

"good country for hardy people"

# Councíl Meetíng Agenda

# 18<sup>th</sup> October 2018

# SHIRE OF YILGARN NOTICE OF MEETING



"good country for hardy people"

Councillors: Please be advised that the

# OCTOBER 2018 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on Thursday, 18<sup>th</sup> October 2018 Commencing at <u>4pm</u>

# **COUNCILLORS PLEASE NOTE:**

- The Councillors Forum/Briefing session will start at <u>3pm</u>
- The Ordinary meeting of Council will commence at 4pm

Peter Clarke Acting Chief Executive Officer

18/10/2018

#### DISCLAIMER

Please note this agenda contains recommendations which have not yet been adopted by Council. Any Plans or documents in agendas or minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material, as per the Copyright Act 1968.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including the resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Yilgarn must obtain, and should rely on, written notice of the Shire of Yilgarn's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done in a Council meeting.

Any advice provided by an employee of the Shire of Yilgarn on the operation of a written law, or the performance of a function by the hire of Yilgarn, is provided in the capacity of an employee, and to the best of the persons knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or representation by the Shire of Yilgarn. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Yilgarn should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.



# **Table of Content**

1 Declaration of Oper	ning/Announcement of Visitors	3
2 Announcements from	om the Presiding Member	3
3 Attendance		3
4 Declaration of Inter	rest	3
5 Public Question Tin	ne	3
6 Confirmation of Mi	nutes	3
7 Presentations, Petit	ions, Deputations	4
8 Delegates' Reports		4
9 Officers' Reports		5
9.1. Acting Cl	hief Executive Officer	5
9.1.1	Use of Common Seal-Lease of Part Lot 606 Reserve 7478	5
9.1.2	Shire of Yilgarn Asset Management Plan	
9.1.3	Local Government Professional Australia (WA)	
	Annual State Conference	9
9.1.4	Australian Local Government Association-	
	Federal Election Policy Initiatives	11
9.1.5	Proposed Independent Report-Mine Dewatering and	
	Groundwater Impact Assessment	13
9.1.6	CEACA-Request for member Councils to waive building fea	es <u>15</u>
9.2 Executive	Manager Corporate Services	17
9.2.1	Financial Reports	
9.2.2	Accounts for Payment	<u>19</u>
9.3 Executive	Manager Infrastructure	21
9.3.1	Road Closures Locality of Bullfinch	21



9.4 Executive Manager Regulatory Services	n/a
9.5 Manager Community Services	n/a
10 Application for leave of absence	_24
11 Information Book Items	24
12 Motions for which previous notice has been given	24
13 New business of an urgent nature introduce by decision of the meeting	24
14 Meeting closed to the public-Confidential Items	24
14.1 Draft CEO Performance Criteria and Annual Appraisal Process	24
15 Closure	24



# 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at\_\_\_\_\_pm

# 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

# **3.** ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

# 5. **PUBLIC QUESTION TIME**

# 6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 20<sup>th</sup> September 2018 - (Minutes Attached)

#### Recommendation

That the minutes from the Ordinary Council Meeting held on the 20<sup>th</sup> September 2018 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority



6.2 <u>Central East Aged Care Alliance (CEACA), Committee Meeting-Wednesday, 5<sup>th</sup></u> <u>September 2018- (Minutes Attached)</u>

<u>Great Eastern Country Zone Meeting (GECZ), Thursday, 23<sup>rd</sup> August 2018-</u> (Minutes Attached)

Wheatbelt East Regional Organisations of Councils (WE-ROC) Executive Meeting, Wednesday 26<sup>th</sup> August 2018- (Minutes Attached)

Eastern Wheatbelt Bio-Security Group (EWBG), Annual General Meeting, Friday 21<sup>st</sup> September 2018- (Minutes Attached)

Recommendation

That the minutes from the CEACA Committee meeting, GECZ meeting, WE-ROC Executive meeting and the EWBG Annual General meeting be received.

Voting Requirements: Simple Majority

# 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. **DELEGATES' REPORTS** 



# 9.1.1 Use of Common Seal – Lease of Part Lot 606 on Reserve 7478

File Reference	1.1.12.1,10.4.1.17&1.3.8.9
<b>Disclosure of Interest</b>	None
Voting Requirements	Simple Majority
Attachments	Nil

#### **Purpose of Report**

To advise Council of the Shire of Yilgarn Common Seal being affixed to the Lease Agreement associated with the leasing of part of Reserve 7478 (Former Yilgarn Pony Club).

#### Background

At the August 2018 Ordinary meeting of Council Mrs Rebecca Guerini sought the approval of Council to lease the land and buildings on which the former Yilgarn Pony Club was situated on part of Lot 606 being Reserve 7478.

Council at the above meeting resolved the following in respect to same: -

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)

#### Comment

As the Shire of Yilgarn holds a Management Order over Reserve 7478 Council is only able to lease the land with the Minister for Land's consent in accordance with Section 18 of the *Land Administration Act 1997* (LAA). This approval was sought and on 6 September 2018 Ministerial approval was received.

Following the above approval a Lease Agreement was prepared and signed by the Lessee and the Shire President and CEO on behalf of the Shire of Yilgarn. The Lease Agreement has also been registered with Landgate as per Section 19 of the LAA.

## **Statutory Environment**

Sections 18 and 19 of Land Administration Act 1997.



#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

#### **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.

#### **Financial Implications**

Nil

**Officer Recommendation** 

That Council notes and endorses the signing and affixing of the Shire of Yilgarn's Common Seal by the Shire President and Chief Executive Officer on the Lease Agreement on Part Lot 606 of Reserve 7478 (former Yilgarn Pony Club ground and facilities) to Mrs Rebecca Guerini.



# 9.1.2 Shire of Yilgarn Asset Management Plan 2018-2028

File Reference	1.1.12.4
<b>Disclosure of Interest</b>	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 will 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) <u>develop and integrate matters relating to resources, including asset</u> <u>management, workforce planning and long-term financial planning.</u>
- (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 2018-2028 – 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**

That Council adopts the Draft Asset Management Plan 2018-2028 as prepared by Talis Consultants in consultation with Council's Executive Management team.



#### 9.1.3 Local Government Professionals Australia (WA) - Annual State Conference

File Reference	1.1.8.1
<b>Disclosure of Interest</b>	None
Voting Requirements	Simple Majority
Attachments	Nil

#### **Purpose of Report**

To seek the approval of Council for the CEO to attend the Local Government Professionals Australia (WA) Division Annual State Conference.

#### Background

The CEO's Contract of Employment states the following in respect to Professional Development:-

#### 6.3 **Professional Development**

- (a) In this clause, 'conference' include workshop, forum of similar event.
- (b) The Local Government -
  - (i) Supports, as part of the CEO's performance of the functions, the membership of professional bodies and attendance at conferences; and
  - (ii) Must pay the costs associated with the CEO's membership of professional bodies up to the amount specified; and
  - (iii) Subject to prior approval by the Council (or, if the Council so resolves, the President) and in accordance with the Budget, must also pay the costs of conference attendances by the CEO for professional development purposes relevant to the functions.

#### Comment

Local Government Professionals Australia is the peak body of local government professionals and to which the CEO is a long standing member. The 2018 Conference, titled "*The Future of Local Government*" will be held in Perth between Wednesday, 7 to Friday, 9 November. The program's content over the 3 days is highly relevant to the current issues affecting the local government sector.

To take advantage of 'early bird registration' (by Friday, 12 October) the CEO took the liberty of registering for the Conference in anticipation that Council would grant approval for such attendance.



#### **Statutory Environment**

CEO Contract of Employment.

#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

**Policy Implications** 

Nil

**Financial Implications** 

Provision for Conference attendance included in 2018/2019 Budget.

# **Officer Recommendation**

That Council grants approval, in accordance with Clause 6.3 of the CEO's Contract of Employment, for the CEO to attend the Local Government Professionals Australia (WA Division) Annual State Conference to be held in Perth between Wednesday, 7 and Friday, 9 November 2018 and pays all associated costs with such attendance.



#### 9.1.4 Australian Local Government Association – Federal Election Policy Initiatives

File Reference	1.6.1.1
<b>Disclosure of Interest</b>	None
Voting Requirements	Simple Majority
Attachments	"ALGA Politics is Local" Campaign Brochure

#### **Purpose of Report**

To inform Council of the Australian Local Government Association's (ALGA) Federal Election Policy Initiatives.

#### Background

ALGA's President, Mayor David O'Loughlin, together with all State Association Presidents have written to Council to promote the "All Politics is Local" campaign in the lead-up to the Federal Election in 2019.

Mayor O'Loughlin advises that all state and territory local government associations have collaborated with ALGA to develop 12 essential initiatives for the sector. The major policy change that local government as in industry is seeking at the election is for funds distributed under Financial Assistance Grants (FAG's) to be at least equal to 1 percent of total Commonwealth taxation revenue.

Mayor O'Loughlin advises that Council can play a critical role in championing this initiative at the local level with your local federal representatives and election candidates.

#### Comment

At the WALGA State Conference in August 2018 Mayor O'Loughlin delivered a presentation on the "All Politics is Local" campaign and it was very clear that 11 of the 12 initiatives have an impact for Western Australian local governments and that it would be advantageous for Council to support this campaign through letters to Federal politicians representing Western Australia.

An attachment to this report highlights the 12 initiatives.

# **Statutory Environment**

Nil

#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – A prosperous future for our community.



# **Policy Implications**

Nil

**Financial Implications** 

Nil

**Officer Recommendation** 

That Council supports the Australian Local Government Association's Federal Election Policy Initiatives "All Politics is Local" campaign and in doing so, writes to all Western Australian Federal Politicians urging them to support the 12 initiatives being proposed by local government sector Australia wide.



9.1.5 Proposed Independent Report – Mine Dewatering and Groundwater Impact Assessment

File Reference	1.6.26.17&3.2.1.24
<b>Disclosure of Interest</b>	None
Voting Requirements	<b>Absolute Majority</b>
Attachments	Nil

#### **Purpose of Report**

To present to Council the proposal to conduct, in conjunction with the Department of Mines, Industry Regulation & Safety, an Independent Report relating to Mine Dewatering and Groundwater Impact Assessment associated with the Aquarius dewatering into the Frasers Open Cut.

#### Background

For some time there has been conjecture by some members of the community in relation to the Mine Dewatering and Groundwater Assessment Impact Report associated with the Aquarius dewatering into the Frasers Open Cut that was commissioned by Minjar Gold and prepared by Golder Associates.

Whilst Minjar Gold has received the appropriate approvals from State Government agencies to proceed with the dewatering practice, it has yet to commence this process. Minjar Gold has maintained open communication with Council regarding its proposals and has met with community members to discuss the content of the Golder Report and also intends conducting a further public meeting on 23 October 2018.

#### Comment

On Tuesday, 2 October 2018 the Executive Manager Regulatory Services and CEO met with representatives from the Department of Mines, Industry Regulation & Safety (DMIRS) to discuss the above issue. The Departmental staff, all of whom were Environmental Officers, were visiting Southern Cross to particularly look at the issue and discuss the matter with relevant people in the community.

During the discussions with Council staff, DMIRS suggested engaging an independent consultant to prepare a report to either refute or support the Golder Reports findings. In respect to funding associated with the commissioning of the Report, it was suggested that this could be co-funded by the State Government Departments and the Shire of Yilgarn. Whilst staff gave no undertaking to commit Council to part funding the independent report, they did give a commitment that they would submit same to Council for consideration.

DMIRS also met with Minjar Gold representatives who have advised that they are supportive of a totally independent report being commissioned knowing that they would have no involvement in the selection of the Consultant.



#### **Statutory Environment**

#### Local Government Act 1995

#### 6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1) —

*additional purpose* means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

**Policy Implications** 

Nil

#### **Financial Implications**

As indicated above, no provision has been made for this expenditure in the 2018/2019 Budget and therefore Section 6.9 of the *Local Government Act 1995* applies.

#### **Officer Recommendation**

That Council authorises the Shire President and CEO to negotiate with the Department of Mines, Industry Regulation & Safety regarding a suitable dollar figure as a contributory amount to engage an independent consultant to prepare a report on the Mine Dewatering and Groundwater Impact Assessment associated with the Aquarius dewatering into the Frasers Open Cut.



9.1.6 Central East Aged Care Alliance (CEACA) – Request for Members Councils to Waive Building Fees

File Reference	1.3.3.18
<b>Disclosure of Interest</b>	None
Voting Requirements	Simple Majority
Attachments	Nil

#### **Purpose of Report**

To seek the approval of Council for the waiving of Building Licence Fees associated with construction of CEACA Seniors Housing Project.

#### Background

At the CEACA meeting held in Nungarin on Wednesday, 10 October 2018 discussion took place on a previous decision made by Member Councils in June 2017 which related to the waiving of Building Fees associated with the construction of the Seniors Housing in each local government district.

The June 2017 resolution only related to Building Fees charged by member Councils and not the Building and Construction Industry Training Fund Levy and Building Services Levy, which are statutory State Government levies.

#### Comment

It was assumed that all Member Councils had resolved to waive the Building Licence Fees however, no record exists of such a recommendation being presented by staff at the Shire of Yilgarn to Council following the June 2017 CEACA meeting.

To ensure that all CEACA Member Councils have duly considered this matter, it was again resolved at the CEACA 10 October 2018 meeting that the issue of waiving Building Licence Fees be re-presented to Member Councils for approval.

#### **Statutory Environment**

Building Licence Fees are a statutory requirement and are collected directly by the Local Government Authority. To ensure that records exist of Building Licence Fees being paid for the particular buildings to be constructed in the Southern Cross town site, Council will merely pay itself of the fees incurred.



#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Shire of Yilgarn Strategic Community Plan 2018-2028 – Social – High quality and well maintained Aged Care facilities – Manage and develop the Independent Living Unit's precinct in conjunction with CEACA.

#### **Policy Implications**

Nil

**Financial Implications** 

Nil

**Officer Recommendation** 

That Council in support of the CEACA Seniors Housing Project, and in particular the two (2) Independent Living Units to be constructed in Southern Cross, Council waives the Building Licence Fees that will be incurred upon the Building Licence Application submitted by the developer associated with the project.



# 9.2 **Reporting Officer– Executive Manager Corporate Services**

9.2.1 Financial Reports	;	
File Reference	8.2.3.2	
<b>Disclosure of Interest</b>	Nil	
Voting Requirements	Simple Majority	
Attachments	Financial Reports	

#### **Purpose of Report**

To consider the Financial Reports

# Background

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

The following reports are attached and have been prepared as at the 30<sup>th</sup> September 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** 

That Council endorse the various Financial Reports as presented for the period ending 30<sup>th</sup> September 2018



# 9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment		
File Reference	8.2.1.2	
<b>Disclosure of Interest</b>	Nil	
Voting Requirements	Simple Majority	
Attachments	Accounts for Payment	

#### **Purpose of Report**

To consider the Accounts for Payment

#### Background

Municipal Fund – Cheque Numbers 40675 to 40687 totalling \$46,293.82, Municipal Fund-EFT Numbers 7968 to 8059 totalling \$383,800.45, Municipal Fund – Cheque Numbers 1443 to 1450 totalling \$173,133.66, Municipal Fund Direct Debit Numbers 13045.1 to 13068.12 totalling \$41,714.89, Trust Fund 402388 to 402390 totalling \$1,097.65 and Trust Fund – Cheque Numbers 6138 to 6142 (DPI Licensing), totalling \$82,625.30 are presented for endorsement as per the submitted list.

Comment

Nil

#### **Statutory Environment**

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

**Strategic Implications** 

Nil

#### **Policy Implications**

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

#### **Financial Implications**

Drawdown of Bank funds



# **Officer Recommendation**

Municipal Fund – Cheque Numbers 40675 to 40687 totalling \$46,293.82, Municipal Fund- EFT Numbers 7968 to 8059 totalling \$383,800.45, Municipal Fund – Cheque Numbers 1443 to 1450 totalling \$173,133.66, Municipal Fund Direct Debit Numbers 13045.1 to 13068.12 totalling \$41,714.89, Trust Fund 402388 to 402390 totalling \$1,097.65 and Trust Fund – Cheque Numbers 6138 to 6142 (DPI Licensing), totalling \$82,625.30 are presented for endorsement as per the submitted list.



# 9.3 **Reporting Officer– Executive Manager for Infrastructure**

#### 9.3.1 Road Closures Locality of Bullfinch

File Reference	6.1.2.9
<b>Disclosure of Interest</b>	The author of this report is related to the applicant
Voting Requirements	Simple Majority
Attachments	1-Letter from GVPC
	2 -Appendix 1, Map

#### **Purpose of Report**

To consider a request from Golden Valley Pastoral to have unmade gazetted roads closed in the locality of Bullfinch

#### Background

Correspondence has been received from Golden Valley Pastoral Company requesting Council to consider having six gazetted roads reserves closed located in the locality of Bullfinch area as follows:

Roberts Road (7.6 kilometres) from Koorda Bullfinch Road to Narla Loop Road marked in red on appendix one.

Narla Loop Road (13 kilometres) from Koorda Bullfinch Road to Golden Valley Road

Clarkson Road – (13 kilometres) from Koorda Bullfinch Road to Mount Jackson Road

Unnamed Road – (5.3 kilometres) from King Road to Clarkson Road

King Road - (11 kilometres) from Narla Loop Road to Lot Location 1071

Section of Noongar North Road – (5.6 kilometres) from Koorda Bullfinch Road to Narla Loop running east/west along southern boundary of Loc. 1071

# Comment

All the roads listed above are gazetted road reserve which pass through or border the property of Golden Valley Pastoral Company land (GVPC). Access to these road reserves are limited due to property fencing or being uncleared timber/bush. Any cleared section of the road reserves that have graded tracks passing through them, are utilised for movement of farming implements and stock by GVPC staff.

Council does not and has not carried out any maintenance on the accessible tracks in the past. Any maintenance required on these tracks is carried out by GVPC at their cost.

GVPC has indicated that they intend to apply to purchase the road reserves if successful in having the roads closed.



If Council was to consider the application from Golden Valley Pastoral Company to close these roads reserves then in accordance to the Land Administration Act 1997 Act, Council must first commence a thirty five (35) day statutory advertising period calling for comments relating to the proposed road reserve closures.

Following the thirty five (35) day statutory advertising period calling for comments relating to the proposed road reserve closures Council must then consider submissions received for and against the proposal. If Council wish to proceed with the road reserve closures then Council resolve to make application to the minister to formally close the roads

#### **Statutory Environment**

Land Administration Act 1997 Part 5 Section 58

#### 58. Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
(a) by order grant the request; or
(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
(c) refuse the request.

(5) If the Minister grants a request under subsection (4) —
(a) the road concerned is closed on and from the day on which the relevant order is registered; and
(b) any rights suspended under section 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road —
(a) becomes unallocated Crown land; or (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.



## **Strategic Implications**

Road rationalisation in the Shire of Yilgarn

#### **Policy Implications**

Nil

**Financial Implications** 

Nil

**Officer Recommendation** 

That Council resolves that in accordance to the Land Administration Act 1997 Part 5 Section 58, commences the thirty five (35) day statutory advertising period calling for comments relating to the proposed closures on the following road reserves

- 1) Roberts Road from Koorda Bullfinch Road to Narla Loop Road as marked in orange on appendix one.
- 2) Narla Loop Road from Koorda Bullfinch Road to Golden Valley Road as marked blue on appendix one
- 3) Clarkson Road from Koorda Bullfinch Road to Mount Jackson Road as marked red on appendix one
- 4) Unnamed Road from King Road to Clarkson Road as marked pink on appendix one
- 5) King Road from Narla Loop Road to southern boundary of Loc. 1071 as marked purple on appendix one
- 6) Noongar North Road from Koorda Bullfinch Road to Narla Loop Road as marked green on appendix one



# 10 APPLICATION FOR LEAVE OF ABSENCE

# 11 INFORMATION BOOK ITEMS

# 12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

# 13 NEW BUSINESS OF AN URGENT NATURE INTROUDUCED BY DECISION OF THE MEETING

# 14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

# **CONFIDENTIAL ITEM**

# Recommendation

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

Voting Requirements-Simple Majority

# **14 Reporting Officer – Chief Executive Officer**

# 14.1 Chief Executive Officer Performance Criteria and Annual Appraisal Process

File Reference	1.1.1.1&1.1.10.129
<b>Disclosure of Interest</b>	Nil
Voting Requirements	Simple Majority
Attachments	Draft CEO Performance Criteria and Annual Appraisal
	Process

## Recommendation

That the meeting be opened to the public.

Voting Requirement-Simple Majority

# 15 CLOSURE