



Minutes

Ordinary Meeting of Council

19th July

2018

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Shire President advised that Council's Auditor's had undertaken the 2017/2018 Interim Audit between Wednesday 4 and Friday, 6 July and that she had met with the Auditor's prior to their departure on Friday, 6 July.

The Shire President advised that the Auditors were pleased with the level of compliance achieved by staff and that there were no major issues raised. The Auditor's had raised the non-compliance that was noted within the annual Compliance Audit Return however they were satisfied with the response provided.

3. ATTENDANCE

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

Apologies: Nil

Observers: Mrs K Crafter

Leave of Absence: Nil

4. DECLARATION OF INTEREST

Cr Guerini declared an Impartiality Interest in Item 9.1.3 of the Agenda and provided the necessary written declaration to the A/CEO.

5a. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The Shire President advised that at the Public Question time period of the Ordinary Meeting of Council held on Thursday, 21 June 2018, Mrs Kaye Crafter posed a number of questions relating to the Southern Cross landfill facility. The Shire President took the questions "On Notice" and advised Mrs Crafter that a written response would be provided. The following responses were provided in writing and are detailed below:-

Q1. Is the fence at the North end of the new landfill site finished yet?

Response

A compliant fence has been installed around the entire perimeter of the facility. This has been inspected and passed by Department of Environment and Water Regulation (DWER) officers. However the additional 2.4 metre fence that Shire staff elected to install as an additional measure to reduce windblown waste has not yet extended to the North boundary of the facility.

Q2. Has the rubbish that has blown out of the landfill site been picked up?

Response

Yes, windblown rubbish is collected multiple times a week by the attendant. The Shire's licence, administered by DWER requires windblown rubbish collections on at least a monthly basis; the Shire far exceeds this requirement.

Q3. Why was the new landfill site opened before the fence was finished?

Response

The landfill facility, which has been operating as a closed facility for over three years, was opened to the public due to it being compliant with DWER licence conditions regarding fencing. As mentioned, the 2.4 metre fence is additional to licence requirements.

The 2.4 metre additional fence is planned to be extended, however due to the costs involved with installing a fence of this nature around the entire facility in addition to the other required amenities at the site, it was not feasible to undertake this project in one stage.

Relevant Shire staff consider, with the existing compliant fence; additional 2.4 metre fence in close proximity to active public trenches; supervised public tipping and regular rubbish pick-ups, the site will have no long term wind-blown waste issues.

5b. PUBLIC QUESTION TIME

Mrs Kaye Crafter posed the following questions to Council:-

Q1. Has the Shire received any feedback from Minjar Mining in regards to the meeting that Shire and community representatives attended at Minjar's offices to discuss de-watering of the Aquaris mine to the Frasers Open Cut, particularly in relation to Minjar's agreement to conduct a public meeting to further discuss the matter.

A1. *The Shire President advised that Council has not received any notification regarding the above matter.*

Cr Nolan, as an attendee at the above meeting, indicated that there were no intentions by Minjar to conduct a public meeting however, Minjar had agreed to further meet with the same group on neutral ground and that other interested parties were welcome to attend.

Q2. Has the Shire been contacted by Mineral Resources following their acquisition of the Koolyanobbing Operations.

A2. *The Shire President advised that there has been no contact between the Shire and Mineral Resources to date. The Shire President advised that in fairness to Mineral Resources, having only taken over the Operations recently, and who have been very open in their past dealings with Council, it is anticipated that there will be an approach by the company in the near future.*

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 21st June 2018

83/2018

Moved Cr Della Bosca /Seconded Cr Shaw

That the minutes from the Ordinary Council Meeting held on the 21st June 2018 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Annual Electors Meeting, Thursday 21st June 2018

84/2018

Moved Cr Nolan /Seconded Cr Della Bosca

That the minutes from the Annual Electors Meeting held on the 21st June 2018 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.3 Special Meeting of Council, Friday 6th July 2018

85/2018

Moved Cr Pasini /Seconded Cr Guerini

That the minutes from the Special Meeting of Council held on the 6th July 2018 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.4 Central East Aged Care Alliance Inc., Wednesday 6th June 2018

Wheatbelt East Regional Organisation's of Councils, Wednesday 27th June 2018

Wheatbelt Communities Inc., Wednesday 27th June 2018

86/2018

Moved Cr Della Bosca / Seconded Cr Pasini

That the minutes from the CEACA meeting held on Wednesday 6th June 2018, WE-ROC meeting held on Wednesday 27th June 2018 and the minutes from the Wheatbelt Communities Inc held on the 27th June 2018 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

The Shire President advised that Messrs Craig Manton, Regional Manager, Sam Foster, Project Manager-Development, Sanjeev Gupta, Development Manager and Russell Baulch, Land Manager from Main Roads WA Wheatbelt Region had requested the opportunity of presenting to Council on the upgrades proposed for the Great Eastern Highway in the 2018/2019 & 2019/2020 financial years and future planned road improvement works.

The Shire President welcomed the above gentlemen to Southern Cross indicating that Council was looking forward to being advised of the impending works as Great Eastern Highway between Walgoolan and Southern Cross was badly in need of upgrading works.

Mr Foster presented plans detailing the above works noting that future works beyond 2019/2020 was dependent upon Australian Federal Government funding.

Mr Foster indicated that works in the 2018/2019 financial year would consist of 3km of 150mm overlay and widening and town site improvements at Carrabin at a total cost of \$4.1M and that in the 2019/2020 financial year, works would consist of a westbound overtaking lane being constructed between Bodallin and Noongaar and cross section improvements east of Noongaar to the west of Moorine Rock at a total cost of \$13.1M.

Following the above presentation Councillors were afforded the opportunity of raising issues with the MRWA representatives on road matters pertaining to the region. Mr Manton indicated that he would provide additional information to the A/CEO on questions raised, particularly relating to the Marvel Loch Road maintenance.

At the conclusion of the presentation the Shire President thanked Messrs Manton, Foster, Gupta and Baulch for their presentation and they retired from the meeting.

8. DELEGATES' REPORTS

The Shire President advised that she had attended the following meetings:-

- On the 27th June 2018 together with the A/CEO, attended Wheatbelt Communities and WEROC meetings in Merredin
- On the 28th June 2018 together with the Deputy Shire President and A/CEO, attended the GECZ of WALGA meeting in Kellerberrin.
- On 6th July 2018 attended the Special Budget Meeting and also met with Council's Auditors during the conduct of the 2017/2018 Interim Audit.
- On 7th July 2018 together with Council's Manager Community Services, attended a Mens Health Forum in Merredin.

Cr Gary Guerini announced the following

- Attended the Special Budget meeting of Council on 6th July.

Cr Pasini announced the following

- Attended the Special Budget meeting of Council on 6th July.

Cr Nolan announced the following

- Attended the Special Budget meeting of Council on 6th July.
- On 26th June attended as Council's representative, the Wheatbelt Ag Care meeting in Nungarin.

Cr Della Bosca announced the following

- On the 28th June 2018 together with the Shire President and A/CEO, attended the GECZ of WALGA meeting in Kellerberrin.
- Attended the Special Budget meeting of Council on 6th July.

Cr Close announced the following

- Attended the Special Budget meeting of Council on 6th July.

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 | Absolute Majority |
| Attachments | Shire of Yilgarn Strategic Community Plan 2016-2026 |

Purpose of Report

To present to Council a Draft of the Shire of Yilgarn 2016-2026 Strategic Community Plan following a 2 yearly interim review.

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

At Council's June 2018 Ordinary meeting it resolved the following:-

71/2018

Moved Cr Guerini/Seconded Cr Close

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.

CARRIED (6/0)

An advertisement appeared in the 28 June 2018 edition of the "Crosswords" Newsletter inviting submissions and/or comments from residents regarding input into the review and requesting same by Friday, 13 July 2018.

At the time of preparing this Report, which was prior to the close of the 13 July advertising period, no comments had been received.

Staff have updated the Community and Financial Profile's contained within the Plan as previous information related to 2013 and 2015 respectively. In respect to the Goals, Outcomes and Strategies in the Plan, they were considered to be still relevant.

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.

Officer Recommendation and Council Decision

87/2018

Moved Cr Guerini / Seconded Cr Shaw

That Council notes that no comments and/or submissions were received in respect to the 2 yearly interim review of the 2016/2026 Shire of Yilgarn Community Strategic Plan and that other than updates to the Community and Financial Profiles contained within the existing Plan, the revised Plan with the same Goals, Outcomes and Strategies be formally adopted.

CARRIED BY ABSOLUTE MAJORITY (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 | Absolute Majority |
| Attachments | Regional Price Preference Policy |

Purpose of Report

To consider the adoption of a Regional Price Preference Policy for the Shire of Yilgarn.

Background

At the Special Meeting of Council held on Wednesday, 4 April 2018, the then Acting CEO presented a report to Council on the proposal to adopt a *Regional Price Preference Policy*.

Council at the above Special Meeting resolved to defer adoption of the Policy until further information could be obtained in respect to all issues relating to the Price Preference Policy and Panel of Pre-Qualified Suppliers. At the 19 April 2018 Ordinary meeting of Council, following appropriate investigation and advice to Council, the following was resolved in respect to the proposed *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 commenced the statutory advertising process as per Minute No.35/2018 with advertisements appearing in the "West Australian" newspaper (30/5/2018) and local "Crosswords" newsletter (14/6/2018 edition) with submissions closing on Friday, 29 June 2018.

At the expiration of the above advertising period no comments and/or submissions were received.

In consideration that no submissions were received it is recommended that Council adopt the Regional Price Preference Policy.

Statutory Environment

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

24C. Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

[Regulation 24C inserted in Gazette 25 Feb 2000 p. 971.]

24D. Discounts permitted for regional price preferences

- (1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —
 - (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
 - (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or
 - (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.
- (2) Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —
 - (a) wholly supplied from regional sources; or
 - (b) partly supplied from regional sources, and partly supplied from non-regional sources,only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.
- (3) Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).

[Regulation 24D inserted in Gazette 25 Feb 2000 p. 972.]

24E. Regional price preference policies for local governments

- (1) Where a local government intends to give a regional price preference in relation to a process, the local government is to —
 - (a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and

- (b) give Statewide public notice of the intention to have a regional price preference policy and include in that notice —
 - (i) the region to which the policy is to relate; and
 - (ii) details of where a complete copy of the proposed policy may be obtained; and
 - (iii) a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;and
 - (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.
- (2) A regional price preference policy may be expressed to be —
- (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
 - (b) for different goods or services within a single contract or various contracts;
 - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),
- or for any combination of those factors.
- (3) A region specified under this Part —
- (a) must be (or include) the entire district of the local government; and
 - (b) cannot include a part of the metropolitan area.
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.

[Regulation 24E inserted in Gazette 25 Feb 2000 p. 972-3; amended in Gazette 31 Mar 2005 p. 1055.]

24F. Adoption and notice of regional price preference policy

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.
- (2) An adopted policy must state —
 - (a) the region or regions within which each aspect of it is to be applied; and
 - (b) the types and nature of businesses that may be considered for each type of preference; and
 - (c) whether the policy applies to —
 - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;

- (ii) different goods or services within a single contract or various contracts;
 - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,
- or to any combination of those factors.
- (3) **An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.**
- (4) The local government is to ensure that a copy of an adopted regional price preference policy is —
- (a) included with any specifications for tenders to which the policy applies; and
 - (b) made available in accordance with regulation 29 of the *Local Government (Administration) Regulations 1996*.

[Regulation 24F inserted in Gazette 25 Feb 2000 p. 973-4; amended in Gazette 31 Mar 2005 p. 1055.]

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

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

Regional Price Preference Policy

Financial Implications

Nil

Officer Recommendation and Council Decision

88/2018

Moved Cr Della Bosca / Seconded Cr Nolan

That Council acknowledges that it has met its statutory obligations in respect to advertising requirements for the proposal to adopt a Regional Price Preference Policy and in consideration that no submissions were received during the advertising period, Council formally adopts the Policy and re-advertises same in accordance with Section 24F (3) of the Local Government (Functions and General) Regulations 1996.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Cr Guerini declared an Impartiality Interest in the following Item indicating that his nature of Interest related to the applicant being his sister-in-law.

The Shire President advised that in the case of an Impartiality Interest declaration, the Councillor was entitled to remain in the Chamber and vote on the matter.

9.1 Officers Report – Acting Chief Executive Officer

9.1.3 Horse Stable Infrastructure - Lot 606 of Reserve 7478 (Former Greater Sports Ground)

| | |
|-------------------------------|--|
| File Reference | 1.3.8.9 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Plan of Reserve 7478 (Former Greater Sports Ground) |

Purpose of Report

For Council to consider an application from Mrs Rebecca Guerini to utilise the Horse Stable Infrastructure on part Lot 606 of Reserve 7478.

Background

Mr Lyn Emmett contacted the A/CEO to discuss the future of the old Yilgarn Pony Club Horse Stables at the former Greater Sports Ground (Lot 606 of Reserve 7478) and the potential utilisation of the facilities by Mrs Rebecca Guerini to stable horses and other animals.

The A/CEO and Manager Regulatory Services together with Mr Emmett inspected the horse stables and whilst they were in disrepair, not having been used for a number of years, they were still considered to be of sound structure and could be utilised for the above purposes if appropriate refurbishment works were undertaken.

Prior to 2002 the whole of Reserve 7478 was classified as “A” Class status however on 27 March 2002 the then Department of Land Administration declassified the Reserve of its “A” Class status and a new Management Order was issued to the Shire of Yilgarn for the “Care, Control and Management of Reserve 7478 for the purpose of “Recreation”.

Comment

Mrs Guerini has written to Council to advise that she would like to lease a portion of Lot 606 on which the Horse Stables are located for the purposes of housing horses and other animals. Mrs Guerini has also indicated the following if she was successful in her application:-

- 10 to 20 year lease with the first option of an additional 10 years;
- Water meter to be in Mrs Guerini’s name;
- Shire to remove existing rubbish and dirt piles in and around existing stables;

- Shire to assist in delineating the boundary of the stable area;
- Mrs Guerini will construct a boundary fence at her expense;
- Mrs Guerini has agreed to maintain the grounds/infrastructure and make improvements; and
- Mrs Guerini will ensure that the site is locked at all times.

Mrs Guerini has advised that whilst the purpose of seeking the lease of the horse stable area would primarily assist her in housing her animals, there is a clear need within the Southern Cross town site for a purpose built facility to assist equine travelers as a stopover point to rest their animals. Mrs Guerini advises that there have been a number of examples where travelers have sought suitable facilities for the above purpose but have been turned away because Southern Cross cannot accommodate same.

Mrs Guerini advises that the purpose of the facility will be to house animals and camping by horse owners will be discouraged. Mrs Guerini advises that it is not her intention to seek remuneration from travelers to house their animals and therefore would seek the lease based on a peppercorn rental due to the amount of work required to bring the stables up to an acceptable standard.

It is the opinion of staff that it would be beneficial to see the existing facility utilised and upgraded rather than it being left to deteriorate.

Statutory Environment

Land Administration Act 1997

Division 3 — General

18. Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
 - (a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or
 - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.
- (5) The Minister may, before giving approval under this section, in writing require —

- (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
 - (a) with the prior approval in writing of the Minister; or
 - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
 - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or
 - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
 - (i) this Act; or
 - (ii) a prescribed Act;or
 - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
 - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

[Section 18 amended by No. 59 of 2000 s. 8(1)-(5) ⁵.]

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

89/2018

Carried Cr Close / Seconded Cr Pasini

That Council supports Mrs Rebecca Guerini's proposal to lease part of Lot 606 on Reserve 7478 on a "peppercorn" rental for the purposes of housing horses and other animals in the former Yilgarn Pony Club stables on the proviso that Mrs Guerini undertakes improvements to the property and that Council seeks Ministerial approval for the use of the land in accordance with Section 18(7) of the Land Administration Act 1997.

CARRIED (5/2)

Crs Truran and Della Bosca Voted Against the Motion

9.1 Officers Report – Acting Chief Executive Officer

9.1.4 Lot 5 Antares Street, Southern Cross – Benedetto Nominees Pty Ltd

| | |
|-------------------------------|------------------------|
| File Reference | 10.4.1.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To inform Council of the proposal by the owners of Lot 5 Antares Street, Southern Cross, to grant the land to the Shire of Yilgarn.

Background

Mr Peter Panizza of Trevino Farm has written to Council to advise that as the owner of the above Lot he does not require this land and therefore wishes to offer the said block to the Shire of Yilgarn for the cost of Settlement fees only.

Mr Panizza has advised that this is a genuine offer and awaits Council's response in relation to same.

Comment

Lot 5 Antares Street has been vacant for many years and some 20 years ago the Shire approached the Panizza family to utilise a small section at the Antares Street frontage of the property to establish a garden and rest area to hide the vacant Lot. Local school children also painted a mural on the fence to lighten the visual aspect of the area. The work undertaken by the Shire was on the proviso that should the property be sold or developed at some time in the future, Council would remove the improvements.

The offer by Mr Panizza is a generous one and the only financial obligation upon Council to acquire the land is the payment of Settlement fees associated with the transfer of land.

It is recommended by staff that Council accepts the above offer.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Payment of Settlement fees associated with the transfer of the Title of Lot 5 Antares Street.

Officer Recommendation and Council Decision

90/2018

Moved Cr Della Bosca / Seconded Cr Guerini

That Council accepts the offer by Mr Peter Panizza for Lot 5 Antares Street, Southern Cross to be transferred to the Shire of Yilgarn with the only costs associated with the transfer being the appropriate Settlement fees set by the appointed Settlement Agent. In accepting the above offer, Council advises Mr Panizza accordingly and expresses its thanks for this kind offer.

CARRIED (7/0)

9.1 Officers Report – Acting Chief Executive Officer

9.1.5 Shire of Yilgarn Draft Integrated Workforce Plan 2018-2028

| | |
|-------------------------------|--|
| File Reference | 1.1.12.4 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Draft Integrated Workforce Plan 2018-2028 |

Purpose of Report

To present to Council a Draft Integrated Workforce Plan for 2018-2028 in accordance with Section 19DA of the *Local Government (Administration) Regulations 1996*.

Background

The previous Shire of Yilgarn Integrated Workforce Plan for 2013-2017 was adopted in 2013 and is now due for review. The previous Plan was developed for a 4 year period.

The purpose of the Integrated Workforce Plan is to maximize the capacity of the Shire of Yilgarn's workforce and to have the ability to identify trends within the workforce and respond to challenges especially relating to the ageing workforce, staff retention, satisfaction and attraction, technology changes and increased competition entering into the market.

For Council to keep abreast of the above challenges, it is important that Council plans in advance for these scenarios.

Comment

Staff have now developed a new Integrated Workforce Plan and have extended its timeframe to 10 years (2018-2028). Whilst 4 yearly reviews will be undertaken to ensure that the Plan is relevant, the 10 year period is in keeping with other Plans associated the Integrated Planning Framework.

Statutory Environment

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) **develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.**
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business 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.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

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

Nil

Financial Implications

Nil

Officer Recommendation

91/2018

Carried Cr Pasini / Seconded Cr Della Bosca

That Council adopts the 2018-2028 Integrated Workforce Plan as presented acknowledging that regular reviews will be undertaken in accordance with the Local Government (Administration) Regulations 1996 to ensure that the Plan remains relevant.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Acting Chief Executive Officer

9.1.6 Shire of Yilgarn Asset Management Plan 2018-2028

| | |
|-------------------------------|--|
| File Reference | 1.1.12.4 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Draft Asset Management Plan 2018-2028 |

Purpose of Report

To present to Council a Draft Asset Management Plan for 2018-2028 in accordance with Section 19DA of the *Local Government (Administration) Regulations 1996*.

Background

Following the initial engagement of Core Business Australia to assist Council in the preparation of its Asset Management Plan and the subsequent withdrawal of their services due to not progressing the development of the Plan within set timeframes, Council then engaged Talis Consultants in Perth to complete the process and prepare Draft documents for Council consideration.

Talis Consultants visited Southern Cross in late May to undertake an assessment of Council's assets and met with Council's senior Management Team to ensure that all of Council's assets were incorporated into the Plan.

A Draft 2018-2028 Asset Management Plan is now presented to Council for consideration.

Comment

The presented Plan meets Council's obligations in respect to the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* relating to the Integrated Planning framework.

Statutory Environment

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) **develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.**
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business 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.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

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

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

The A/CEO advised that whilst the Consultants had provided a Draft of the Asset Management Plan, staff had considered that it required modifications before adoption by Council and therefore it would be re-presented to Council at the August 2018 Ordinary meeting.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 30th June 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

Officer Recommendation and Council Decision

92/2018

Moved Cr Close / Seconded Cr Pasini

That Council endorse the various Financial Reports as presented for the period ending 30th June 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 40640 to 40653 totalling \$16,805.32, Municipal Fund-EFT Numbers 7676 to 7767 totalling \$404,655.67, Municipal Fund – Cheque Numbers 1420 to 1425 totalling \$165,081.81, Municipal Fund Direct Debit Numbers 12749.1 to 12781.12 totalling \$36,418.92, Trust Fund 402356 to 402360 totalling \$1,452.14 and Trust Fund – Cheque Numbers 6126 to 6128 (DPI Licensing), totalling \$53,454.55 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

Officer Recommendation and Council Decision

93/2018

Moved Cr Shaw / Seconded Cr Nolan

Municipal Fund – Cheque Numbers 40640 to 40653 totalling \$16,805.32, Municipal Fund- EFT Numbers 7676 to 7767 totalling \$404,655.67, Municipal Fund – Cheque Numbers 1420 to 1425 totalling \$165,081.81, Municipal Fund Direct Debit Numbers 12749.1 to 12781.12 totalling \$36,418.92, Trust Fund 402356 to 402360 totalling \$1,452.14 and Trust Fund – Cheque Numbers 6126 to 6128 (DPI Licensing), totalling \$53,454.55 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 2018/2019 Budget Adoption

| | |
|-------------------------------|--|
| File Reference | 8.2.5.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple & Absolute Majority |
| Attachments | Attachment 9.2.3– 2018/2019 Annual Budget |

Purpose of Report

To consider and adopt the Municipal Fund Budget for the 2018 / 2019 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background

The 2018 / 2019 operating budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2018 / 2019 budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on the 6th of July 2018.

The rating structure proposed for the 2018 / 2019 financial year is based on a 1.5% increase in the Rate in the Dollar from those imposed in the previous year.

The proposed differential rates for 2018 / 2019 are unchanged from those advertised. The advertising period closed on the 24th of May and resulted in two (2) submissions being received. These submissions were considered by Council at a Special Meeting held on the 29th May where Council resolved to leave the proposed differential rate in the dollar's unchanged to those advertised. The Minister for Local Government approved of Differential Rating submitted via correspondence dated 25th June 2018.

Comment

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the budget include:

- The Schedule of Fees & Charges included as part of the Budget documentation were adopted at the May 2017 meeting of Council.

- General Rates will remain predominantly unchanged as indicated

| Land Category | Rate in the Dollar | | % Increase/ (Decrease) |
|--------------------------------|--------------------|----------|---------------------------|
| | 2018/19 | 2017/18 | |
| <u>General Rate</u> | | | |
| GRV - Residential / Industrial | 0.111773 | 0.110212 | 1.50% |
| GRV- Commercial | 0.078681 | 0.077518 | 1.50% |
| GRV- Minesites | 0.157362 | 0.155036 | 1.50% |
| GRV - Single Persons Quarters | 0.157362 | 0.155036 | 1.50% |
| UV - Rural | 0.017487 | 0.017229 | 1.50% |
| UV - Mining Tenements | 0.173058 | 0.170500 | 1.50% |
| <u>Minimum General Rate</u> | | | |
| GRV - Residential / Industrial | \$500 | \$500 | 0.00% |
| GRV- Commercial | \$400 | \$400 | 0.00% |
| GRV- Minesites | \$400 | \$400 | 0.00% |
| GRV - Single Persons Quarters | \$400 | \$400 | 0.00% |
| UV - Rural | \$400 | \$400 | 0.00% |
| UV - Mining Tenements | \$400 | \$400 | 0.00% |

- There was a general revaluation carried out to both UV and GRV rated assessments effective 1st July 2018. This revaluation resulted in the following:

| 2017/2018 | | | 2018/2019 | | | Change \$ | Change % |
|-----------------------|----------------------|--------------------|-----------------------|----------------------|--------------------|--------------|-------------|
| Rateable Valuation | Minimum Valuation | Total Valuation | Rateable Valuation | Minimum Valuation | Total Valuation | | |
| - | - | 263,559 | - | - | 267,320 | 3,761 | 1.43% |
| 120,160 | 3,340 | 123,500 | 529,565 | 2,408 | 531,973 | 408,473 | 330.75% |
| 1,698,512 | 400 | 1,698,912 | 1,963,619 | 400 | 1,964,019 | 265,107 | 15.60% |
| 2,985,414 | 183,186 | 3,168,600 | 3,315,342 | 171,997 | 3,487,339 | 318,739 | 10.06% |
| 995,384 | 19,934 | 1,015,318 | 812,765 | 20,061 | 832,826 | (182,492) | (17.97%) |
| 96,212,231 | 331,145 | 96,543,376 | 96,415,231 | 331,445 | 96,746,676 | 203,300 | 0.21% |
| 7,331,684 | 288,518 | 7,620,202 | 7,600,381 | 266,009 | 7,866,390 | 246,188 | 3.23% |

- Sewerage and household rubbish collection charges will remain unchanged from those imposed in 2017/2018.

- Capital works expenditure totalling \$4.855M, being made up of:

| | |
|------------------------|-------------|
| Land & Buildings | \$857,968 |
| Furniture & Equipment | \$58,500 |
| Plant & Equipment | \$1,215,000 |
| Infrastructure - Roads | \$2,446,404 |
| - Footpaths | \$26,987 |
| - Drainage | \$14,172 |
| - Parks & Ovals | \$,46,499 |
| - Sewerage | \$59,921 |
| - Refuse Sites | \$31,200 |
| - Other | \$98,687 |

- Principal Grants include;

| | |
|----------------------------|-----------------|
| Roads to Recovery | \$541,618 |
| Regional Road Group | \$730,030 |
| Main Roads WA Direct Grant | \$196,931 (Est) |
| Federal Assistance Grant | \$1,163,412 |

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2018 / 2019 budget as presented is considered to meet statutory requirements.

Strategic Implications

The draft 2018 / 2019 budget has been developed based on the existing Plan for the Future and strategic planning documents adopted by council.

Policy Implications

The budget is based on the principles contained in the Plan for the Future and the Corporate Business Plan.

Financial Implications

Forms the basis for Income and Expenditure for the period 1 July 2018 to 30 June 2019.

Officer Recommendation and Council Decision

The Shire President advised that if Council was agreeable, the recommendations would be adopted en-bloc.

Councillors had no objections to the above proposal.

94/2018

Moved Cr Guerini / Seconded Cr Della Bosca

GENERAL & MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

- For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values.*

General Rate

| | |
|---------------------------------------|-----------------|
| GRV - Residential / Industrial | 0.111773 |
| GRV- Commercial | 0.078681 |
| GRV- Minesites | 0.157362 |
| GRV - Single Persons Quarters | 0.157362 |
| UV - Rural | 0.017487 |
| UV - Mining Tenements | 0.173058 |

Minimum Payments

| | |
|---------------------------------------|--------------|
| GRV - Residential / Industrial | \$500 |
| GRV- Commercial | \$400 |
| GRV- Minesites | \$400 |
| GRV - Single Persons Quarters | \$400 |
| UV - Rural | \$400 |
| UV - Mining Tenements | \$400 |

- Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full or by instalments:*

Single Full Payment:-

- Full payment due date 7th September 2018*

Payment by Four Instalments:-

- First instalment due date 7th September 2018*
- Second instalment due date 9th November 2018*
- Third instalment due date 11th January 2019*
- Fourth instalment due date 8st March 2019*

3. Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears, waste and service charges, within 35 days of the issue date of the rate notice.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

SEWERAGE RATES & CHARGES

That Council impose the following Sewerage Rates and Charges under s41 of the Health Act 1911, on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:

1. *Southern Cross Sewerage Scheme Charge (Residential/Industrial):*
7.3 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Town-site.
 - *Minimum Charge per vacant land - \$210.00*
 - *Minimum Charge per residential property - \$276.00*
 - *Non-Rated Class 1st Fixture - \$176.00*
 - *Non-Rated Class Additional Fixtures - \$89.00*
 - *Non-Rates Class 2 and 3 Fixture - \$937.00*
2. *Southern Cross Sewerage Scheme Charge (Commercial):*
5.0 cents in the dollar on GRV (Commercial) properties within the Southern Cross Town-site.
 - *Minimum Charge per commercial property - \$583.00*
3. *Marvel Loch Sewerage Scheme Charge (Commercial/SPQ):*
12.0 cents in the dollar on GRV (Commercial/SPQ) properties within the Marvel Loch Town-site.
 - *Minimum Charge per property - \$300.00*
 - *Non-Rated Class 1st Fixture - \$138.00*

- **Non-Rated Class Additional Fixtures - \$62.00**

4. Marvel Loch Sewerage Scheme Charge (Residential):

6.4 cents in the dollar on GRV (Residential) properties within the Marvel Loch Town-site.

- **Minimum Charge per property - \$300.00**

SANITATION HOUSEHOLD REFUSE - RATES AND CHARGES

That Council impose the following Sanitation Rates and Charges on a per annum basis:

- **Domestic Collection per bin, per service \$340.00**
- **Commercial Collection per bin, per service \$364.00**
- **Non-Rateable Collection per bin, per service \$561.00**

ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2018 / 2019

1. Pursuant to section 5.98 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996, council adopts the following sitting fees for individual meeting attendance:

- **Shire President \$500 per meeting attended**
- **Councillors \$250 per meeting attended**

2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

- **Travel Allowance**

| Engine Displacement (in cubic centimetres) | | | |
|---|----------------------------|------------------------------|-------------------------|
| Area & Details | Over 2600cc | Over 1600cc to 2600cc | 1600cc and under |
| | Cents per Kilometre | | |
| Rest of State | 99.01 | 70.87 | 58.37 |

- **ICT Allowance**
Annual allowance for hardware upgrades and data usage - \$1,180 per Councillor

3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- **Shire President \$8,000**

4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- **Deputy Shire President \$2,000**

MATERIAL VARIANCE REPORTING FOR 2018 / 2019

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018 / 2019 for reporting material variances shall be +/- 10% or \$30,000, whichever is the greater.

OTHER STATUTORY COMPLIANCE

That Council confirms it is satisfied the services and facilities it provides: -

- 1. Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;***
- 2. Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and; and***
- 3. Are managed efficiently and effectively.***

In accordance with Section 3.18 (3) of the Local Government Act 1995.

MUNICIPAL FUND BUDGET FOR 2018/2019

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as Attachment to this agenda and the minutes, for the Shire of Yilgarn for the 2018 / 2019 financial year which includes the following:

- ***Statement of Comprehensive Income by Nature and Type***
- ***Statement of Comprehensive Income by Program***
- ***Statement of Cash Flows***
- ***Rate Setting Statement***
- ***Notes to and Forming Part of the Budget***
- ***Budget Program Schedules***
- ***Transfers to / from Reserve Accounts***

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.1 Development Application – 18 Arcturus Street, Southern Cross

| | |
|-------------------------------|------------------------|
| File Reference | 3.1.7.5 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Layout plan |

Purpose of Report

To make a determination on an amendment to an approved development application for ancillary buildings on an “Industrial – Light” property.

Background

The owners of 18 Arcturus Street, Southern Cross (the property) have lodged an amendment to the previously approved development application (Resolution 64/2018). The applicants are seeking a reduced side setback of 1.3 metres from the already approved 2.8 metres.

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

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

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

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

| Use | Minimum Boundary Setback | | | Maximum Plot Ratio | Minimum Landscape Area% | Minimum Number Parking Bays |
|--|--------------------------|--------------|-------|--------------------|-------------------------|-----------------------------|
| | Front | Rear Average | Sides | | | |
| Industrial Light | 7.5 | 7.5 | * | * | 10% | 1 per 2 employees |
| Proposed | 4.4 | 14.2 | 1.3 | 24% | 10% | 10+ |
| *Means “to be determined by the Council” in each particular case | | | | | | |

Comment

Due to setbacks already approved at the May council meeting, Council are only required to make a determination on the West side setback, which is now proposed to be 1.3 metres, as opposed to the already approved 2.8 metres.

PROPOSED SIDE SETBACK

Council have discretion to approve any side setback it deems suitable. In this instance, the applicant is proposing a side setback to the West of 1.3 metres.

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

BUILDING APPLICATION

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

Statutory Environment

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

Strategic Implications

Goal: A prosperous future for our community

Outcome: Businesses in the Shire remain competitive and viable

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

Policy Implications

Nil

Financial Implications

Building Services Fee - \$97.70.

Officer Recommendation and Council Decision

95/2018

Moved Cr Guerini / Seconded Cr Pasini

THAT COUNCIL:

- 1. Endorse an amendment to Council resolution 64/2018 to endorse a 1.3 metre side setback to the West for the development at 18 Arcturus Street, Southern Cross.***

ADVICE NOTES

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

CARRIED (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.2 Stop Puppy Farming Council Response

| | |
|-------------------------------|---|
| File Reference | 2.3.1.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Stop Puppy Farming Local Government Consultation Paper |

Purpose of Report

To endorse a response to the “Stop Puppy Farming Local Government Consultation Paper”.

Background

The McGowan Government recently released a public Consultation Paper explaining its commitment to introduce laws to:

- stop puppy farming and the supply chains that support this industry;
- improve the health and welfare of dogs in Western Australia; and
- stop the overbreeding of dogs.

The State Government aims to implement the following key elements of the Stop Puppy Farming Policy:

- mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;
- a centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and
- the transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters; and
- mandatory standards for dog breeding, housing, husbandry, transport and sale.

WALGA, together with Local Government Professionals WA, are members of the Ministerial Working Group overseeing the Stop Puppy Farming initiative and have promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

As a result, the Department of Local Government, Sport and Cultural Industries have produced the “Stop Puppy Farming Local Government Consultation Paper”, (the paper) which is designed for Local Governments to consider and comment on the recommended actions and proposed implementation process of the stop puppy farming proposals.

Comment

The Manager Regulatory Services has completed the paper on behalf of the Shire and is seeking Council endorsement for the repose.

The responses are contained within the paper, which is attached for Councillors perusal.

Statutory Environment

Dog Act 1976
Dogs Local Law 2017

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

96/2018
Moved Cr Della Bosca / Seconded Cr Close

THAT COUNCIL:

- 1. Endorse the completed Stop Puppy Farming Local Government Consultation Paper for submission to the Western Australian Local Government Association and the Department of Local Government, Sport and Cultural Industries.***

CARRIED (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.3 Disposal of Property – Various Items

| | |
|-------------------------------|------------------------|
| File Reference | 6.8.11 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple majority |
| Attachments | Nil |

Purpose of Report

For Council to endorse the disposal of various household items via public auction.

Background

The Shire has a number of second hand household furniture items in storage which no longer have a use and therefore is looking to dispose of.

Under Section 3.58 of the Local Government Act 1995, it states a local government can dispose of property to the highest bidder at public auction.

The items proposed to be disposed are:

- Item 1: Electric Oil-filled Column Heater – 5 column Heller
- Item 2: Electric Oil-filled Column Heater – 5 column Target
- Item 3: Electric Oil-filled Column Heater – 11 column Heller
- Item 4: Electric Oil-filled Column Heater – 11 column DeLonghi
- Item 5: Microwave – Abode 1400w 25 litre
- Item 6: Timber & Metal Bedside Table with Drawer – 4 units
- Item 7: Metal file cabinet – 3 drawers lockable
- Item 8: Metal file cabinet – 2 drawers (no key)
- Item 9: Large capacity Whirlpool washing machine
- Item 10: Quality Timber & Glass Cabinet

Comment

The “Public Auction” will be via written expressions of interest, where the interested person/s will submit a price in writing for individual items.

Expressions of interest will be accepted in writing up until 12:00pm 15th August 2018. After the acceptance period has ended, submissions will be assessed with the highest bidder for each item being notified and requested to pay the submitted amount and collect their goods.

Should an individual fail to pay for their submission within 48 hours after notification, the Shire reserves the right to offer the item to the next highest bidder.

Statutory Environment

Local Government Act 1995

Strategic Implications

Nil

Policy Implications

Council Policy Manual – Policy 3.1 – Financial Treatment of Assets

Financial Implications

Income received for items into general revenue.

Officer Recommendation and Council Decision

97/2018

Moved Cr Shaw / Seconded Cr Close

THAT COUNCIL:

- 1. Endorse the disposal of the household furniture items listed below, to the highest bidder at public auction, being via written expressions of interest, with notice of the public auction given via the Shire's Crosswords publication, website and notice board.***

Items listed for disposal include:

- Item 1: Electric Oil-Filled Column Heater – 5 Column Heller***
- Item 2: Electric Oil-Filled Column Heater – 5 Column Target***
- Item 3: Electric Oil-Filled Column Heater – 11 Column Heller***
- Item 4: Electric Oil-Filled Column Heater – 11 Column Delonghi***
- Item 5: Microwave – Abode 1400w 25 Litre***
- Item 6: Timber & Metal Bedside Table with Drawer – 4 Units***
- Item 7: Metal File Cabinet – 3 Drawers Lockable***
- Item 8: Metal File Cabinet – 2 Drawers (No Key)***
- Item 9: Large Capacity Whirlpool Washing Machine***
- Item 10: Quality Timber & Glass Cabinet***

CARRIED (7/0)

9.5 Reporting Officer – Manager Community Services

9.5.1 Redevelopment of Southern Cross Swimming Pool

| | |
|-------------------------------|------------------------|
| File Reference | 4.1.7.12 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To endorse the Community Sporting and Recreation Facilities Fund (CSRFF) application and engagement of consultant

Background

Council has been supportive of the need to redevelop the Southern Cross Swimming Pool for a period of time and has confirmed its support for the refurbishment of the Southern Cross Swimming Pool. In 2016 a working group was formed and Puzzle Consulting was engaged to pursue funding. Plans and estimations were provided by Kal Engineering and the project cost was estimated to \$3.8 million. Due to the lack of funding opportunities the project has not progressed further.

Comment

A new round of the Community Sporting and Recreation Facilities Fund (CSRFF) has been announced with funding available in July 2019, if successful. It is suggested to apply for funding of \$700,000 towards the refurbishment of the new pool. The CSRFF program is highly competitive and requires a plethora of supporting documentation such as a formal needs assessment, management plan, feasibility study, concept design and life cycle cost analysis which will all be prepared by Puzzle Consulting.

As of 30 June 2018, the Swimming Pool Reserve account contains \$1.96 million, an interest accrual of \$40,000 and reserve transfer of \$500,000 is anticipated by 30 June 2019. With another anticipated reserve transfer of \$500,000 and interest accruals by 30 June 2020 the account should contain about \$3.05 million which would give Council \$3.75 million for the realisation of the project.

Council might also want to consider the option / need to take out a loan, should the CSRFF application be unsuccessful, less than the applied amount or the total project cost higher than anticipated.

Statutory Environment

Nil

Strategic Implications

Strategic Community Plan

Aligns with Strategic Community Plan to "continue to provide and maintain high quality community infrastructure (recreation centre, oval, lawn bowls, tennis facilities, swimming pool, library, community centre, public halls).

Policy Implications

Council Policy Manual, Policy 3.5 Purchasing and tendering

Financial Implications

\$ 15,000 within budget for consultant fee

Officers Recommendation and Council Decision

98/2018

Moved Cr Shaw / Seconded Cr Guerini

That Council approve the engagement of Puzzle Consulting to prepare all required documents and endorse the Community Sporting and Recreation Facilities Fund (CSRFF) 2019/20 application.

CARRIED (7/0)

10 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Close sought leave of Absence from the August 2018 Ordinary Council meeting.

99/2018

Moved Cr Guerini / Seconded Cr Pasini

That Cr Close be granted Leave of Absence from the August 2018 Ordinary meeting of Council.

CARRIED (7/0)

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

Nil

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Mrs Crafter left the meeting in consideration that a confidential item was to be discussed.

100/2018

Moved Cr Nolan / Seconded Cr Della Bosca

That the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the Local Government Act.

CARRIED (7/0)

14.1 Reporting Officer – Executive Manager Corporate Services

14.1.1 Staff Request for Financial Support (CONFIDENTIAL ITEM)

| | |
|-------------------------------|------------------------|
| File Reference | 8.2.5.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

15 MEETING OPEN TO THE PUBLIC

102/2018

Moved Cr Della Bosca / Seconded Cr Nolan

That the meeting be re-opened to the public.

CARRIED (7/0)

14.1.1 Council Decision

101/2018

Moved Cr Nolan /Seconded Cr Guerini

That Council agrees to the payment of \$5,630 being the fees associated with a Residency Visa application for the Shire of Yilgarn's Finance Manager and a dependent subject to:

- 1) Should the employee leave councils employment, then they will be liable for the reimbursement of all or part of the financial support provided by Council per the following schedule:*

- i. Within the first 12 months of Councils support payment being made, then the employee will reimburse 100% of the cost incurred by Council in relation to their application for a Residency Visa including any outstanding amounts under point 2 below.*
 - ii. Within 12 to 24 months of Councils support payment being made, then employee will reimburse 50% of the cost incurred by Council in relation to their application for a Residency Visa including 100% of any outstanding amounts under point 2 below.*
- 2) The Residency Visa application costs will include a component that relates to their dependant, who is not an employee of Council. In this instance the employee will repay this amount over time, but not exceeding 24 months, from their salary as a direct non-salary sacrifice deduction.*

CARRIED (7/0)

15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.01pm

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 19th July 2018, are confirmed on Thursday, 16th August 2018 as a true and correct record of the July Ordinary Meeting of Council.