the future either remove or cease occupancy of additional units, as directed by the Shire, in the event the Shire deems parking onsite is inadequate and is causing parking issues offsite.**

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.**

9.4 Officers Report – Manager Regulatory Services

9.4.2 Telstra Licence Renewal - Lot 55 Fitzgerald Street, Koolyanobbing

| | |
|-------------------------------|------------------------|
| File Reference | 10.2.2.4 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | None |

Purpose of Report

To endorse authorisations for executing a licence renewal for a Telstra Corporation telecommunications facility located at Lot 55 Fitzgerald Street, Koolyanobbing.

Background

Jones Lang LaSalle, acting on behalf of Telstra Corporation, has resent a licence renewal request for Lot 55 Fitzgerald Street, Koolyanobbing. The original request was sent in March 2014, however was not actioned. The document was resent on the 28th May 2018, requesting the Shire consider a renewal of the licence for Telstra Corporation to maintain their telecommunications facility on the said property.

The request for renewal contains a confidentiality clause requiring the details not to be disclosed to another party. As such the received document and specifics have been left out of the report. Should Councillors require a copy, they are to contact the Manager Regulatory Services.

Comment

The renewal request has advised the standard Telstra License is proposed to be used and if the renewal is agreed to, this will be drafted for this site and sent to the Shire for assessment and authorisation.

Council are requested to authorise the Shire President and Acting CEO, with assistance from the Manager Regulatory Services, to assess and execute the licence on behalf of the Shire of Yilgarn.

Should Councillors wish to see the renewal request and the draft licence prior to signing; this should be made known to the Manager Regulatory Services.

Statutory Environment

Local Government Act 1995

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Improved telecommunications infrastructure.

STRATEGY: Continue to lobby for improved telecommunications infrastructure to eliminate blackspots.

Policy Implications

Nil

Financial Implications

Confidential.

Recommendation

THAT COUNCIL:

Endorse the Shire of Yilgarn President and Acting Chief Executive Officer to assess and execute a licence renewal on behalf of the Shire of Yilgarn, for Telstra Corporation to maintain a telecommunications facility at Lot 55 Fitzgerald Street, Koolyanobbing.

9.4 Officers Report – Manager Regulatory Services

9.4.3 Council Operated Standpipes / Mt Hampton Dam And Dulyalbin Tank Facilities

| | |
|-------------------------------|--|
| File Reference | 2.4.2.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Draft Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities Policy |

Purpose of Report

To endorse the amended “Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities Policy” including approval of the proposed domestic water supply arrangements.

Background

The Shires current “Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities Policy” (the policy) requires updating to bring it in line with current operations and procedures.

The Shire of Yilgarn is installing a further seven (7) standpipe controllers on public access standpipes across the Shire. This will have an impact on how a user accesses water from the standpipes and requires a swipe card access in order to draw water. These additional standpipes need to be reflected in the Policy.

The Shires fees and charges state that water drawn from standpipes for domestic use is free of charge. With the introduction of standpipe controllers, a procedure is required to be implemented to ensure access to a reasonable amount of free domestic water is maintained in an effective and easy to use system for both users and the Shire.

A proposed draft policy has been provided for Councillors perusal and endorsement covering the above.

Comment

NEW ACCESS CONTROLLED STANDPIPES

The seven new access controlled standpipes required to be added to the policy are:

- Bullfinch
- Perilya
- Moorine Rock
- Noongar
- Bodallin
- Gatherer
- Marvel Loch

DOMESTIC WATER ACCESS

It is proposed to issue a secondary access card to users wishing to access domestic water from the standpipes, credited with sufficient funds to obtain 300 Kilolitres of water, based on the fees and charges at the time. This will be a separate card to the direct debited or prepaid commercial use cards. The following conditions will apply:

- One domestic card issued, upon application, per inhabited dwelling located on a rural farming lot;
- No application fee will apply to domestic cards, however replacement cards will incur the relevant fee as per the fees and charges;
- The amount of credit applied to the card will be worked out by 400 Kilolitres multiplied by the rate applied to commercial water (currently \$3.00/Kilolitre);
- Upon 1st July each year, each domestic card will be credited with the funds required to withdraw 400 Kilolitres during the financial year, based on the standpipe water charge set for that year; and
- Funds remaining on the card at 30th June will not be rolled over into the next financial year.

The 400 Kilolitre figure was determined based on the average Shire residential “house” usage with more than three permanent members of the house.

Based on the current fees and charges, a domestic water card issued for 2018/2019 will be credited with \$1200.00.

The two card system means customers can easily separate their domestic and commercial water use, and track their usage online via the iStandpipe website. The set domestic water price also avoids persons taking advantage of the free domestic water system offered by the Shire.

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 access to Shire standpipes.

Policy Implications

Amendments to the “Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities Policy”

Financial Implications

\$1200/domestic card issued in for 2018/2019

Recommendation

THAT COUNCIL:

Endorse the amended "Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities Policy" for inclusion in the Shire of Yilgarn Policy Manual.

9.4 Officers Report – Manager Regulatory Services

9.4.4 Request for Comment on Waste Levy Discussion Paper

| | |
|-------------------------------|--|
| File Reference | 1.6.21.7 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Discussion Paper – Review of the WALGA Waste Levy Policy Statement 2009 |

Purpose of Report

To endorse a response to the Western Australian Local Government Association (WALGA) regarding the Waste Levy Discussion Paper.

Background

WALGA has reviewed their Waste Levy Policy Strategy 2009, in light of changes in the sector over the past decade.

WALGA have produced a discussion paper outlining their review and have disseminated to Local Governments throughout Western Australia seeking comments regarding the review.

The Discussion Paper – Review of the WALGA Waste Levy Policy Statement 2009 is attached for Councillors perusal.

Comment

The Manager Regulatory Services has reviewed the discussion paper and provides the following response to WALGA for endorsement by Council:

The Shire of Yilgarn (the Shire), having reviewed the discussion paper titled "Review of the WALGA Waste Levy Policy Statement 2009", supports the amended WALGA Waste Levy Policy Statement and provides the following for consideration:

- *In response to question 1; the Shire would not support a shift in focus to just the 25% of levy funds allocated to the WARR account and believes the policy should continue to oppose levy funds being allocated to non-waste management related activities.*
- *In response to question 2; the Shire is strongly against the introduction of the waste levy outside of the metropolitan area should that result in the Shire falling under it's jurisdiction.*

The Shire has no operators accessing our licenced facility with waste generated in the metropolitan area, nor are there operators accessing our facility that are producing waste at such a scale that would warrant the introduction of the levy.

It is thought the introduction of the levy in the Shire would be an additional burden on small local businesses and/or all ratepayers should the Shire absorb the costs, with this burden outweighing any possible waste avoidance incentives. Due to the Shire's remoteness, diversion opportunities are limited.

It is also thought an increase to waste costs would see a significant increase in illegal dumping due to large expanses of unmonitored and easily accessible land in rural areas.

Statutory Environment

Waste Avoidance and Resource Recovery Levy Act 2007.

Strategic Implications

GOAL: Protecting, utilising and enhancing our beautiful natural heritage.

OUTCOME: Satisfaction with waste management services and recycling process.

STRATEGY: Establish and maintain environmentally sound waste facilities to cater for the Shires long term waste disposal requirements.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

THAT COUNCIL:

Endorse the following response to the Western Australian Local Government Association in relation to the "Discussion Paper: Review of the WALGA Waste Levy Policy Statement 2009:

The Shire of Yilgarn (the Shire), having reviewed the discussion paper titled "Review of the WALGA Waste Levy Policy Statement 2009", supports the amended WALGA Waste Levy Policy Statement and provides the following for consideration:

- **In response to question 1; the Shire would not support a shift in focus to just the 25% of levy funds allocated to the WARR account and believes the policy should continue to oppose levy funds being allocated to non-waste management related activities.**

- **In response to question 2; the Shire is strongly against the introduction of the waste levy outside of the metropolitan area should that result in the Shire falling under it's jurisdiction.**

The Shire has no operators accessing our licenced facility with waste generated in the metropolitan area, nor are there operators accessing our facility that are producing waste at such a scale that would warrant the introduction of the levy.

It is thought the introduction of the levy in the Shire would be an additional burden on small local businesses and/or all ratepayers should the Shire absorb the costs, with this burden outweighing any possible waste avoidance incentives. Due to the Shire's remoteness, diversion opportunities are limited.

It is also thought an increase to waste costs would see a significant increase in illegal dumping due to large expanses of unmonitored and easily accessible land in rural areas.

10 APPLICATION FOR LEAVE OF ABSENCE

11 INFORMATION BOOK ITEMS

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

15 CLOSURE