



"good country for hardy people"

Minutes

Ordinary Meeting of Council

*21st March
2019*

DISCLAIMER

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 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	5
9 Officers' Reports	6
9.1. Chief Executive Officer	6
9.1.1 2018 Annual Compliance Audit Return	6
9.1.2 Banking Services-Bendigo Bank	9
9.2 Executive Manager Corporate Services	11
9.2.1 Financial Reports	11
9.2.2 Accounts for Payment	13
9.2.3 2019/2020 Differential Rates-Objects and Reasons	15
9.2.5 Proposed 2019/2020 Draft Budget Timetable	19
9.3 Executive Manager Infrastructure	n/a
9.4 Executive Manager Regulatory Services	22
9.4.1 Application for Dewatering-Corinthia Minesite	22
9.4.2 CEACA Retaining Wall Contribution	25
9.4.3 Disposal of Lots 290 & 291 Orion Street, Southern Cross	28

9.5 Manager Community Services.....	32
9.5.1 Community Crop Lots 36,44 and 88.....	32
10 Application for leave of absence.....	34
11 Motions for which previous notice has been given.....	34
12 New business of an urgent nature introduce by decision of the meeting.....	34
13 Meeting closed to the public-Confidential Items.....	34
14 Closure.....	34

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

Presiding Member	Cr W Della Bosca	Deputy President
Members	Cr B Close Cr G Guerini Cr P Nolan Cr S Shaw	
Council Officers	P Clarke C Watson N Warren J Gemund L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Regulatory Services Manager Community Services Minute Taker
Apologies:	R Bosenberg	Executive Manager Infrastructure
Observers:	Mrs Kay Crafter	

LEAVE OF ABSENCE

24/2019

Moved Cr Shaw/Seconded Cr Nolan

That Cr Truran and Cr Pasini be granted leave of absence from the Ordinary Meeting of Council held on Thursday 21st March 2019.

CARRIED (5/0)

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Mrs. K Crafter attended Public Question Time and did not pose a question but instead made comment that she has visited the new Southern Cross Landfill three or four time now and would like to commend the Shire of Yilgarn on the facility. It is always tidy, with no stray rubbish, and the recycle shop is very beneficial.

Cr Della Bosca thanked Mrs. K Crafter for her comments.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 21st February 2019

25/2019

Moved Cr Close/Seconded Cr Guerini

That the minutes from the Ordinary Council Meeting held on the 21st February 2019 be confirmed as a true record of proceedings.

CARRIED (5/0)

6.2 Audit Committee Meeting Minutes, Thursday 21st February 2019

26/2019

Moved Cr Close/Seconded Cr Guerini

That the minutes from the Audit Committee Meeting held on the 21st February 2019 be confirmed as a true record of proceedings.

CARRIED (5/0)

6.3 Central East Aged Care Alliance (CEACA), Committee Meeting-Tuesday, 26th February 2019

Yilgarn History Museum Advisory Committee, Wednesday 6th March 2019

Westonia Yilgarn LEMC Committee Meeting, Thursday 7th March 2019

27/2019

Moved Cr Shaw/Seconded Cr Close

That the minutes from the CEACA Committee meeting, the minutes from the Yilgarn History Museum Meeting and the minutes from the Westonia Yilgarn LEMC Committee meeting be received.

CARRIED (5/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Nolan announced the following:

- Attended the Ag Care meeting in Nungarin and reported a new Counsellor has been appointed for the Region.

Cr Guerini announced the following:

- Attended the Southern Cross Motorcycle Club meeting and reported the Club made the decision to not go ahead with the King of the Cross this year.

Cr Della Bosca announced the following:

- Attended the Bushfire Advisory Committee Meeting on the 12th March.
- Attended the GECZ meeting with the CEO on the 20th March.

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 2018 Annual Compliance Audit Return

File Reference	1.6.6.4
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments -	2018 Annual Compliance Audit Return

Purpose of Report

To present to Council the 2018 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be: -

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.

Comment

The 2018 CAR was presented to the Audit Committee at its meeting held on 21 February 2019 for consideration.

The 2018 CAR contains 95 questions of which: -

- 60 were complied with
- 34 were not applicable to the Shire of Yilgarn during the year under review, and
- 1 matter was non-compliant.

The Audit Committee were informed of the non-compliant matter and the Auditor clarified that matter at the Audit Committee meeting.

For the record, the non-compliance related to section 7.9(1) where the Auditor's report for the financial year ended 30 June 2018 has to be received by the local government by 31 December 2018. As stated in the comments section of the CAR, the Auditors had sought additional information on donated assets (fore-fighting appliances) that had been acquired from 2014 to current year and had not been taken into account. The Auditors had also sought information regarding a review of depreciation of certain infrastructure classes following 12 months depreciation calculations post the infrastructure fair value valuation.

The Auditor had notified the Department of the non-compliance at the time and had provided an anticipated completion date for the Audit.

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Decision

28/2019

Moved Cr Guerini/Seconded Cr Close

That Council adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2018 to 31 December 2018, noting that there was one (1) area of non-compliance as detailed above. In accepting the CAR, Council authorises the Shire President and CEO to sign and submit the CAR to the Department of Local Government, Sport and Cultural Industries as required.

CARRIED BY ABSOLUTE MAJORITY (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Banking Services – Bendigo Bank

File Reference	1.3.5.12
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the outcomes of potential banking services in Southern Cross for the residents of the Yilgarn district.

Background

Upon the announcement of Westpac's decision to close its Southern Cross Branch in November 2018, leaving the district without any banking services apart from Agency services at Australia Post, the CEO commenced discussions with Bendigo Bank regarding the possibility of establishing a banking presence in Southern Cross.

A public meeting was held on Wednesday, 31 October 2018 to ascertain the community's interest in securing banking services. Bendigo Bank representatives attended the above meeting and proposed the establishment of a Customer Service Centre being established in Southern Cross working off the back of the Mukinbudin Bendigo Bank Branch. Whilst a number of community representatives nominated themselves to be members of a Local Steering Committee to progress the Customer Service Centre, it was considered by the Bendigo Bank representatives that it would be appropriate to commence the process in early 2019.

Comment

On 21 January 2019, the CEO contacted Bendigo Bank to commence the process with the formal establishment of the Local Steering Committee only to be told that Bendigo Bank had re-assessed the situation and had decided not to progress with the Customer Service Centre in Southern Cross.

The following correspondence was received from Alex Dickson, Regional Community Manager WA, Bendigo and Adelaide Bank Ltd.

"Thank you for your interest in establishing a presence of Bendigo Bank in the Shire of Yilgarn. As recently discussed on the telephone, at this point in time we are unable to start a campaign to establish a banking facility in the Shire of Yilgarn.

*The campaign itself requires significant support and guidance from a partnering **Community Bank** branch and Bendigo Bank. Unfortunately, we do not presently have the resources to adequately support the establishment of a banking facility in your community.*

We are also concerned that the remote location would considerably increase the establishment and ongoing operational costs, making the venture financially unviable.

Unfortunately, these factors combined make it very difficult to proceed with the campaign at the present time. We are hopeful that as our network develops in Western Australia, the situation will change and that in the future we will be better positioned to support your community with a physical banking presence.

*While we cannot assist with establishing a physical presence, in today's 'Mobile Society' we are pleased to advise that our Mukinbudin **Community Bank** Branch and its Branch Manager, Tara Chambers, along with our Agri-Business Specialists are happy to discuss any banking inquiries to assist your community.*

*Once again, thank you for your interest in the **Community Bank** concept. I am sorry that we cannot support your request at this time. I will be sure to contact you if there are any circumstantial changes that present new opportunities, and I hope the local members of your community can remain optimistic at the prospect of any future collaboration".*

It is considered that this was the last real opportunity of gaining a physical banking presence in the district and that Bendigo Bank's decision now leaves Council with little option of further progressing banking opportunities.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

29/2019

Moved Cr Guerini/Seconded Cr Shaw

That Council notes the decision of Bendigo Bank in declining to offer physical banking services in Southern Cross and that Council communicates Bendigo Bank's decision to the residents of the district via "Crosswords". In accepting Bendigo Bank's decision, Council acknowledges that the opportunities of acquiring a physical banking presence in Southern Cross is now extremely limited.

CARRIED (5/0)

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 28th February 2019.

- 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

30/2019

Moved Cr Nolan/Seconded Cr Guerini

That Council endorse the various Financial Reports as presented for the period ending 29th February 2019

CARRIED (5/0)

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 40746 to 40759 totalling \$14,906.47, Municipal Fund-EFT Numbers 8494 to 8585 totalling \$291,763.09, Municipal Fund – Cheque Numbers 1488 to 1494 totalling \$176,064.47, Municipal Fund Direct Debit Numbers 13430.1 to 13499.11 totalling \$41,740.46, Trust Fund 402405 to 402410 totalling \$4,085.35 and Trust Fund – Cheque Numbers 6161 to 6165 (DPI Licensing), totalling \$28,938.00 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

31/2019

Moved Cr Close/Seconded Cr Nolan

Municipal Fund – Cheque Numbers 40746 to 40759 totalling \$14,906.47, Municipal Fund- EFT Numbers 8494 to 8585 totalling \$291,763.09, Municipal Fund – Cheque Numbers 1488 to 1494 totalling \$176,064.47, Municipal Fund Direct Debit Numbers 13430.1 to 13499.11 totalling \$41,740.46, Trust Fund 402405 to 402410 totalling \$4,085.35 and Trust Fund – Cheque Numbers 6161 to 6165 (DPI Licensing), totalling \$28,938.00 are presented for endorsement as per the submitted list.

CARRIED (5/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2019/2020 Differential Rates – Objects & Reasons

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 – 2019/2020 Rating Strategy Attachment 2 – 2019/2020 Rating Objects & Reasons

Purpose of Report

Council is requested to endorse the 2019/2020 Rating Strategy & Objects & Reasons.

Background

It is proposed to impose Differential Rates for the year ending 30th June 2020 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2019/2020 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

The Rates in the dollar being recommended are a result of efficiency measures being implemented over the previous few years. As a result of these measures, Council has significantly reduced the burden on its Ratepayers, in some categories, to the effect of as much as a 61% reduction in the rate in the dollar.

The following table illustrates the result of these efficiency measures for the financial years 2014/15 to 2017/18:

Land Category	Rate – Cents in the Dollar		% Change
	2014/2015	2017/2018	
GRV - Residential/Industrial	10.3800	11.0120	6.09%
GRV - Commercial	7.1000	7.7520	9.18%
GRV - Minesites	40.0100	15.5040	-61.25%
GRV - Single Persons Quarters	40.0100	15.5040	-61.25%
UV - Rural	1.7400	1.7230	-0.98%
UV - Mining	21.3053	17.0500	-19.35%

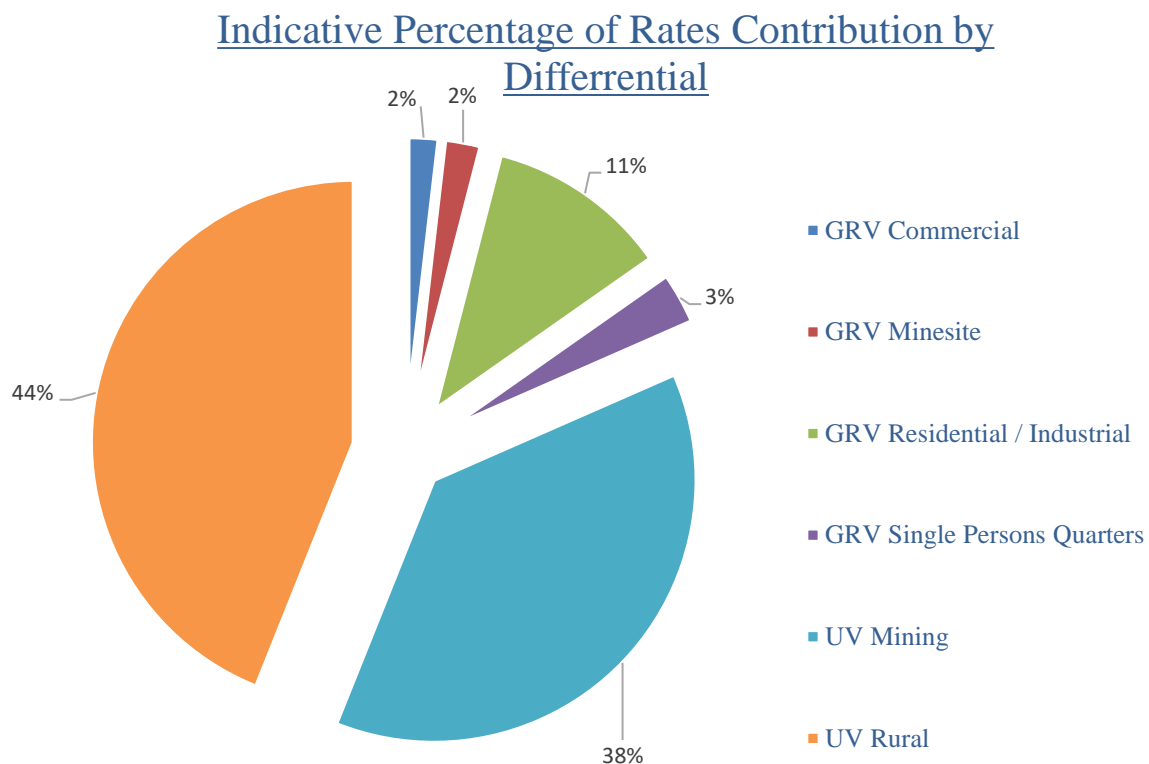
The 2018/19 financial years rates had a small 1.5% increasing the Rate in the Dollar with a similar increased being recommended in the 2019/20 financial year.

2019/2020 Proposed Differential Rates

The proposed Differential Rate for each rating category are as follows:

Land Category	Rate – Cents in the Dollar	Minimum Payment
GRV - Residential/Industrial	11.3449	\$500
GRV - Commercial	7.9861	\$400
GRV - Minesites	15.9722	\$400
GRV -Single Persons Quarters	15.9722	\$400
UV - Rural	1.7749	\$400
UV - Mining	17.5653	\$400

The proposed Rates in the dollar for 2019/2020 represent a 1.5% increase over those imposed in 2018/2019.



The recommended Rate in the dollar increase of 1.5% is in line with the WA Local Government Cost Index (WALGCI) 2018/19 closing estimate of 1.8%. The WALGCI is similar in principal to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments.

The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such as food and non-alcoholic and alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government.

The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government. The most recent "Local Government Economic Briefing" issued by WALGA in December 2018 has indicated a current WALGCI value of 1.5%.

Both Councils Long Term Financial Plan and Corporate Business Plan indicate an estimated 6% rate increase per year for the duration of the plans. Both these plans are currently under review and it is expected that these estimates will be revised down.

Statutory Environment

Attachment 1 - 2019/2020 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

This report deals with changes to Council's Policy Manual.

Financial Implications

The outcome of this recommendation will ultimately inform the direction for the 2019/2020 Income Budget as it relates to the raising of Rates

Officer Recommendation and Council Decision

32/2019

Moved Cr Shaw/Seconded Cr Close

That Council:

1. *Endorse the Differential Rating – Objects and Reasons for the 2019/2020 rating years as presented;*
2. *Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2019/2020 financial year:*

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.3449</i>	<i>\$500</i>
<i>GRV - Commercial</i>	<i>7.9861</i>	<i>\$400</i>
<i>GRV - Minesites</i>	<i>15.9722</i>	<i>\$400</i>
<i>GRV -Single Persons Quarters</i>	<i>15.9722</i>	<i>\$400</i>
<i>UV - Rural</i>	<i>1.7749</i>	<i>\$400</i>
<i>UV - Mining</i>	<i>17.5653</i>	<i>\$400</i>

3. *Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:*
 - *Statewide and local public notice on Wednesday 1st May 2019 as per the requirements of section 6.36 of the Local Government Act 1995.*
 - *Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.*

CARRIED (4/1)

**Cr Nolan voted against the decision.*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Proposed 2019/2020 Draft Budget Timetable

File Reference	8.2.5.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present a timeline for the adoption of the 2019/2020 Budget.

Background

Council is to endorse and adopt a budget for the operations of Council annually.

Comment

Work has commenced in preparation of Councils 2019/2020 Annual Budget. A timeline has been established with proposed dates for key milestones identified as follows:

Activities Currently Completed or Underway

On going	Preparations to be well underway on the budget in terms of obtaining quotations for products and estimates of Capital Works.
* Thurs, 21 st March 2019	2019/20 Rating Strategy and Differential Rate Objects & Reasons presented by Executive Manager Corporate Services to Council for consideration and adoption.
* Thurs, 18 th April 2019	2019/20 to 2028/29 Plant replacement program presented by Executive Manager of Infrastructure to Council for consideration and adoption.
Tues, 1 st May 2019	Advertising of availability of 2019/20 Differential Rates Objects & Reasons carried out in Kalgoorlie Miner and Crosswords as well as Shire website.

Future Activities

* Thurs, 16 th May 2019	2019/20 Schedule of Fees & Charges presented by Executive Manager Corporate Services to Council for consideration and adoption.
* Thurs, 16 th May 2019	2019/20 Councillor Sitting Fees presented by Executive Manager Corporate Services to Council for consideration and adoption.
Fri, 24 th May 2019	2019/20 Differential Rating submission period closes.

- * **Thurs, 30th May 2019** **Special Meeting of Council** – Council to consider submissions and determine appropriate level of differential rates. Council decision to seek ministerial approval for imposition of differential general rates. Submission to Minister to be made ASAP after conclusion of meeting.
- Fri, 14th June 2019 Last day for the issuing of Council Purchase Orders for the 2018/2019 financial year.
- Week Commencing - Mon, 24th June 2019 Senior Management to hold first draft budget deliberation meeting identifying major projects to be included and to prepare a 1st draft list of excluded items.
- Mon, 1st July 2019 Senior Management to hold final draft budget meeting. All expenditure accounted for and rating scenarios finalised.
- * Wed, 3rd July 2019 Circulate final draft budget to Council
- * **Fri, 5th July 2019** **Special Meeting of Council** – Finalise draft budget.
- * Thurs, 18th July 2019 Council adopt the 2019/2020 Statutory Annual Budget at the Ordinary Meeting of Council scheduled for this day.

Items marked with an (*) indicate matters which are specific to Council.

Statutory Environment

Local Government Act 1995 –

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended by No. 17 of 2009 s. 4.]

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

Sets forth a timeline for the adoption of the 2019/2020 Annual Budget

Officer Recommendation and Council Decision

33/2019

Moved Cr Guerini/Seconded Cr Shaw

That Council notes the proposed 2019/2020 Draft Budget timetable and hold the following Special Meetings of Council:

- 1. Thursday, 30th of May 2019, to consider submissions and determine appropriate level of differential rates and to decide to seek ministerial approval for imposition of differential general rates; and***
- 2. Friday, 5th July 2019, to finalise the draft 2019/2020 budget.***

CARRIED (5/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Application for Dewatering – Corinthia Minesite

File Reference	3.2.1.17
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Invitation to Comment
	Mine Premises Map
	Mine Regional Map

Purpose of Report

To consider a proposal by Adaman Resources Pty Ltd to dewater Corinthia Pit on Tenement M77/534 to Pilot Pit on Tenement M77/1049.

Background

The Department of Water and Environmental Regulation (DWER) have referred an application from Adaman Resources Pty Ltd, proposing to dewater the Corinthia Pit, located within Tenement M77/534 to Pilot Pit, located within Tenement M77/1049.

Attached is the referral request from DWER and two aerial images showing the dewatering proposal.

Comment

According to Adaman Resources mining proposal, in relation to dewatering it states:

In order to allow safe underground mining the Corinthia Pit must be dewatered. Currently the pit holds 262,000 cubic metres of groundwater. This will be transferred by a pipeline along L77/291 to the Pilot Pit. An agreement is in place with Tianye (the owner of the Pilot Pit) to allow Adaman to transfer water into the Pit.

The dewatering pipeline will be installed in a V-drain adjacent to an existing access track. All culverts, V drain and spill catchment pits have already been installed by Sons of Gwalia in 2000 as part of a previous Project, however whilst a pipeline was installed no pumping occurred. It is expected that minor work will be required to re-instate the existing infrastructure which will have minimal disturbance. Adaman will install a new PE pipe.

Regular (every eight hours) pipeline inspections will be carried out and telemetry installed.

Water samples were taken from both Corinthia Pits and the Pilot Pit. Noting that evaporation will concentrate salts, groundwater quality of samples taken from the Corinthia and Pilot pits shows that the local groundwater is:

- *Hypersaline: salinity of 93,000 - 100,000 mg/L TDS dominated by NaCl;*
- *Acidic: pH of 3.3 - 5.8; and*

- *Elevated in sulphates: 6,100 - 8,300 mg/L.*

A copy of the water analysis of the pits is attached.

There are no sensitive land uses in the vicinity of either pit, no clearing of land is required to undertake dewatering and with the likelihood that the Department of Water and Environmental Regulation and Department of Mines and Industry Regulation placing monitoring conditions on the dewatering processes, the risk of environmental harm is low.

As such, it is the Officers opinion that Council should hold no objections to the dewatering proposal.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council, Decision

34/2019

Moved Cr Close/Seconded Cr Guerini

THAT COUNCIL:

Endorse the following response to the Department of Water and Environmental regulation:

The Shire of Yilgarn have no objections to Adaman Resources Pty Ltd's proposal to dewater the Corinthia Pit into the Pilot Pit as per the referral from the Department of Water and Environmental Regulation, with reference L9192/2019/1.

AMENDMENT

35/2019

Moved Cr Nolan/Seconded Cr Close

That Council, prior to considering Adaman Resources dewatering licence application, requests the DWER to insist that Adaman Resources undertakes a thorough community consultation process, on the dewatering proposal, and further, that DWER instructs Adaman Resources, to prepare a hydrological assessment, based on the current water levels of the Pilot Pit.

Council also indicates to DWER that timeframes for responses to licence applications are not considered appropriate to meet monthly Council meeting dates.

**AMENDMENT BECOMES THE SUBSTANTIVE MOTION
THE MOTION WAS DULY CARRIED (5/0)**

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the community had not been adequately consulted in regards to the proposed dewatering proposal and prior to supporting the Licence application to DWER, community input and comment should be canvassed by Adaman Resources. In respect to Council recommending that DWER instructs Adaman Resources to undertake additional Hydrological assessments, this was based upon Council concerns as to the current water levels of the Pilot Pit and whether it has the capacity to take the intended amounts of dewatering from Corinthia Pit and the associated effects that this could have on the vegetation immediately surrounding the Pilot Pit.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 CEACA Retaining Wall Contribution

File Reference	1.3.3.18
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To consider a financial contribution towards retaining wall construction at the CEACA units in Southern Cross.

Background

At the December 2018 Council meeting, it was brought to Council's attention that there would be a requirement for the Shire to make a financial contribution to the retaining wall construction at the CEACA units, located on the corner of Antares Street and Canopus Street in Southern Cross.

At the time, indicative costs to the Shire were advised to be \$14,000, as provided by the contractor, with the following resolution carried by absolute majority:

That Council

- 1. Endorses the actions of Council's Executive team in negotiating with CEACA's contractor, Alliance Housing, to undertake drainage works in-house within current 2018/2019 Budget parameters for the two (2) CEACA lots currently under development/construction;*
- 2. Acknowledge that a financial contribution of \$14,000.00 be provided by Council for the construction of a Retaining Wall at the rear of the two (2) Units; and*
- 3. The additional expenditure of \$14,000.00 be provided for in the 2018/2019 Budget Review as Council's contribution to the Retaining Wall construction.*

The final costing was not included in the 2018/2019 budget review, as a finalised contribution amount was not provided in time. A final costing of \$17,380 has now been provided.

Comment

The original Yilgarn contribution of \$14,000 was based on the "Stage One - Groundwork" contributions, paid by other CEACA member Councils, of which the Shire of Yilgarn did not pay at the time. These contributions equated to approximately \$7,000 per proposed dwelling.

The Shire of Yilgarn was not asked to pay the "stage one" contributions due to the belief by CEACA project officers that the lots were "build ready". Whilst the Shire had undertaken extensive groundworks, including service connections, the site still required some earthworks prior to being "build ready".

Upon commencement of the construction of the current two units, it was identified that drainage and retaining works would be required outside the scope of "Stage Two – Build" funding.

As detailed in the December Council report, relevant Shire staff advised that the drainage work could be undertaken in-house and within current budget constraints. However, to facilitate the drainage works, the planned retaining wall height would need to be extended.

CEACA's contracted builder, Pindan, has advised the variation to the original retaining wall height, to account for the Shire's drainage works, will cost \$3,571, therefore requiring the Shire to pay the originally agreed contribution of \$14,000 plus the variation of \$3,571, equating to a total of \$17,571.

Statutory Environment

Nil

Strategic Implications

GOAL: An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term.

OUTCOME: High quality and well maintained Aged Care facilities.

STRATEGY: Manage and develop the Independent Living Unit's precinct in conjunction with CEACA.

Policy Implications

Nil

Financial Implications

A financial contribution of \$17,571.00 to be paid to CEACA,

Officer Recommendation and Council Decision

36/2019

Moved Cr Guerini/Seconded Cr Close

THAT COUNCIL

Endorse a contribution of \$17,571.00 to CEACA for the Shire of Yilgarn's share of the retaining wall costs, including height variation to account for in-house drainage works, for the CEACA unit development in Southern Cross.

CARRIED BY ABSOLUTE MAJORITY (5/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Disposal of Lots 290 & 291 Orion Street, Southern Cross

LATE ITEM

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Valuation

Purpose of Report

To consider the disposal of Lots 290 and 291 Orion Street, Southern Cross

Background

At the December 2018 Council meeting, a report was tabled regarding a proposal to purchase Shire owned property, being Lots 290 and 291 Orion Street, Southern Cross (the lots) by Sanctum Resources Pty Ltd (Sanctum).

The following recommendation was carried at the December 2018 meeting:

THAT COUNCIL

- 1. Endorse commencing the process of disposal as per Clause 3.58 of the Local Government Act 1995 for Lots 290 and 291 Orion Street, Southern Cross to Sanctum Resources Pty Ltd, and instruct Sanctum Resources Pty Ltd to engage a licensed valuer to undertake a valuation of the lots;*
- 2. Upon receiving an offered price for purchase from Sanctum Resources Pty Ltd, that is equal to or greater than that of a valuation provided by a licensed valuer, then Council deem the offered price to be adequate remuneration for the lots, and public notice, as per Clause 3.58 of the Local Government Act 1995 can commence;*

OR

Upon receiving an offered price for purchase from Sanctum Resources Pty Ltd that is lower than that of a valuation provided by a licensed valuer, the matter is to be reported at the next available Council meeting for Councillors determination of whether the offered price is acceptable prior to undertaking public notice.

On the 21st February 2019, Sanctum forwarded a valuation, undertaken by LMW (WA) Pty Ltd, who are licenced valuers, which valued the lots combined at \$12,500. The valuation report is attached.

On the 25th February 2019, the Shire received a written offer of purchase for the lots from Sanctum for the value of \$12,500.

As per the resolution from the December meeting, as the offered price matched the valuation price, the period of notice was commenced, with a notice seeking submissions placed in the Kalgoorlie Miner on the 27th February 2019, and subsequently in the Crosswords, Shire notice board and Shire website. No submissions were received by the closing date.

Comment

The sale of land by a Local Government is governed by the Local Government Act 1995 Section 3.58 which states:

3.58. *Disposing of property*

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- a. the highest bidder at public auction; or*
- b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- a. it gives local public notice of the proposed disposition —*
 - i. describing the property concerned; and*
 - ii. giving details of the proposed disposition; and*
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- b. it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- a. the names of all other parties concerned; and*
- b. the consideration to be received by the local government for the disposition; and*
- c. the market value of the disposition —*
 - i. as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- ii. *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Given there have been no submissions during the notice period, it is the Officers recommendation that the lots be disposed to Sanctum via outright sale for the price offered, being \$12,500.

Should the sale proceed, Sanctum will be required to engage a settlement agent, agreed upon by Shire executive staff, to undertake the relevant land transfers.

Sanctum are to cover any costs associated with the transfer of land, including stamp duty.

Statutory Environment

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.

Policy Implications

Nil

Financial Implications

\$12,500 income

Officer Recommendation and Council Decision

37/2019

Moved Cr Nolan/Seconded Cr Shaw

THAT COUNCIL:

Endorse the disposal of Lots 290 and 291 Orion Street, Southern Cross, by way of outright sale to Sanctum Resources Pty Ltd, for the total sum of \$12,500.

Conditions:

- 1. Sanctum Resources Pty Ltd are required to engage a settlement agent to act on behalf of both parties to execute the sale and transfer of land;***
- 2. Sanctum Resources Pty Ltd are required to cover any and all costs associated with the transfer of land;***
- 3. Council consent to the Shire President/Chief Executive Officer applying the Shire of Yilgarn Common Seal to any transfer/legal documentation in relation to the transfer of land, as required.***

CARRIED (5/0)

9.5 Reporting Officer– Manager Community Services

9.5.1 Community crop lots 36,44 and 88

File Reference	2.4.1.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1-Calls for Expressions of Interest Attachment 2-Letter from Southern Cross Football Club Attachment 3- Previous Lease Agreement

Purpose of Report

To call for expressions of interest of community groups to crop lots 36, 44 and 88.

Background

Council resolved at its meeting on 21 February 2019 to call for Expressions of Interest (EOI) for the cropping of lots 36, 44 and 88 for a three (3) year period as the previous lease with the Southern Cross Football Club expired on 31 January 2019.

Comment

The closing day for all EOI's was 13 March 2019 and one EOI from the Southern Cross Football Club Inc has been received.

There has been some concern raised regarding the lack of weed control by the Southern Cross Football Club since the 2018 cropping program. Whilst the club had maintained weed control in previous years, it is apparent that they have neglected this task knowing that the lease was expiring in January 2019 and were awaiting the outcome of a new lease agreement.

In fairness to the Southern Cross Football Club, they have been leasing the properties without any formal agreement which should have been prepared by Council staff in 2015.

The attached agreement from previous years will be prepared and signed by the Southern Cross Football Club and Council, should the recommendation presented be adopted by Council.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn – Corporate Business Plan, Schedule 11 – Recreation and Culture

Goal: An inclusive, secure and welcoming community that encourages family, youth and the aged to remain in and contribute to our Shire in the long term.

Outcome: Maintain/increase percentages of residents engaged in recreation, culture and leisure activities for all demographics of the Shire

Strategy: Continue to support local sport, recreation and community groups

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

38/2019

***Moved Cr Guerini/Seconded Cr Close
That Council***

- 1. Receive and accept the Expression of Interest lodged by the Southern Cross Football Club to crop lots 36, 44 and 88 for the three-year period commencing 22 March 2019 until 21 March 2021.***
- 2. Authorise the CEO to arrange an agreement between the Shire of Yilgarn and the Southern Cross Football Club Inc. with the conditions included in the EOI and to sign the agreement on behalf of Council.***

CARRIED (5/0)

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire Deputy President declared the meeting closed at 4.39pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 21st March 2019, are confirmed on Wednesday, 17th April 2019 as a true and correct record of the March Ordinary Meeting of Council.

Cr Onida T Truran
SHIRE PRESIDENT