



# *Minutes*

## *Ordinary Meeting of Council*

### *16<sup>th</sup> August 2018*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.02pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

## 3. ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr W Della Bosca Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson N Warren J Gemund L Della Bosca	Acting Chief Executive Officer Executive Manager Corporate Services Manager Regulator Services Manager Community Services Minute Taker
Apologies:	R Bosenberg	Executive Manager Infrastructure
Observers:	Mr Chris Thomson	
Leave of Absence:	Cr Close	

## 4. DECLARATION OF INTEREST

The Acting Chief Executive Officer declared a Financial Interest in Confidential Item 14.1.

## 5. PUBLIC QUESTION TIME

The Shire President welcomed Mr Thomson to Public Question Time and invited him to raise questions to either herself or the A/CEO.

**Mr. Chris Thomson posed the following questions:-**

- Q1. Upon receipt of my rates notice and noticing that an increase had been imposed upon my GRV of approximately \$2,000, I question when did Council become aware of the GRV increase?**

**A1.** *The Shire President deferred this question to the A/CEO.*

*The A/CEO advised that Council was made aware of the GRV increases at the commencement of its Budget deliberations after Landgate had forwarded the new GRV's following its 4 to 5 yearly review process.*

**Q2** **In comparison to a property owned (by Mr Thomson) in the City of Kalgoorlie, the Shire of Yilgarn's rates are very high, why is this the case?**

**A2.** *The Shire President initially deferred this question to the A/CEO.*

*The A/CEO endeavoured to explain why there could be differences in the rate comparisons between the City of Kalgoorlie and the Shire of Yilgarn e.g., Sewerage Rates, GRV comparisons, ESL etc.*

*As there could be a multitude of reasons regarding the above, the Shire President encouraged Mr. Thomson to meet with the A/CEO and the Executive Manager Corporate Services to discuss his concerns in respect to his rates for the 2018/2019 financial year.*

**Q3.** **What happened to the proposed new skate park which plans for began back in 2013?**

**A3.** *The Shire President advised that after the initial community consultation with members of the community at a community meeting regarding the skate park, the group in attendance advised they would fundraise for the project. Council progressed with planning from the meeting with the project costed at \$800,000.00. Council received \$100,000.00 grant from the Department of Sport and Recreation but was not in a position at the time to fund the remaining costs, so the funds were returned. The President advised that on making the difficult decision to not proceed with the project, Council was not contacted by the community group from the initial meeting to find ways to progress the project in an alternative manner.*

*The Shire President advised that all too often Council is criticised for not meeting community expectations, but these types of projects work both ways and unless the community shows a similar level of commitment in respect to same, projects will not come to fruition.*

At the conclusion of Public Question Time Mr Thomson vacated the Chamber.

## 6 CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday 19<sup>th</sup> July 2018

**102/2018**

***Moved Cr Nolan/Seconded Cr Della Bosca***

***That the minutes from the Ordinary Council Meeting held on the 19<sup>th</sup> July 2018 be confirmed as a true record of proceedings.***

**CARRIED (6/0)**

### 6.2 Wheatbelt East Regional Organisations of Councils, Executive Meeting, Wednesday 25<sup>th</sup> July 2018

Great Eastern Country Zone Thursday 28<sup>th</sup> June 2018

**103/2018**

***Moved Cr Guerini/Seconded Cr Pasini***

***That the Minutes from the WE-ROC meeting held on Wednesday 25<sup>th</sup> July 2018 and the Great Eastern Country Zone meeting held on Thursday 28<sup>th</sup> June 2018 be received.***

**CARRIED (6/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

## 8. DELEGATES' REPORTS

Cr Onida Truran announced the following:

- On the 27<sup>th</sup> July attended a meeting with the A/CEO and WA Lithium.
- From the 31<sup>st</sup> July to 3<sup>rd</sup> August attended the WALGA Convention, during which time attended the Mayors and President forum on the 31<sup>st</sup> July, the Presentations by Ministers, the Civic Legal and Governance Presentation and the WALGA Annual General Meeting on the 1<sup>st</sup> August and on the 2<sup>nd</sup> August attended the GECZ Executive Meeting and the WALGA Annual General Meeting.
- On the 9<sup>th</sup> August attended the Regional Implementation Group (Wheatbelt).

Cr Guerini announced the following:

- From the 1<sup>st</sup>-3<sup>rd</sup> August attended the WALGA Convention.

Cr Della Bosca announced the following:

- From the 1<sup>st</sup>-3<sup>rd</sup> August attended the WALGA Convention.

Cr Shaw announced the following

- From the 1<sup>st</sup>-3<sup>rd</sup> August attended the WALGA Convention.

## 9.1 Officers Report – Acting Chief Executive Officer

### 9.1.1 Transfer of Land - Lot 5 Antares Street, Southern Cross

<b>File Reference</b>	<b>10.4.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To advise Council of the Common Seal being affixed to the Transfer of Land document relating to acquiring Lot 5 Antares Street, Southern Cross.

#### Background

The A/CEO reported at the July 2018 Ordinary meeting of Council that Mr Peter Panizza had advised that he was prepared to gift Lot 5 Antares Street, Southern Cross to the Shire of Yilgarn as his family had no further use of the land. At the above meeting Council resolved the following in respect to Mr Panizza's offer:-

**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)**

#### Comment

Staff have now met with Mr Panizza who has presented the appropriate Transfer of Land documentation for signing by the Shire President and A/CEO. The documentation required the fixing of the Shire of Yilgarn's Common Seal and in accordance with Council Policy 1.4 and Council Delegation LGA13, notification of the affixing of the Common Seal is presented to Council.

For Councillors information, Settlement Fees will be in the vicinity of \$2,000.00.

#### Statutory Environment

*Transfer of Land Act 1893*

## Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic – A Prosperous Future for our Community – Continue to maintain the streetscape and amenities to a high standard.

## Policy Implications

*Council Policy 1.4 states the following:-*

### OBJECTIVE:

The policy sets out the wording to apply to the use of the Common Seal.

### POLICY:

The President and CEO have delegated authority to execute and affix the Common Seal to documents (Delegation LGA13)

### PROCESS:

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording:-

“The Common Seal of the Shire of Yilgarn was hereto affixed by authority of Council.”

Shire President

Chief Executive Officer

(Noting that the Deputy Shire President and Executive Manager Corporate Services can proxy in the absence of the respective principal person)

2. For use on ceremonial occasions (i.e.: Certificates of Appreciation, etc.) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire’s behalf.

*Council Delegation LGA13 states the following:-*

Council delegate its authority and power to the President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:

- 1.1 Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended).
- 1.2 Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended).

Subject to-



- (a) Meeting the requirements detailed in Councils Policy on Use of the Shire Common Seal; and
- (b) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal.

#### **Financial Implications**

Settlement Fee costs to be approximately \$2,000.00.

#### **Officer Recommendation and Council Decision**

**104/2018**

***Moved Cr Della Bosca/Seconded Cr Guerini***

***That Council notes and endorses the signing and affixing of the Shire of Yilgarn's Common Seal by the Shire President and A/CEO on Transfer of Land documentation associated with acquiring Lot 5 Antares Street, Southern Cross in accordance with Council Policy 1.4 and Council Delegation LGA13.***

**CARRIED (6/0)**

## 9.1 Officers Report – Acting Chief Executive Officer

### 9.1.2 Wheatbelt Secondary Freight Route Project (WSFR)

<b>File Reference</b>	<b>1.6.21.10</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>WSRF Briefing Notes</b>

#### Purpose of Report

To advise Council of the request by the Wheatbelt Secondary Freight Route (WSFR) Project Working Group of the request for funding to assist the Group in developing submissions to the Australian Government for the WSFR to be included on the Australia Infrastructure Priority List.

#### Background

The following email was received from Cr Ricky Storer, President of the Koorda Shire Council on Tuesday, 7 August 2018:-

*At the most recent meeting of the WBN RRG the delegates asked me to write to you all requesting that all Council's reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6000 in their 18/19 budgets as the co-contribution required from all 42 LG's for the funding application we will be submitting over the coming months to undertake the detailed planning and design works to enable us to have a Level 4 Infrastructure Australia Submission prepared.*

*We acknowledge that a lot of councillors will not be intimately aware of the project, so to that end Garrick Yandle together with the Working Group have prepared a detailed Briefing document that we would like you to include with the agenda item for your councillors.*

*We are requesting that all LG's present the motion as is below, our intent is to have 42 LG's adopted the exact same position, so that we continue to present a united front. It is this collaboration and agreement that is getting us significant traction both at a Federal and State Government Level. We would like you to present this recommendation and supporting documentation to your councils in the August round of Council meetings, following these meetings we would like you to write back to me as Chair of WBN RRG confirming the motion that was passed by council.*

*For those that aren't away the WSFR Project has been working on this project since mid 2016; the project stemmed from considerable work done by both WBS & WBN in looking at their road networks in attempt to improve connectivity through our RRG funding and road projects. This mapping process started in 2014, once the RRG together with Main Roads*

*identified that improving the connectivity was a major project that would bring significant economic benefit to the Ag Region a working group was formed and RDA via Juliet Grist helped us obtain initial funding to further progress this as a regional road project. The last 2 ½ years have seen considerable work undertaken by all 42 LG's and the working group to get this project to a point where we are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.*

*Hopefully this provides your councils with sufficient information about the background of the project and the plan going forward to enable them to provide the working group with formal support, so we can continue to work for what is a significant regional project for Wheatbelt Region.*

***That Council:***

- 1. Notes the Secondary Freight Routes Project Development report;***
- 2. Supports the strategic intent of the Secondary Freight Routes project;***
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and***
- 4. Endorses in principle an allocation of [\$6,000] in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.***

*Should you require further information please do not hesitate to contact me.*

*Thank you for your ongoing support of this project, it is appreciated by the working group.*

**Comment**

The Shire of Yilgarn has previously supplied relevant information to the WSFR Working Group pertaining to identified roads in the Shire of Yilgarn together with costs associated with upgrades (approximately \$6M). Whilst the Shire of Yilgarn has been supportive of the Project to date, no major financial contributions from individual LGA's in the Wheatbelt North and South Regional Road Groups have been made. It is acknowledged though that the Shire of Dandaragan has been leading the work and has committed staff to progress the project to this date at their own cost.

The CEO contacted two LGA's within the WEROC Group to enquire whether they were aware of the \$6,000 requested contribution and both indicated that they were not. The request for this amount is quite late considering that the majority of LGA's would have now adopted their 2018/2019 Budgets and to find \$6,000, even at the Budget Review, would be difficult.

The project has considerable merit in enabling the WSFR to be included on the Australian Governments Australia Infrastructure Priority List and therefore, the improved ability to secure funding via the Australian Government's Infrastructure Australia Fund.

The drivers behind the WSFR project were as follows:-

- Increase in heavy haulage traffic
- Closure of Tier 3 Railway lines
- Different freight routes
- Emergence of lime sand in agriculture
- Increase truck sizes
- Incumbent network narrow roads
- Road safety issues – interaction heavy freight and local traffic

### **Statutory Environment**

Should Council agree to provide the requested level of financial support, it would be classified as Unbudgeted Expenditure and therefore an Absolute Majority is required in accordance with Section 6.8(1)(b) of the *Local Government Act 1995*.

It should be noted that the Recommendation refers consideration of the funding to the 2018/2019 Budget Review in February/March 2019.

### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic – A Prosperous Future for our Community – Continue to maintain and upgrade our road network.

### **Policy Implications**

Nil

### **Financial Implications**

Unbudgeted Expenditure

**Officer Recommendation and Council Decision**

**105/2018**

***Moved Cr Nolan/Seconded Cr Guerini***

***That Council:***

- 1. Notes the Secondary Freight Routes Project Development report;***
- 2. Supports the strategic intent of the Secondary Freight Routes project;***
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and***
- 4. Endorses in principle an allocation of [\$6,000], in 2018/19, subject to the availability of the funds being identified at the 2018/2019 Budget Review, to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>See attachment 9.2.1</b>

#### Purpose of Report

To consider the Financial Reports

#### Background

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

The following reports are attached and have been prepared as at the 31<sup>st</sup> July 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

**106/2018**

***Moved Cr Shaw/Seconded Cr Della Bosca***

***That Council endorse the various Financial Reports as presented for the period ending 31<sup>st</sup> July 2018.***

**CARRIED (6/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>See attachment 9.2.2</b>

#### Purpose of Report

To consider the Accounts for Payment

#### Background

Municipal Fund – Cheque Numbers 40654 to 40664 totalling \$8,330.73, Municipal Fund-EFT Numbers 7768 to 7853 totalling \$253,924.28, Municipal Fund – Cheque Numbers 1426 to 1431 totalling \$158,520.94, Municipal Fund Direct Debit Numbers 12808.1 to 12849.12 totalling \$38,746.80, Trust Fund 402361 to 402362 totalling \$810.75 and Trust Fund – Cheque Numbers 6129 to 6133 (DPI Licensing), totalling \$27,146.55 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**

**107/2018**

***Move Cr Shaw/Seconded Cr Nolan***

***Municipal Fund – Cheque Numbers 40654 to 40664 totalling \$8,330.73, Municipal Fund-EFT Numbers 7768 to 7853 totalling \$253,924.28, Municipal Fund – Cheque Numbers 1426 to 1431 totalling \$158,520.94, Municipal Fund Direct Debit Numbers 12808.1 to 12849.12 totalling \$38,746.80, Trust Fund 402361 to 402362 totalling \$8,10.75 and Trust Fund – Cheque Numbers 6129 to 6133 (DPI Licensing), totalling \$27,146.55 are presented for endorsement as per the submitted list.***

**CARRIED (6/0)**

### 9.3 Reporting Officer– Executive Manager for Infrastructure

#### 9.3.1 Replacement Un-Interrupted Power Supply Southern Cross Airstrip

<b>File Reference</b>	<b>2.4.1.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Replacement of the damaged Un-Interrupted Power Supply (*UPS*) unit and battery towers at Southern Cross Airstrip

#### Background

The Southern Cross Airstrip is serviced by two runways these being 09/27 and 14/32. Runway 14/32 is equipped with lighting to enable night time landing. Power to run the lighting is supplied from the mains power.

The runway lights can be activated either manually by a switch located externally on the veranda of the terminal building (airside), or by approaching aircraft using a two way radio frequency. This system is called the Pilot Activated Airport Lighting System (*PAAL*).

The airstrip is also equipped with a backup power supply, this is referred to as an Un-Interrupted Power Supply Unit (*UPS*). The UPS has two large power storage towers housing twenty batteries each tower.

In the event of a mains power failure the UPS activates and the power stored in the battery towers supplies power to the runway lighting keeping them operational for up to forty five minutes allowing for safe night time aircraft landing and takeoff.

Once the power failure is rectified the system then reverts back to mains power. The UPS system is also equipped with a built in battery trickle charger that recharges the batteries when required.

#### Comment

In late July the UPS failed and ceased to operate, Council staff engaged SHAC Electrical to investigate the fault and rectify. The prognosis of the fault with the UPS was it had "*fried*" itself and in doing so severely damaged the backup battery storage towers to the point that the complete unit required replacing. The age (just short of nine years) of the UPS was considered to be a contributing factor to the failure.

The UPS is a crucial piece of equipment for the airstrip and the replacement of it considered to be urgent due to the frequency of Flying Doctor Service using the airstrip at night and the concerns of mains power failure occurring during such an event.

Quote for \$13,500 to supply and install a replacement UPS was received from SHAC Electrical. Due to the urgency to get the power backup system operational Council staff instructed SHAC Electrical to progress with the replacement of the UPS.

As this was an un-budgeted cost, council staff are seeking endorsement for the action taken to replace the damaged UPS, with funding for the for the replacement cost be sourced from the Airport Reserve Fund

#### **Statutory Environment**

#### **Strategic Implications**

#### **Policy Implications**

Purchasing and Tendering Policy 3.5 *"1.4.3 Purchasing Thresholds Practice"*

#### **Financial Implications**

The monetary amount of \$13,500 to replace the damaged Un-Interrupted Power Supply Unit (UPS) to be sourced from the Airport Reserve Fund

#### **Officer Recommendation and Council Decision**

**108/2018**

***Mover Cr Shaw/Seconded Cr Della Bosca***

***That Council endorses the action taken by Council staff to replace the Un-Interrupted Power Supply Unit at Southern Cross Airstrip***

***and that***

***The funding for the replacement cost for the Un-Interrupted Power Supply Unit be sourced from Councils Airport Reserve Fund***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

## 9.4 Officers Report – Manager Regulatory Services

### 9.4.1 Development Application – CBH Bulkhead - Bodallin

<b>File Reference</b>	<b>3.1.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple majority</b>
<b>Attachments</b>	<b>Site Layout; 1.8 metre specification plans 1.2 metre specification plans.</b>

#### Purpose of Report

To make a determination on a development application for a wheat storage bulkhead at the Bodallin CBH site.

#### Background

Cooperative Bulk Handling Ltd (CBH) has submitted a development application for the installation of a 30,000 tonne capacity open bulkhead at the Bodallin site. CBH have advised the due to the requirement for grain received during the 2017/18 harvest at nearby sites to be moved to the Bodallin grain receival site, additional temporary grain storage would need to be installed and grain moved before the 2018/19 harvest which will require site works to commence mid-August.

The Bodallin receival site is Lot 102 Bodallin South Road, Bodallin as per below map:



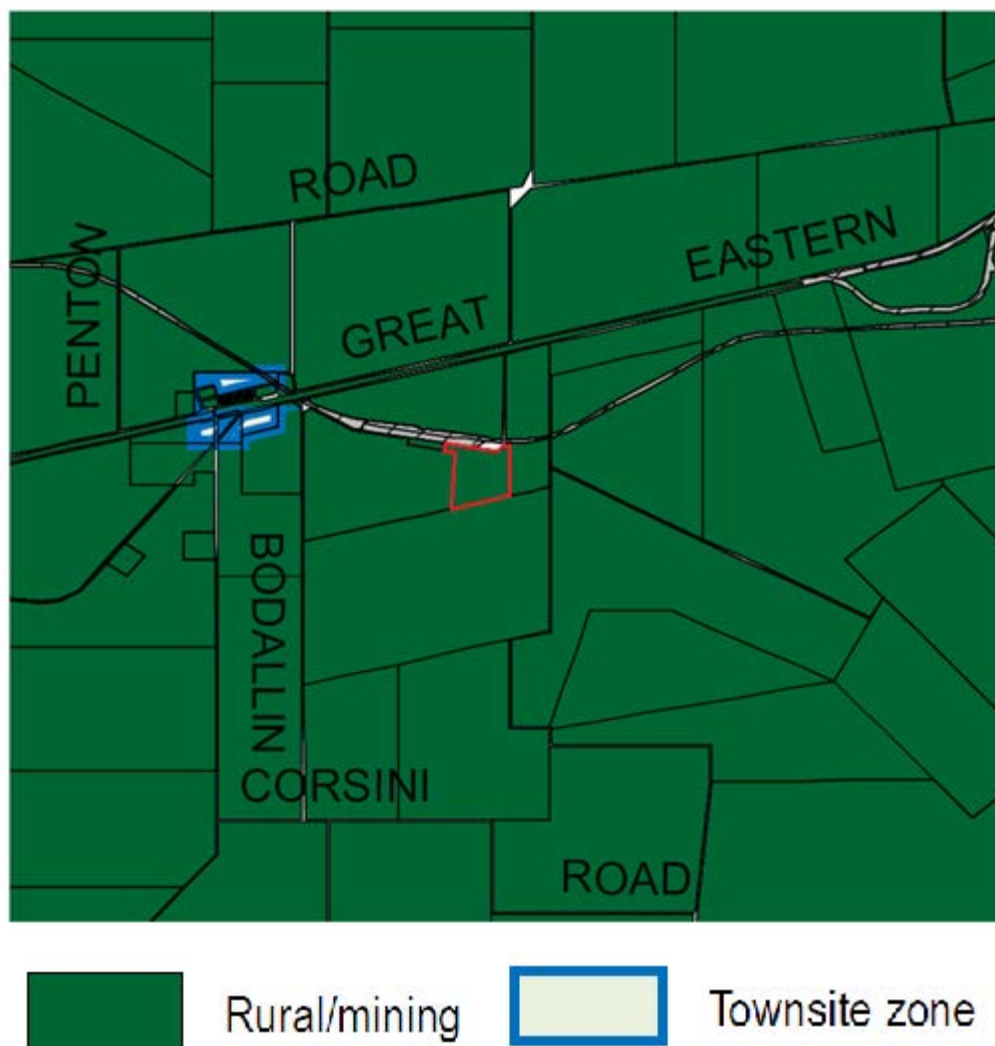
The open bulkhead will be installed using 1.8 metre high wall frames if they can be sourced in time, otherwise it will be constructed using the currently available 1.2 metre high wall frames. The dimensions will be 300 metres by 35 metres.

The following documents are included as attachments:

- Site Layout;
- 1.8 metre specification plans; and
- 1.2 metre specification plans.

#### Comment

The Shire of Yilgarn Town Planning Scheme 2 (TPS2) has zoned the land to be **Rural/Mining** as per the map below



The TPS2 defines Rural/Mining land to be:

*“The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.”*

The intended development fits closely with “Industry – Rural” use which is defined under the TPS2 as:

*“An industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.”*

“Industry Rural” is an AA use for Rural/Mining zoned land as per Tale 1 in the TPS2. An “AA” use is defined under the TPS2 as:

*“The use is not permitted unless the Council has granted planning approval.”*

As such, Council has the discretion to either approve or reject the proposal.

### **Setbacks**

There are no issues pertaining to setbacks or plot ratios with this development proposal;

### **Nuisance and amenities**

Given the reasonably isolated location of this proposed development and existing similar operations, it is deemed risks of nuisance from noise, dust and other sources is low.

## **Statutory Environment**

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

## **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 Fee

**Officer Recommendation and Council Decision**

**109/2018**

***Moved Cr Guerini/Seconded Cr Della Bosca***

**THAT COUNCIL:**

*Approve the proposed installation of a 300 metre by 35 metre open bulkhead at Lot 102 Bodallin South Road, Bodallin, at a height of either 1.2 metres or 1.8 metres as per the provided plans and specifications.*

**ADVICE NOTES:**

- 1. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.***
- 2. As per the Building Act 2011, as the property is located outside of a gazetted townsite, there is no requirement for building permits to be sought from the Shire of Yilgarn. However the development still must comply with the relevant building standards.***

**CARRIED (6/0)**



## 9.4 Officers Report – Manager Regulatory Services

### 9.4.2 Development Application – CBH – Bulkhead Dulyalbin

<b>File Reference</b>	<b>3.1.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple majority</b>
<b>Attachments</b>	<b>Site Layout; 1.8 metre specification plans 1.2 metre specification plans.</b>

#### Purpose of Report

To make a determination on a development application for two wheat storage bulkheads at the Dulyalbin CBH site.

#### Background

Cooperative Bulk Handling Ltd (CBH) has submitted a development application for the installation of two 20,000 tonne capacity open bulkheads at the Dulyalbin site. CBH have advised that due to the requirement for grain received during the 2017/18 harvest at nearby sites to be moved to the Dulyalbin grain receival site, additional temporary grain storage would need to be installed and grain moved before the 2018/19 harvest which will require site works to commence mid-August.

The Dulyalbin receival site is Lot 101 Moorine South Road, Dulyalbin as per below map:





The open bulkhead will be installed using 1.8 metre high wall frames if they can be sourced in time, otherwise it will be constructed using the currently available 1.2 metre high wall frames.

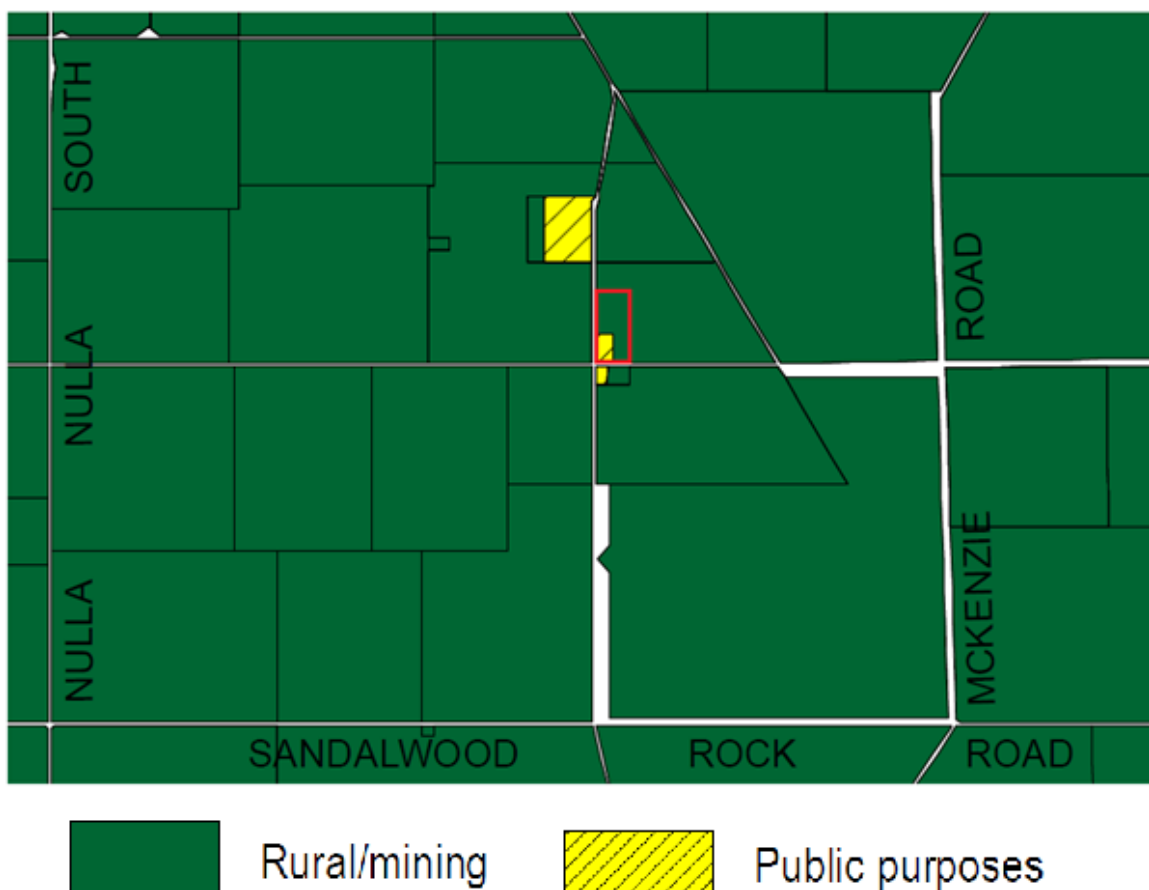
The dimensions will be 200 metres by 35 metres each.

The following documents are included as attachments:

- Site Layout;
- 1.8 metre specification plans; and
- 1.2 metre specification plans.

### Comment

The Shire of Yilgarn Town Planning Scheme 2 (TPS2) has zoned the land to be **Rural/Mining** as per the map below:



The TPS2 defines Rural/Mining land to be:

*"The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement."*

The intended development fits closely with "Industry – Rural" use which is defined under the TPS2 as:

*"An industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality."*

"Industry Rural" is an AA use for Rural/Mining zoned land as per Tale 1 in the TPS2. An "AA" use is defined under the TPS2 as:

*"The use is not permitted unless the Council has granted planning approval."*

As such, Council has the discretion to either approve or reject the proposal.

### **Setbacks**

There are no issues pertaining to setbacks or plot ratios with this development proposal;

### **Nuisance and amenities**

Given the reasonably isolated location of this proposed development and existing similar operations, it is deemed risks of nuisance from noise, dust and other sources is low.

## **Statutory Environment**

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

## **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 Fee

**Officer Recommendation and Council Decision**

**110/2018**

***Moved Cr Della Bosca/Seconded Cr Pasini***

**THAT COUNCIL:**

***Approve the proposed installation of a two 200 metre by 35 metre open bulkheads at Lot 101 Moorine South Road, Moorine Rock, at a height of either 1.2 metres or 1.8 metres as per the provided plans and specification.***

**ADVICE NOTES:**

- 1. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.***
- 2. As per the Building Act 2011, as the property is located outside of a gazetted townsite, there is no requirement for building permits to be sought from the Shire of Yilgarn. However the development still must comply with the relevant building standards.***

**CARRIED (6/0)**

## 9.4 Officers Report – Manager Regulatory Services

### 9.4.3 Accommodation Camp Development and Lease of Lot 966 Sirius Street, Southern Cross

<b>File Reference</b>	<b>3.1.3.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple majority</b>
<b>Attachments</b>	<b>- Notice of Proposed Disposal of Land</b> <b>- Notice of Public Advertisement of Planning Proposal</b>

#### Purpose of Report

To make a final determination on the proposed accommodation camp and subsequent lease of Lot 966 Sirius Street, Southern Cross.

#### Background

At the April 2018 ordinary Council meeting, a report was tabled regarding the proposed development of Lot 966 Sirius Street, Southern Cross into a 140 room accommodation facility along with a proposal to lease the Shire owned land.

The following recommendations were carried at the meeting:

#### RECOMMENDATION 1

- That Council:*
- Endorse the increase in rooms to 140 at the proposed accommodation camp at Lot 966 Sirius Street, Southern Cross with the following conditions:*
- 1. The Manager Regulatory Services is to compile a report, detailing the proposal, including any exemptions required under relevant planning legislation;*
  - 2. The Manager Regulatory Services is to arrange, at the applicants expense, advertising of the proposed development in the Shire's Crosswords and the West Australian newspaper;*
  - 3. The advertisement is to give notice that stakeholders have 21 days in which to make submissions to the Shire of Yilgarn regarding the proposed development;*
  - 4. The Manager Regulatory Services is to compile a report after the notice period, detailing any submissions received; and*
  - 5. The Manager Regulatory Services is to table the report and a recommendation regarding the proposed development to Council for a final determination.*

## RECOMMENDATION 2:

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

### *Terms of Reference*

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

### *Conditions:*

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

## REPORT ON PROPOSALS

As per the above recommendations, two reports were compiled detailing the proposed development and lease of land respectively. These are added as attachments with this report.

## ADVERTISING OF NOTICES

As required by the above recommendations, notices of the proposed development and disposal of land were advertised as follows:

- West Australian Newspaper – 30<sup>th</sup> June 2018;
- Shire of Yilgarn Crosswords – 28<sup>th</sup> June 2018;
- Shire of Yilgarn Notice Board – 28<sup>th</sup> June 2018;
- Mail-out to all properties within 150m of subject property – 28<sup>th</sup> June 2018.

Residents and stakeholders were given a minimum of 21 days within which to make a submission, the closing date for submissions was the 23<sup>rd</sup> July 2018.

There were no submissions in response to the notices.

## Comment

### PLANNING

At the December 2017 council meeting, Council agreed to undertake advertising of the proposed development as per the "SA" provisions of the Town Planning Scheme 2 (TPS2).

The "SA" provision means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

#### Town Planning Scheme 2

The TPS2 has zoned Lot 966 Sirius Street, Southern Cross as "**residential**", with an R-Code rating of 12.5. The Residential Design Codes (R-Codes) are enacted by the Planning and Development Act 2005, and dictate the requirements for residential developments based on their R-Code rating.

As per the TPS2, residential zones are to be:

*"Used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance."*

The proposed accommodation facility fits best with TPS2 use class 43, being a "Grouped Dwelling" in Table 1 of the scheme. For residentially zoned land this is an "AA" use. An "AA" use means that the use is not permitted unless the Council has granted approval.

The proposed "Camp Kitchen" is a use not listed in the development table, therefore the TPS2 states:

*3.2.5 - If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:*

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Council decided at the April 2018 Council meeting to make a determination after giving public notice, as per Clause 3.2.5 (b) of the TPS2

### Residential Design Codes

As detailed in the attached report, the only issue raised by the development is in relation to parking bays.

The site has catered for 35 light vehicle bays and 13 heavy vehicle bays, whereby the R-Codes requires 70 parking bays for occupants and 8 bays for visitors.

Council have the ability to determine if a proposal “deems to satisfy” the design principles of the R-Codes. In this instance, the R-Codes require:

*Adequate car parking is to be provided on-site in accordance with projected need related to:*

- *the type, number and size of dwellings;*
- *the availability of on-street and other off-street parking; and*
- *the proximity of the proposed development to public transport and other facilities.*

In this instance, the application of the R-Codes parking requirements does not necessarily fit with the proposal, whilst it is a “residential” development, in essence it is a commercial operation and will be operated in such a way that vehicle parking requirements will not be the same as what a standard “grouped dwelling” development would require.

When posed with the question of why a reduced number of parking bays should be permitted, the applicants provided the following response:

*The requirement for parking will be predominately for small buses (~20 seat) and light vehicles. The market we have engaged is for mining contractors and exploration teams, with companies servicing the contractors and drillers being guests of the facility. Previous experience has predicated this design.*

It is recommended that Council grant an exemption to the applicant for the reduced number of bays proposed, with the justification being the use is not consistent with a standard “grouped dwelling” scenario, and that the majority of occupants will be bussed in or have multiple persons in each vehicle, therefore reducing the need for the number of parking bays required under the R-Codes.

It will be a conditional requirement should Council grant approval, that should Shire staff deem parking onsite to be an issue, that the undeveloped land within Lot 966 Sirius Street, Southern Cross be utilised to increase the number of parking bays to the satisfaction of the Chief Executive Officer.

### **LEASE**

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

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

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

The applicants made a written request to lease Lot 966 Sirius Street, Southern Cross and have also included a valuation of the property via a registered valuer. The executive summary of the valuation is provided in the attached report.

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

### **PROPOSED LEASE TERMS**

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

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

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

### **NOTICE**

As detailed above; notice of the proposed disposal of land was advertised for 21 days with no submissions received.

### **EXECUTION OF LEASE**

Should Council vote to endorse the proposal, a lease agreement between the Shire and M3R Group Pty Ltd will need to be executed, detailing the stated terms of reference and other items to protect the Shire throughout the term of the lease.

Councillors will be requested to endorse a recommendation to allow the Shire President and Chief Executive Officer/Acting Chief Executive Officer to assess and execute a lease agreement on behalf of the Shire.

### **Statutory Environment**

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



### Strategic Implications

Goal: A prosperous future for our community

Outcome: Businesses in the Shire remain competitive and viable

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

### Policy Implications

Nil

### Financial Implications

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

### Officer Recommendation and Council Decision

**111/2018**

**Moved Cr Della Bosca/Seconded Cr Guerini**

**RECOMMENDATION 1**

**THAT COUNCIL:**

*Approve the proposed development of a 140 room accommodation facility and ancillary buildings; as per submitted plans; at Lot 966 Sirius Street, Southern Cross.*

*Council also endorse a conditional exemption to the parking bay requirements of the Residential Design Codes, to allow a reduced number of parking bays; being 35 light vehicle and 13 heavy vehicle bays.*

#### **Conditions**

- 1. If in the opinion of Council or Shire staff, the exemption from the parking bay requirements of the Residential Design Codes is deemed to be causing a nuisance or parking issue, the applicant is to undertake to install additional bays at their own cost; to the satisfaction of the Chief Executive Officer; within the undeveloped portion of Lot 966 Sirius Street, Southern Cross.*
- 2. Applicant is to seek a building permit for the development via a certified building application.*

**RECOMMENDATION 2:**

**THAT COUNCIL:**

*Approve the disposal of land, being Lot 966 Sirius Street, Southern Cross, to M3R Group Pty Ltd under the following terms;*

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

**RECOMMENDATION 3:**

**THAT COUNCIL:**

*Endorse the Shire President and Chief Executive Officer to execute a lease agreement, on behalf of the Shire, for the lease of Lot 966 Sirius Street, Southern Cross to M3R Group Pty Ltd.*

**ADVICE NOTES:**

- 1. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.**
- 2. A person aggrieved by a decision made under the Local Government Act 1995 may have the decision reviewed by the State Administration Tribunal.**

**CARRIED (6/0)**

**10 APPLICATION FOR LEAVE OF ABSENCE**

Nil

**11 INFORMATION BOOK ITEMS**

Nil

**12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

***112/2018***

***Moved Cr Shaw/Seconded Cr Nolan***

***That the New Business be accepted.***

**CARRIED (6/0)**

## 13 Officers Report – Manager Regulatory Services

### 13.1 Proposed freehold over lots 632 & 633 Arcturus Street, Southern Cross

<b>File Reference</b>	<b>3.1.1.7</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple majority</b>
<b>Attachments</b>	<b>- Smartplan – Lot 632 &amp; 633 Arcturus Street</b>

#### Purpose of Report

To endorse a response to the Department of Planning, Lands and Heritage regarding the proposed freehold of Lots 632 and 633 Arcturus Street, Southern Cross.

#### Background

The Department of Planning, Lands and Heritage (DPLH) have requested comments from the Shire regarding an application they are currently processing; which proposes to grant freehold ownership of lots 632 and 633 Arcturus Street, Southern Cross to Lemar & Co.

The proposed lots are shown on the attached Smartplan.

#### Comment

The Shire of Yilgarn Town Planning Scheme 2 has zoned the property as industrial.

Lemar & Co are the current owners of the adjacent property, 18 Arcturus Street, Southern Cross and they have had previous applications put to Council regarding improvements for their current site to enable an industry-light operation to be conducted.

It is assumed the new site will be a continuation of that use, however as the request for comment has come from the DPLH, there is no information related to the intended use.

Regardless of the intention of the applicant, any development or change of use of the land will require planning approval and most likely Council approval depending of the type of development/use.

The granting of freehold will also enable the Shire to obtain rates for the property.

#### Statutory Environment

Nil

### Strategic Implications

Goal: A prosperous future for our community

Outcome: Businesses in the Shire remain competitive and viable

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

### Policy Implications

Nil

### Financial Implications

Rate income from freehold land if granted by DPLH.

### Officer Recommendation and Council Decision

**113/2018**

**Moved Cr Nolan/Seconded Cr Pasini**

**RECOMMENDATION 1**

**THAT COUNCIL:**

*Endorse the following response to the Department of Planning, Lands and Heritage in relation to the proposed granting of freehold ownership of Lots 632 and 633 Arcturus Street, Southern Cross:*

*The Shire of Yilgarn has no objections to the granting of freehold ownership to Lemar & Co for lots 632 and 633 Arcturus Street, Southern Cross.*

**CARRIED (6/0)**

## 13 Officers Report – Acting Chief Executive Officer

### 13.2 Pre Qualified Suppliers – Invitations to Apply to Form Panel

<b>File Reference</b>	<b>2.3.3.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To inform Council of the outcome of the applications/quotations that were received from Contractors to form Panels of Pre-Qualified Suppliers to provide Gravel/Aggregate Carting, Contract Grading, Plant Hire and Earthmoving Works throughout the Shire.

#### Background

At the June 2018 Ordinary Council meeting, after having received advice on Council's procurement and tendering processes, Council resolved the following:-

**73/2018**

**Moved Cr Della Bosca/Seconded Cr Guerini**

**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.**

**CARRIED (6/0)**

### Comment

Advertisements were placed in the “*West Australian*” Newspaper and “*Crosswords*” Newsletter inviting Contractors to apply to join Pre-Qualified Supplier Panels based on a three (3) year Panel period with one (1) year contract’s only.

At the close of the statutory advertising period, being Friday 10 August 2018, the attached listings detail the quotations received.

Within the documentation supplied to potential Panel members, Council informed all Contractors that its Regional Price Preference Policy would also take effect in consideration of the quotations received. It was also stated that the Shire of Yilgarn intended to appoint at least three (3) suppliers on each Panel with an indicative maximum of six (6) Panel Members subject to meeting the necessary evaluation criteria. It was indicated that the number of short listed suppliers would be at the discretion of the Shire relevant to the quality of submissions received against the selection criteria, services required and value for money.

### 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

Council Policy 3.5(A) Regional Price Preference which provides the following:-

**Goods and Services** - up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.

#### Stipulated Area

10%	to all suppliers located within the Shire of Yilgarn
5%	to all suppliers located within the Wheatbelt region
2.5%	to all suppliers located within the Goldfield region

## Financial Implications

Provision of costs for the engagement of Contractors is built into the 2018/2019 Budget.

## Officer Recommendation and Council Decision

**114/2018**

**Moved Cr Della Bosca/Seconded Cr Nolan**

*That Council, in consideration of the applications received from Contractors to form Panels of Pre-Qualified Suppliers for the Shire of Yilgarn for a three (3) year Panel period and based on one (1) year Contracts, the following Panels be formed for the specified works:-*

### Gravel Carting

1. Gilba Downs
2. Granich Contractors
3. R & E Nicholson & Son
4. Great Eastern Freightlines

### Aggregate Carting

1. A Della Bosca & Sons
2. Golden Valley Pastoral Co.
3. R & E Nicholson & Son
4. P & D Stephens Transport
5. Granich Contractors
6. Gilba Downs

### Contract Grading

1. Boof Della Bosca Grading
2. R & E Nicholson & Son
3. Allwest Plant Hire

### Plant Hire – Loader

1. Granich Contractors
2. R & E Nicholson & Son
3. Banner Excavations

### Plant Hire – Float/Drop Deck

1. Banner Excavations
2. Granich Contractors

### Earthmoving

1. Banner Excavations

### Plant Hire – Water Truck

1. Banner Excavations
2. A & M Zweck
3. Golden Valley Pastoral Co.
4. Gilba Downs

### Plant Hire - Excavator

1. Banner Excavations
2. Allwest Plant Hire

### Plant Hire – Dozer

1. Banner Excavations
2. Granich Contractors
3. Brooks Hire

### Plant Hire - Rollers

1. Conplant

**CARRIED (6/0)**



## 14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

**115/2018**

**Moved Cr Shaw/Seconded Cr Della Bosca**

***That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995. (The following Report is confidential in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995, being a matter affecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government).***

**CARRIED (6/0)**

\*The A/CEO (Peter Clarke), EMCS (Cameron Watson), MCS (Jenny Gemund), MRS (Nic Warren) and the minute taker (Laura Della Bosca) left the room at 4.46pm.

### 14.1 CEO Recruitment and Appointment

<b>File Reference</b>	<b>1.1.11.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Draft Chief Executive Officer Contract</b>

#### Purpose of Report

To inform Council of the CEO recruitment processes undertaken by the Western Australian Local Government Association (WALGA), Council's appointed Recruitment Consultant, and the preferred applicant for the position and appointment of same in accordance with Section 5.36 of the *Local Government Act 1995*.

#### Background

Council engaged WALGA in July 2017 to undertake the recruitment process for the CEO position. Unfortunately a suitable candidate was not selected from the initial process and Council resolved at its October 2017 Ordinary meeting, in consideration of the number of CEO positions being recruited throughout the State, to engage Acting CEO's for a period of 12 months. Messrs Ray Hooper, Cameron Watson, Pascoe Durtanovich and Peter Clarke have acted in the above position since November 2017.

WALGA had agreed that they would honour their commitment in recruiting a CEO under the terms and conditions of the Contract signed in October 2017 and no additional recruitment costs, other than advertisement costs were incurred by Council.

## Comment

In June 2018, WALGA on behalf of Council recommenced the CEO recruitment process. At the conclusion of the advertising period a suitable candidate was selected for interview however, the candidate withdrew the application prior to interviews being conducted.

The current Acting CEO, Mr Peter Clarke, was then encouraged to apply and he submitted an application in writing to WALGA for consideration.

Mr Clarke has considerable experience in Local Government, having been a CEO for 20 years and has previously been CEO at the Shire of Yilgarn between 1996 – 2001 (5 years) and 2003 – 2010 (7 years).

## Statutory Environment

### Division 4 — Local government employees

#### 5.36. Local government employees

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

*\* Absolute majority required.*

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

*[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]*

### Strategic Implications

Nil

### Policy Implications

Nil

### Financial Implications

As per the CEO Contract of Employment.

### Officer Recommendation and Council Decision

**116/2018**

***Moved Cr Della Bosca/Seconded Cr Shaw***

***That Council appoints Mr Peter Clarke as Chief Executive Officer of the Shire of Yilgarn on a 3 year Contract, commencing on Monday, 20 August 2018 and, in accordance with Section 5.36(2) of the Local Government Act 1995:-***

- 1. Council believes that Mr Clarke is suitably qualified for the position, having held the position of CEO at a number of Councils and with the Shire of Yilgarn previously; and***
- 2. Council is satisfied with the provisions of the proposed employment contract as presented to Council.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

**17/2018**

***Moved Cr Guerini/Seconded Cr Pasini***

***That the meeting be opened to the members of the public in accordance with Sections 5.23(1) (a) and (b) of the Local Government Act 1995.***

**CARRIED (6/0)**

\*The ACEO (Peter Clarke), MCS (Jenny Gemund), MRS (Nic Warren) and the minute taker (Laura Della Bosca) re-joined the meeting at 4.57pm

## 15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.59pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 16<sup>th</sup> August 2018, are confirmed on Thursday, 20<sup>th</sup> September 2018 as a true and correct record of the August Ordinary Meeting of Council.

**Cr Onida T Truran**  
**SHIRE PRESIDENT**