



“good country for hardy people”

Minutes

Ordinary Meeting of Council

*18th October
2018*

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Table of Content

1 Declaration of Opening/Announcement of Visitors.....	3
2 Announcements from the Presiding Member.....	3
3 Attendance	3
4 Declaration of Interest.....	3
5 Public Question Time.....	3
6 Confirmation of Minutes.....	4
7 Presentations, Petitions, Deputations.....	4
8 Delegates' Reports.....	4
9 Officers' Reports.....	5
9.1. Acting Chief Executive Officer.....	6
9.1.1 Use of Common Seal-Lease of Part Lot 606 Reserve 7478.....	6
9.1.2 Shire of Yilgarn Asset Management Plan.....	8
9.1.3 Local Government Professional Australia (WA)	
Annual State Conference.....	10
9.1.4 Australian Local Government Association-	
Federal Election Policy Initiatives.....	12
9.1.5 Proposed Independent Report-Mine Dewatering and	
Groundwater Impact Assessment.....	14
9.1.6 CEACA-Request for member Councils to waive building fees.....	17
9.2 Executive Manager Corporate Services.....	19
9.2.1 Financial Reports.....	19
9.2.2 Accounts for Payment.....	21
9.3 Executive Manager Infrastructure.....	23
9.3.1 Road Closures Locality of Bullfinch.....	23

9.4 Executive Manager Regulatory Services.....	n/a
9.5 Manager Community Services.....	n/a
10 Application for leave of absence.....	26
11 Information Book Items.....	26
12 Motions for which previous notice has been given.....	26
13 New business of an urgent nature introduce by decision of the meeting.....	26
13.1 Changes to Standpipe Water Charges.....	26
13.2 Landfill Attendant.....	33
13.3 Proposed Issued of Lease or Freehold Purchase of Lot 860 on Deposited Plan 213925.....	35
14 Meeting closed to the public-Confidential Items.....	37
14.1 Draft CEO Performance Criteria and Annual Appraisal Process.....	37
14.2 Withdrawal of Caveats-Black Oak Minerals Tenements.....	38
15 Meeting Open to the Public.....	38
15 Closure.....	38

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Shire President reminded Councillors of some community meetings/events taking place over the next two weeks:

- St Josephs Swap Meet on the 20/10/2018
- Minjar's Community Meeting 6pm, 23/10/2018
- Bendigo Bank Community Public Meeting 7pm, 31/10/2018

3. ATTENDANCE

Presiding Member	Cr O Truran	Shire President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini	Deputy Shire President
Council Officers	P Clarke C Watson R Bosenberg L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Minute Taker
Apologies:	Cr S Shaw N Warren	Executive Manager Regulatory Services
Observers:	Mr Phillip Kuhne	
Leave of Absence:	Nil	

4. DECLARATION OF INTEREST

The Executive Manager Infrastructure declared an Indirect Financial Interest pursuant to section 5.61 of the Local Government Act 1995, in Agenda Item 9.3.1 - Road Closures, Bullfinch, as the applicant was a family relative.

5. PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 20th September 2018

131/2018

Moved Cr Nolan/Seconded Cr Pasini

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

CARRIED (6/0)

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

Great Eastern Country Zone Meeting (GECZ), Thursday, 23rd August 2018-
(Minutes Attached)

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

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

132/2018

Moved Cr Della Bosca/Seconded Cr Guerini

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

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Truran announced the following:

- Attended a meeting with Bendigo Bank on the 25/09/2018
- Attended the Southern Cross Colour Run on the 14/10/2018

Cr Close announced the following:

- Attended the Men's Shed AGM on the 11/10/2018

Cr Della Bosca announced the following:

- Attended the CEACA meeting on the 10/10/2018
- Attended the Skeleton Weed AGM on the 10/10/2018

Cr Nolan announced the following:

- Attended a Marvel Loch Progress Association meeting

Cr Pasini announced the following:

- Attended the Southern Cross Colour Run on the 14/10/2018

9.1 Officers Report – Chief Executive Officer

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
Disclosure of Interest	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 and Council Decision

133/2018

Moved Cr Close/Seconded Cr Della Bosca

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.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Shire of Yilgarn Asset Management Plan 2018-2028

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

Purpose of Report

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

Background

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

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

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

Comment

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

Statutory Environment

Local Government (Administration) Regulations 1996

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

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

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) **develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.**
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 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 and Council Decision

134/2018

Move Cr Guerini/Seconded Cr Della Bosca

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

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.1 Officers Report – Chief Executive Officer

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

File Reference	1.1.8.1
Disclosure of Interest	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 and Council Decision

135/2018

Moved Cr Nolan/Seconded Cr Della Bosca

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.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Australian Local Government Association – Federal Election Policy Initiatives

File Reference	1.6.1.1
Disclosure of Interest	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 and Council Decision

136/2018

Moved Cr Pasini/Seconded Cr Guerini

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.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.5 Proposed Independent Report – Mine Dewatering and Groundwater Impact Assessment

File Reference	1.6.26.17&3.2.1.24
Disclosure of Interest	None
Voting Requirements	Absolute Majority
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 and Council Decision

137/2018

Moved Cr Close/Seconded Cr Guerini

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.

MOTION LOST (0/6)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that it was not the responsibility of the Shire of Yilgarn to co-fund the engagement of a Consultant to review the Golder Report and that this responsibility should be with the Mining company (Minjar Gold) as the proponents.

9.1 Officers Report – Chief Executive Officer

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

File Reference	1.3.3.18
Disclosure of Interest	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 and Council Decision

138/2018

Moved Cr Della Bosca/Seconded Cr Pasini

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.

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	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 30th 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 and Council Resolution

139/2018

Moved Cr Nolan/Seconded Cr Close

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

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	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 and Council Resolution

140/2018

Moved Cr Della Bosca/Seconded Cr Pasini

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.

CARRIED (6/0)

The Executive Manager Infrastructure declared an Indirect Financial Interest in Agenda Item 9.3.1 as the applicant for the Road Closures was a family relative. The Executive Manager Infrastructure vacated the Chamber at 4.20pm

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Road Closures Locality of Bullfinch

File Reference	6.1.2.9
Disclosure of Interest	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 and Council Decision

141/2018

Moved Cr Nolan/Seconded Cr Close

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***

CARRIED (5/1)
Cr Nolan Against

The Executive Manager Infrastructure re-joined the meeting at 4.28pm.

10 APPLICATION FOR LEAVE OF ABSENCE

142/2018

Moved Cr Guerini/Seconded Cr Close

That Cr Nolan be granted a Leave of Absence from the November Ordinary Meeting of Council.

CARRIED (6/0)

11 INFORMATION BOOK ITEMS

Nil

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

143/2018

Moved Cr Guerini/Seconded Cr Nolan

That the late items be accepted.

CARRIED (6/0)

13 Reporting Officer -Executive Manager Regulatory Services

13.1 Changes to Standpipe Water Charges

File Reference	2.4.2
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To endorse the ongoing operation of Shire Standpipes in response to Water Corporation rate changes.

Background

During the September 2018 Council Discussion Session, the Executive Manger Regulatory Services raised the proposed changes to the way the Water Corporation charges for Standpipe services and usage.

Water Corporation are planning to introduce these changes from the 1st July 2019, and the rates will be based on the size of the meter and the volume of use. The different charge rates are as follows:

Type of standpipe: (Water Corporation code)	Rates 2018/2019 New Description
Local Authority Standpipe	<p>Use: For use by Shire only – must be locked or within a depot and not available for public access.</p> <p>Meter: Can be any size service as long as it is for direct Shire use.</p> <p>No contractor access for Shire projects as they need to use the Commercial standpipes and charged the appropriate commercial Town Class rate for the region.</p> <p>Service Charge: No Service Charge.</p> <p>Commercial Class 1 tariff: \$2.534 per kilolitre (kL).</p>
Community Use Standpipe	<p>Use: Available to assist local farmers for topping up their water tanks, households not connected to schemes etc. Limited use by Shire for their own purposes.</p> <p>Meter: 20mm and 25mm standpipes that are publicly accessible.</p> <p>Storage tanks can be installed by Shires at these sites to improve accessibility to larger volumes of water in a timely manner if required.</p> <p>Service Charge: 20mm Service Charge only.</p> <p>Farmlands tariff: \$2.534 per kilolitre (kL).</p>
Commercial Standpipe	<p>Use: For use by commercial customers; may include major road building, water carting for large projects, and farming.</p> <p>Meter: Any meter above 25mm.</p> <p>Service Charge: Meter-based service charges (according to the size of the meter).</p> <p>Town based charges: ranging from \$2.534 cents to \$8.353 per kilolitre.</p>
Fire Standpipe	<p>Remains as is – no changes unless the standpipe is unlocked and used as a normal standpipe then Commercial charges will apply</p> <p>Service Charge: No Fee. 100% discount.</p> <p>Water Use Charge: No Fee.</p> <p>Note: Currently some Shire standpipes with signs advising they are for fire-fighting only are unlocked. Shires will need to implement a locked system or commercial rates apply unless evidence provided it was for fire-fighting purposes to obtain a refund.</p>
Water Corporation standpipe	<p>Offer to handover/gift these standpipes to Shires where there is a desire to manage an additional service.</p> <p>If Shires are not interested, service to be disconnected.</p> <p>Charge to handover: No charge.</p>
Private, Recycled and non-potable standpipes	<p>Remains as is – no changes.</p>

The Water Corporation provided the following statement in relation to the changes:

Some commercial customers have in the past accessed LGA owned standpipes with concessional rates which are below the regulated Town Class rate for the location as set by Government. Water is a precious resource and is regulated like any other valuable natural resource and correct pricing must be enforced.

When the incorrect water rates are used, it creates inequity and results in the community and State Government subsidising the activities of private enterprises on an unequal basis.

Fixed standpipes provide an essential source of water for customers who are remote from reticulated water schemes, amenities to communities by enabling local governments to maintain street trees and undertake minor building activities, and enable economic growth by supplying businesses that rely on carted water as an input to production.

These changes will ensure the rate commercial customers pay is consistent across the state.

The Shire undertook a community consultation process, whereby the matter was raised at the Bush Fire Advisory Committee (BFAC) meeting, held on the 27th September 2018, in addition to writing to all 106 registered standpipe users.

The BFAC moved the motion that:

The Yilgarn Bush Fire Advisory Committee advise the Shire Council that all standpipes should remain at the current sizes and should not be reduced.

Unfortunately, out of 106 registered standpipe users, only 16 responses were received, with 13 submission slips returned.

The responses for standpipe size showed no clear preference as per the table below, which summarises the 13 submissions slips received. Due to the low number of submissions, gauging community preferences is difficult.

Standpipe	Rate of Use Average*	High Flow / Commercial Charge	Low Flow / Subsidised Charge
Beaton Rd	3	2	1
Bodallin	2	3	-
Bodallin North	-	-	-
Bullfinch	2	1	1
Castor St	2	1	1
Garrett Rd	1	2	1
Gatherers	3	2	2
Ghooli	3	-	1
Kooly Rd	2	-	2
Lenneberg Rd	1	2	-
Moorine Rock	2	1	1
Noongar	1	1	2
Perilya	-	-	-
O'Neils	1	-	3
Total		15	15

**Users rated the standpipes based on how often they utilised, with 1 being most often, 2 being second most often etc.*

In response to the questions whether high end users would consider applying to Water Corporation for their own meter, one (1) replied yes, eight (8) replied no and three (3) replied not applicable.

Standpipe users were also asked how a change in flow rate would affect their business:

- Two responses stated it would affect seeding/spraying operations negatively;
- Two responses stated it would put livestock at risk in instances where livestock water was needed urgently;
- Two responses stated it would have minimal impact;
- Four responses stated it would increase the risks to property, livestock and persons in the event of bushfire/fire; &
- Seven responses stated the additional labour costs of having staff waiting longer for trucks to fill up would be detrimental to their business.

In relation to costs, the following was received from the submissions:

- In relation to a farming property, one operator was of the understanding because they had no access to scheme water and standpipes were their only option, they would always have access to subsidised scheme water; &
- In relation to a commercial operation, the increase in water costs would negatively impact their business.

The Shire has been advised by the Water Corporation (WC) the following:

- WC are willing to pay the cost of reducing current “commercial” sized metres to “Community Use” size, being 25mm or less.
- There are currently two (2) WC standpipes, located within Southern Cross near the Palace Hotel and another on Great Eastern Highway near the Shires Eastern boundary, these are available for the Shire or others to apply to take over ownership free of charge (service and usage charges would apply);
- The Shire can apply to WC for two (2) “Community Use” 25mm meters to be installed at WC’s cost at a location of our choosing (pending WC works approval).

Comment

Based on the Bush Fire Advisory Committee’s response, that any reduction to the current meter size of existing standpipes would be a risk to the community, and their recommendation that the standpipes remain at their current sizing, it is the Officers recommendation that the existing Standpipes are not to be reduced, with the commercial service and usage charges passed on to the users. These fees and charges will be set during the budget setting process for 2019/2020 financial year, as the Water Corporation charges come into effect on the 1st July 2019. However it should be noted the per kilo litre rate for highest use standpipes could triple.

Keeping the existing standpipes on their current meter sizes will also suffice the standpipe users who indicated they would prefer the high flow/high cost option.

However, as some users have indicated the higher cost of water would be detrimental to their businesses and in farmers cases, their only source of scheme water for domestic use, there needs to be some option for subsidised potable water.

As such, the following is recommended:

- The following standpipes remain at their current size, being classed as a “Commercial” standpipe and incurring commercial fees;
 - Beaton Rd;
 - Bodallin;
 - Bodallin North;
 - Bullfinch;
 - Garrett Rd;
 - Gatherers;
 - Ghooli;
 - Kooly Rd;
 - Lenneberg St;
 - Moorine Rock;
 - Noongar;
 - Perilya; &
 - O’Neils.

- The following standpipe is reduced to a 25mm meter, being a “Community Use” standpipe at the subsidised rate:
 - Castor Street.

- The Shire makes application to Water Corporation for four (4) additional 25mm metered “Community Use” standpipes. Two (2) under the Water Corporations offer to supply two (2) free of charge and two (2) at cost to the Shire, to be considered in the 2018/2019 budget review or 2019/2020 annual budget. The additional standpipes to be located in the vicinity of (pending Water Corporation approval):
 - Bodallin;
 - Moorine Rock;
 - Bullfinch; &
 - Noongar.

- To consider in the 2018/2019 budget review or the 2019/2020 annual budget, installation of standpipe controllers on the additional community use standpipes (5 in total, including Castor street).

Statutory Environment

Nil

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Businesses in the Shire remain competitive and viable.

STRATEGY: Continue to provide access to Shire standpipes.

Policy Implications

Policy 6.2: Council Operated Standpipes/ Mt Hampton Dam and Dulyalbin Tank Facility

Financial Implications

Significant expenditure during 2018/2019 budget review or 2019/2020 budget for installation of meters, standpipes and controllers. Costings not yet quoted.

Officer Recommendation and Council Decision

The following recommendations were resolved en-bloc as decided by Council.

144/2018

Moved Cr Guerini/Seconded Cr Della Bosca

RECOMMENDATION 1:

THAT COUNCIL:

Endorse keeping existing water meters servicing current Shire standpipes at the same size and acknowledge the increase in service and usage charges, of which will be passed onto the consumer.

RECOMMENDATION 2:

THAT COUNCIL:

Endorse applying to Water Corporation, to reduce the size of the Castor Street standpipe meter to 25mm at Water Corporations cost, therefore making it a "Community Use" standpipe with subsidised water charges.

RECOMMENDATION 3:

THAT COUNCIL:

Endorse applying to Water Corporation for the installation of two (2) 25mm meters for the creation of new "Community Use" standpipes with subsidised water charges under the Water Corporations offer to install two (2) 25mm meters free of charge,

pending works approval, with the Shire to install standpipe equipment including manifold and swipe controller at its own cost;

RECOMMENDATION 4:

THAT COUNCIL

Endorse applying to Water Corporation for the installation of two (2) additional 25mm meters, for the creation of new "Community Use" standpipes with subsidised water charges, at the Shires own cost. Pending Water Corporation approval, the Shire would also install standpipe equipment including manifold and swipe controller at it's own cost;

RECOMMENDATION 5:

THAT COUNCIL:

Endorse the location of the proposed new "Community Use" standpipes to be in the vicinity of (pending Water Corporation Approval):

- *Bodallin;*
- *Moorine Rock;*
- *Bullfinch; &*
- *Noongar.*

RECOMMENDATION 6:

THAT COUNCIL:

Endorse the inclusion of funds, for the installation of new standpipes and controllers in the 2018/2019 budget review, should the funds be available, or alternatively, include in the 2019/2020 annual budget.

CARRIED (6/0)

13 Reporting Officer -Executive Manager Regulatory Services

13.2 Landfill Attendant

File Reference	4.1.9.12
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To endorse the award of contract for the Landfill Attendant tender.

Background

At the September meeting of Council, Councillors voted to endorse the Landfill Management Plan, within which was the endorsement for the seeking of tenders for the Landfill Attendant contract position.

Resolution 128/2018 carried the following recommendation:

RECOMMENDATION 3:

That Council endorse the advertising of requests for tender submissions for the Landfill Attendant position, with the agreement being a three-year contract with the option of a three-year extension upon mutual agreement.

Tenders were called on the 27th September 2018, via the West Australian newspaper, and via the locally distributed Crosswords newsletter on the 4th October 2018. The tender submission period closed on the 12th October 2018, with only one (1) submission being received.

The submission was received from Mark Cullen trading as Mismatch Workshop.

Comment

The sole tender submission was assessed against the requirements of the tender document to ensure the applicant was suitable for the position. The following was noted:

- \$50.00/operational hour is within budgeted amounts;
- Mismatch Workshop have been undertaking the Landfill Attendant position on a temporary basis during the initial "review period", and as such are well versed in all operations of the landfill site;
- Holds an MR licence, as required;
- Lists additional personnel whom are able to undertake the duties required in the event of illness or absence; &
- Agrees to the terms and conditions of the draft contract, including opening times.

As there is only one submission, who is suitable for the role, it is the officer's recommendation that the contract for Landfill Attendant be awarded to Mark Cullen trading as Mismatch Workshop.

Statutory Environment

Local Government Act 1995

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Ongoing contract costs for the three year term, already budgeted for in the 2018/2019 budget.

Officer Recommendation and Council Decision

145/2018

Moved Cr Close/Seconded Cr Pasini

THAT COUNCIL

Endorse the awarding of the Landfill Attendant contract position to Mark Cullen trading as Mismatch Workshop.

And

Endorse the President and Chief Executive Officer executing a contract for a period of three (3) years, and applying the Shire of Yilgarn common seal to the signed document.

CARRIED (6/0)

13 Reporting Officer -Executive Manager Regulatory Services

13.3 Proposed Issue of Lease or Freehold Purchase of Lot 860 on Deposited Plan 213925

File Reference	1.6.29.1&2.4.1.7
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	1-Smartplan of Lot 860 ON DP 213925 2-Aerial of Lot 860 on DP213925

Purpose of Report

To endorse a response to the Department of Planning Lands and Heritage regarding the proposed lease and/or freehold over Lot 860 on Deposited Plan 213925.

Background

The Department of Planning, Lands and Heritage (DPLH) is considering a proposal for the grant of a new lease over Lot 860 on Deposited Plan 213925. The applicant has also proposed to purchase in freehold Lot 860.

The original lease was granted over Lot 860 for the purpose of 'Light Industry' on 1 July 2012 for a term of five years. The proposed new lease is for a term of 21 years for 'Storage/Industrial Purposes'.

Attached a SmartPlan graphic and an Aerial image of the proposed area.

The DPLH have requested the Shire provide comments and/or objections to assist the Department make their determination.

Comment

The Shire has no record of complaint regarding this property.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

146/2018

Moved Cr Close/Seconded Cr Nolan

THAT COUNCIL:

Endorse the following response to the Department of Planning Lands and Heritage in response to the proposed lease or freehold of Lot 860 on DP213925.

The Shire of Yilgarn has no objection the the proposed issue of lease or freehold of Lot 860 on DP213925.

CARRIED (6/0)

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

147/2018

Moved Cr Nolan/Seconded Cr Close

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

CARRIED (6/0)

Robert Bosenberg-EMI, Cameron Watson-EMCS, Laura Della Bosca-EA and Mr Kuhne left the meeting, 4.36pm.

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
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft CEO Performance Criteria and Annual Appraisal Process

Council Decision

Council, in agreement with the CEO, deferred the item to allow Councillors more time to consider the inclusion of additional goals associated with the Annual Appraisal process and that it be referred back to the November Ordinary meeting for further consideration.

Robert Bosenberg-EMI, Cameron Watson-EMCS and Laura Della Bosca-EA re-joined the meeting, 4.54pm.

14 Reporting Officer – Executive Manager Corporate Services

14.2 Withdrawal of Caveats - Black Oak Minerals Tenements M77/1256 & M77/1285

File Reference	8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Koorda Mentha Restructuring Correspondence

Officer Recommendation and Council Resolution

148/2018

Moved Cr Close/Seconded Cr Nolan

That Council confirms that on receipt of the full amount outstanding for the following assessments:

<i>Assessment</i>	<i>Tenement</i>	<i>Purpose</i>
<i>A100565</i>	<i>M77/1256</i>	<i>Mining</i>
<i>A100660</i>	<i>E77/1965</i>	<i>Exploration</i>
<i>A100812</i>	<i>P77/4185</i>	<i>Prospecting</i>
<i>A100820</i>	<i>E77/2091</i>	<i>Exploration</i>
<i>A101150</i>	<i>M77/1285</i>	<i>Mining</i>

Council will withdraw all caveats effecting the same.

CARRIED (6/0)

15 MEETING RE-OPENED TO THE PUBLIC

149/2018

Moved Cr Pasini/Seconded Cr Della Bosca

That the meeting be re-opened to the public.

CARRIED (6/0)

16 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.57pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 18th October 2018, are confirmed on Thursday, 15th November 2018 as a true and correct record of the October Ordinary Meeting of Council.

Cr Onida T Truran
SHIRE PRESIDENT