



Minutes

Ordinary Meeting of Council

16th May

2019

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

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Wednesday 17th April 2019

58/2019

Moved Cr Close/Seconded Cr Nolan

That the minutes from the Ordinary Council Meeting held on the 17th April 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Audit Committee Meeting Minutes, Thursday 2nd May 2019

59/2019

Moved Cr Pasini/Seconded Cr Guerini

That the minutes from the Audit Committee Meeting held on the 2nd May 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.3 Eastern Wheatbelt Biosecurity Group (EWBG) Meeting Minutes-Wednesday 27th March 2019

Great Eastern Country Zone (GECZ), Executive Committee Meeting Minutes-Thursday, 11th April 2019

Central East Aged Care Alliance Inc (CEACA), Executive Committee Meeting Minutes-Friday 12th April 2019

Great Eastern Country Zone (GECZ) Meeting Minutes-Wednesday 24th April 2019-

Wheatbelt East Regional Organisation of Council (WE-ROC) Meeting Minutes-Wednesday 1st May 2019

60/2019

Moved Cr Della Bosca/Seconded Cr Guerini

That the minutes from the Eastern Wheatbelt Biosecurity Group meeting, Great Eastern Country Zone Executive Committee meeting, Central East Ages Care Alliance Inc Executive Committee meeting, Great Eastern Country Zone meeting and the Wheatbelt East Regional Organisation of Councils be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Truran announce the following

- Attended the Great Eastern Country Zone meeting on the 24th April
- Attended the ANZAC services on the 25th April
- Attended the Wheatbelt East Regional Organisation of Councils and the Wheatbelt Communities Inc meetings on the 1st May

Cr Nolan announce the following

- Attended the AG-Care meeting in Nungarin

Cr Pasini announce the following

- Attended the ANZAC service on the 25th April

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 2019 Local Government Week Convention

File Reference	1.6.21.12
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Local Government Week Convention Program

Purpose of Report

To inform Councillors that the annual Local Government Week Convention will be conducted at the Perth Convention Centre between Wednesday, 7 August and Friday, 9 August 2019.

Background

The Conference Program is summarised below: -

Wednesday, 7 August	9.00am – 11.00am – State and Local Government Forum
Wednesday, 7 August	1.30pm – 5.00pm – WALGA Annual General Meeting 5.00pm – 6.30pm – Convention Opening Welcome Reception
Thursday, 8 August	9.00am – 5.00pm - Convention Sessions 7.00pm – 11.00pm – Gala Dinner
Friday, 9 August	9.15pm – 4.00pm - Continuation of Convention Sessions

It should be noted that on Tuesday, 6 August there is a Mayors and Presidents' Forum and a CEO Connections Forum to which the Shire President and CEO may attend.

The conference sessions aim to support and inform Mayors, Shire Presidents, Elected Members and Chief Executive Officers. There are also social networking functions, particularly the Gala Dinner on the Thursday evening of the Convention.

Comment

The 2019 Convention is titled “**RENEWAL PRACTICAL**” and there is an array of presenters for topical individual and concurrent sessions (see attached program).

Full Delegate registration fees total \$1,475 between 1-4 registrations or \$1,300 for 5 or more. Additional costs are applied for attendance at the optional extras e.g, Gala Dinner.

In 2018, the Shire President, Deputy Shire President and Crs Shaw and Guerini together with the CEO represented the Shire of Yilgarn at the Convention. Councillors should indicate at

this meeting whether they wish to attend the Convention to allow staff time to undertake registrations and also arrange for accommodation.

Registrations close on **Tuesday, 16 July 2019.**

WALGA is also seeking the names of the appointed Delegates with voting entitlements at the Annual General Meeting. Normally this would be the Shire President and Deputy Shire President if they are attending.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure training programs for Elected Members and Staff.

Policy Implications

Nil

Financial Implications

Council allocates funds within its Annual Budget to accommodate those Councillors wishing to attend the Convention.

Officer Recommendation

That Council:-

- 1. Authorises the Shire President, Deputy Shire President, and Crs together with CEO in attending the 2019 Local Government Week Convention;***
- 2. Crs be appointed as Voting Delegates at the WALGA Annual General Meeting and WALGA be informed accordingly; and***
- 3. If it considers necessary, meets with nominated Government Departmental representatives at the State and Local Government Forum on Wednesday, 7 August.***

Council Resolution

61/2019

Moved Cr Guerini/Seconded Cr Della Bosca

That Council

- 1. Authorises the Shire President and any councillors wishing to attend together with CEO in attending the 2019 Local Government Week Convention;***
- 2. The Shire President and CEO be appointed as Voting Delegates at the WALGA Annual General Meeting and WALGA be informed accordingly***

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Cr Della Bosca announced he was unable to attend Local Government week this year as he has a prior commitment and Council considered that it was not necessary to meet with nominated Government Departmental representatives at the State and Local Government Forum on Wednesday, 7 August.

9.1 Officers Report – Chief Executive Officer

9.1.2 Main Roads WA – Great Eastern Highway Upgrade

File Reference	1.6.14.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Main Roads WA Land Dealings

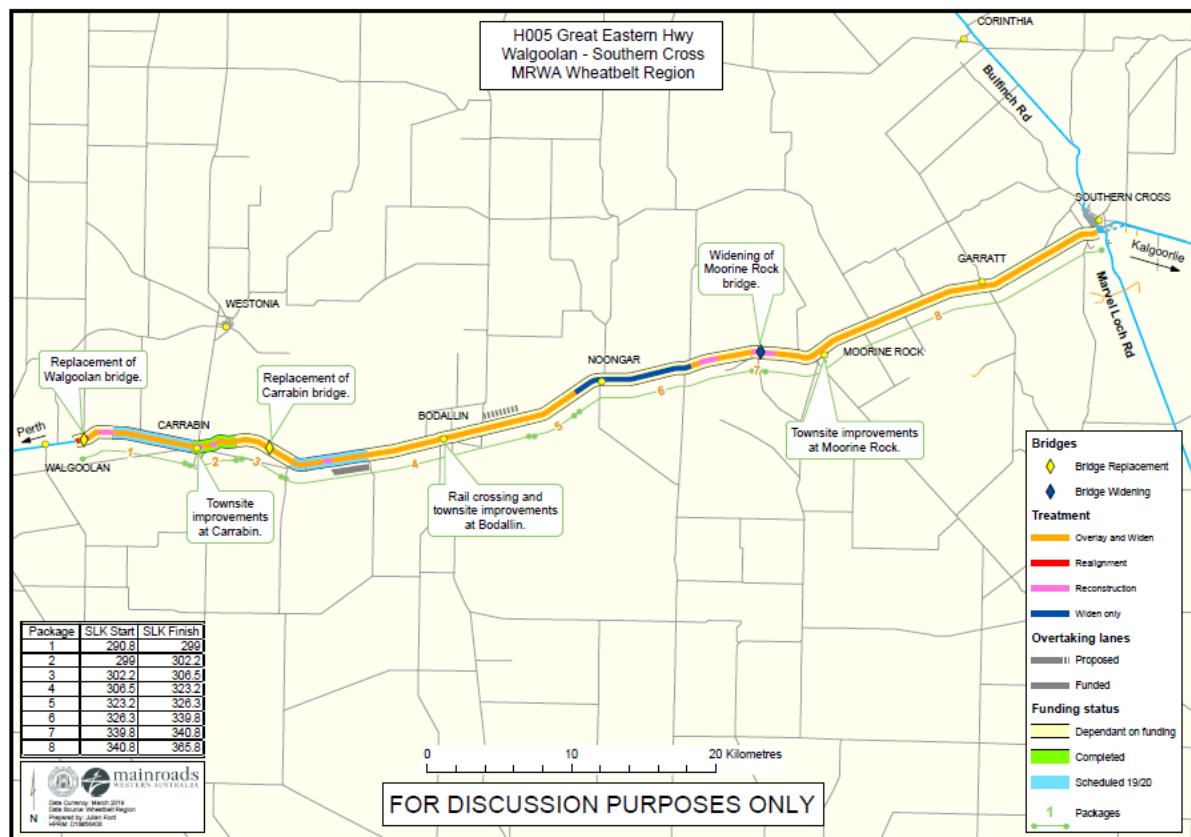
Purpose of Report

To present to Council a request from Main Roads WA for the dedication of land associated with the Great Eastern Highway Upgrades.

Background

Councillors will recall that at the July 2018 Ordinary meeting of Council, Main Roads Wheatbelt Region briefed Council on the status of the Great Eastern Highway upgrade works between Walgoolan and Southern Cross.

The above project was divided into 8 separate packages. Package 2, which provided road improvement works through Carrabin has now been completed.



Comment

Main Roads now advises that funding is in place for the 2019/2020 financial year to undertake construction works within packages 1, 3 and 4 as scheduled to commence in September/October 2019.

Main Roads also advises that it is currently consulting with the Department of Biodiversity, Conservations and Attractions (DBCA) in relation to land excision from C Class Conservation Reserve 16000, and the Department of Planning, Lands and Heritage (DPLH) in relation to acquiring sections of unallocated Crown land (UCL). Arrangements for land acquisition are progressing with these Departments for the items listed in the table below.

Item	SLK	Land Description	Responsible Agency	Land Plan No.	Area Required	Comment
1	305.86 – 306.53	UCL (2 sections)	DPLH	1960-041	1.5583ha 506m2	Agreement in principle with DPLH
2	308.23 – 316.95	UCL	DPLH	1960-042 1960-043 1960-044 1960-045	47.4431ha	Agreement in principle with DPLH and Water Corporation (water pipeline is in UCL)
3	309.72 – 314.46	Reserve 16000 C Class - Conservation flora and fauna	DBCA	1960-042 1960-043 1960-044	9.4752ha	Agreement in principle with DBCA

Main Roads indicates that to enable the land to be dedicated as road reserve it is a requirement of the *Land Administration Act 1997* that local governments resolve to dedicate the land. Therefore, Main Roads request that Council resolved to dedicate the land to satisfy the requirements of DPLH, who will manage the road dedication when the land has been acquired.

Statutory Environment

Land Administration Act 1997

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic Strategy – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Resolution

62/2019

Moved Cr Nolan/Seconded Cr Pasini

That subject to Main Roads covering all costs and claims that may arise as a result of the road dedication, Council resolves for the dedication of the land the subject of Main Roads Land Dealings 1960-041, 1960-042, 1960-043, 1960-044 and 1960-045 as a road pursuant to Section 56 of the Land Administration Act 1997.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Wheatbelt Communities Incorporated (WCI) & Wheatbelt East Regional Organisation of Councils (WEROC)

File Reference	1.6.25.1 & 1.6.25.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the outcomes of the future of the WCI and WEROC following their respective meetings held on Wednesday, 1 May 2019 and to consider annual subscriptions to the organisation/s in the 2019/2020 Budget.

Background

Council at its May 2018 Ordinary meeting considered the annual contribution to the Wheatbelt Communities Inc., which is comprised of the Shires of Yilgarn, Westonia, Merredin, Bruce Rock and Kellerberrin (same composition to that of WEROC) and resolved the following:-

53/2018

Moved Cr Close/Seconded Cr Della Bosca

That Council advises Wheatbelt Communities Inc., that it is prepared to contribute \$2,000 for subscription fees in the Shire of Yilgarn's 2018/2019 Budget subject to a thorough analysis of the performance of Wheatbelt Communities Inc's., achievements at the conclusion of the 2018/2019 financial year and if this performance cannot be satisfied, Council will consider withdrawing its membership from the Incorporated Body.

CARRIED (7/0)

Over the past 12 months there has been little activity within WCI, and as per the above resolution, Member Council's have been assessing the relevance of this Incorporated body over this period.

Comment

At the most recent round of WCI and WEROC meetings on Wednesday, 1 May 2019, which the Shire President and CEO attended, discussion took place by Member Councils regarding the continuation/winding-up of the Incorporated Body or alternatively, include WEROC into the Incorporation to allow WEROC to carry out the tasks of WCI. Whilst the latter was favoured, due to incorporation requirements Member Councils had to consider a 2019/2020 Budget within the current Incorporation status and this was developed in line with

contributions from both WCI and WEROC as they currently exist. Based on the following outcomes, the 2019/2020 Budget will be reviewed early in the financial year.

At the WEROC meeting some Member Councils also expressed concern as to the future of this organisation and therefore it was resolved that the Executive Officer of WEROC develop a Discussion Paper on the future direction of WEROC for consideration by Member Councils at their June 2019 Ordinary meetings. The Discussion Paper will provide a Draft Constitution for WEROC and outline the future objectives of the organisation if it is to proceed.

Statutory Environment

Wheatbelt Communities Inc. is a body established under the *Western Australian Associations Incorporation Act 2015*.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership – Positive and Productive Regional Partnerships – Actively participate in regional forums including GECZ, WEROC, Wheatbelt Communities Inc., and CEACA.

Policy Implications

Nil

Financial Implications

Provision of the \$2,000 subscription fee to WCI, and \$10,000 for WEROC that is normally incorporated into the Annual Budget.

Officer Recommendation and Council Resolution

63/2019

Moved Cr Pasini/Seconded Cr Shaw

That Council includes annual contributions of \$2,000 for Wheatbelt Communities Inc., and \$10,000 for WEROC in the Shire of Yilgarn's Draft 2019/2020 Budget acknowledging that the financial contributions may change following a review of both organisations by the Member Councils in late June 2019.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Wheatbelt Secondary Freight Network – Updated Financial Contribution Allocation

File Reference	1.6.21.10
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

For Council to consider support for the Wheatbelt Secondary Freight Network project by reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Background

The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA-Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

Over the last 2 years, 42 Local Government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750,000. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority. The key undertakings of the project so far are:

1. Identification of nominated WSFN roads based upon a simple criterion developed by RRG.
2. Determination of basic project framework and minimum design standards.
3. Road condition assessment against minimum design standards.
4. High level scope of works and order of magnitude costs for upgrades required.
5. A summary of data collection and assessment across the 42 local of governments is:

	Route Length (km)	Proposed Works (km)	Proposed Length (%)	Indicative Costs (\$)
TOTAL	4,337	2,851	66	\$ 493,000,000

This initial approach was to assist the Working Group to work towards an Infrastructure Australia Stage 3/4 submission for inclusion of the WSNF project on the Infrastructure Australia Infrastructure Priority List (IPL). The long term goal is to obtain funding support for a broadly estimated, \$500 million capital works program over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The group is working towards submitting an IA Stage 4 Business Case submission for the WSNF. The project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment.

Comment

The following provides an outline of the proposed budget and funding applications that were submitted to assist with the development and planning stages the WSNF project.

Stages	Budget and Funding Sources
Stage 1 – Strategic Planning	\$1,000,000
<ul style="list-style-type: none"> Design Criteria and Objectives Options Assessment Collated Data Review Multiple Criteria Assessment Staging Plan 	<ul style="list-style-type: none"> BBRF (\$750K) LGA co-contribution (\$250K)
Stage 2 – Detailed Planning	\$3,600,000
<ul style="list-style-type: none"> Concept Design Investigations Preliminary Design Investigations 	<ul style="list-style-type: none"> Commodity Route (\$1M) LGA in-kind
Stage 3 – IA Stage 3/4 Submission	\$400,000
<ul style="list-style-type: none"> Project Management Governance Plan Business Case Development 	<ul style="list-style-type: none"> REDS (\$100K) LGA in-kind
	\$5,000,000

Building Better Regions Fund (BBRF) submission

The Building Better Regions Fund (BBRF) submission is only intended to contribute towards funding activities associated with Stage 1 – Strategic Planning at an estimated budget of \$1M.

Funding and the associated BBRF application can be summarised as follows:

- Budget
 - Total Cash \$1M
- Funding
 - BBRF \$750K
 - LGA cash co-contribution \$250K.

This strategic planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, the economically optimal sequence for developing the network and ensure that roads are designed and constructed to an optimal standard from a 'whole-of-life' asset management perspective. The detailed planning exercise is expected to achieve a net benefit in the order of \$20 million based solely on the benefits gained from freight route prioritisation.

Commodity Freight Roads Fund (CFRF)

The Commodity Freight Roads Fund submission is intended to contribute towards funding of activities associated with Stage 2 – Detailed Planning. This will specifically entail \$1M for consultants to undertake Preliminary Design Investigations. The remainder of Stage 2 is intended to be undertaken via in-kind by local governments and other funding sources currently being investigated, should they become available.

Regional Economic Development (RED) Grant

The Regional Economic Development (RED) Grants submission is intended to contribute towards funding activities associated with Stage 3 – IA Stage 3/4 Submission. This will specifically entail \$100K for a Lead Consultant to undertake project management. The remainder of Stage 3 is intended to be undertaken via in-kind by local governments and other funding sources being investigated should they become available.

Major Project Business Case Fund (MPBCF) Initiative

The Australian Government is investing \$100 billion over 10 years from 2019–20 through its rolling infrastructure plan to help manage our growing population, meet our national freight challenge and get Australians home sooner and safer. This includes \$250 million allocated to the Major Project Business Case Fund (MPBCF) initiative. Projects with clear strategic merit that has:

- Engagement in the project planning stage
- View of future priorities
- Ready to invest to enable economic activity
- Address nationally significant deficits in the transport system
- Drive economic productivity growth and liveability in cities and regions through transport infrastructure investment

The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for the MPBCF.

Roads of Strategic Importance (ROSI) Initiative

The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities. ROSI has the following principles:

- Key freight corridors that connect primary agricultural areas and mining resource regions to ports and other transport hubs.
- Support communities along the corridors and provide better access for tourists and other road users
- Characterised by narrow sections of road, low capacity bridges and deteriorating pavements,

- Constrains the productivity and efficiency of freight movements.
- Catalyse economic activity and improve access to communities and tourist attractions.

From an estimated total of \$500,000,000 in funding the Working Group sought \$125,000,000 over the next 3 years for the delivery of the first stage of capital works.

The Working Group put in separate funding submissions for each of the abovementioned funding sources for the various stages of the project. The project has been successful in obtaining funding from the following sources:

- ROSI initiative funding
 - Stage 1 Priority Works – Wheatbelt Secondary Freight Network.
 - The Australian Government has committed \$70 million towards the project.
“Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.
Benefits of the project include:
 - improve road safety
 - improve freight efficiency, connectivity and travel time
 - ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs”
- RED Grants (Supported by the WA State Government’s Royalties for Regions Program)
 - Lead Consultant Project Coordinator – Wheatbelt Secondary Freight Network.
 - \$100,000.
“The Lead Consultant will form part of the Project Management Team and work with the member organisation Working Group.

The Lead Consultant - Project Management is an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt shires on an individual basis. Engaging a Lead Consultant – Project Management with the skills and expertise required to work with all technical consultants and the PMT will ensure a cohesive collaborative environment is established for optimum outputs.

The project is planned to be managed via oversight from the WSFR Steering Committee with a nominated Project Manager and the Project Management Team (PMT) representing the WSFR.

Lead Consultant – Project Management will direct the work of the external technical consultants and will be the main contact for communication between the Project Management Team and external consultants.

The WSNF Project will require the specialised skills of a range of external technical consultants. Key areas of technical expertise identified for the project are:

- Civil Design
- Surveying
- Environmental
- Economic Assessment"

Previously 42 local governments were asked to financially contribute to the WSNF project via a budget allocation of \$6,000 which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000. This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated 3 year delivery timeframe. Funding would contribute towards the following nominal requirements:

- Project Coordinator
 - Nominal \$60,000 per annum (\$180,000 across 3 years)
- Project Administration and Communications Officer.
 - Nominal \$20,000 per annum (\$60,000 across 3 years)
- Technical Consultancy Resources
 - Nominal \$100,000.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic – Safety and Quality of transport networks are maintained and improved.

Financial Implications

Reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Policy Implications

Nil

Officer Recommendation and Council Resolution

64/2019

Moved Cr Della Bosca/Seconded Cr Guerini

That Council:

- 1. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project, and;***
- 2. Authorises the Chief Executive Officer to prepare and sign a letter of support that endorses the re-allocation of \$6,000 in 2019/20 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.***

CARRIED (7/0)

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 April 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 Resolution

65/2019

Moved Cr Close/Seconded Cr Nolan

That Council endorse the various Financial Reports as presented for the period ending 30th April 2019

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40771 to 40779 totalling \$6,491.99, Municipal Fund-EFT Numbers 8679 to 8760 totalling \$447,087.06, Municipal Fund – Cheque Numbers 1504 to 1512 totalling \$181,698.18, Municipal Fund Direct Debit Numbers 13563.1 to 13588.11 totalling \$41,959.91, Trust Fund 402418 to 402421 totalling \$2,871.90 and Trust Fund – Cheque Numbers 6170 to 6175 (DPI Licensing), totalling \$38,267.40 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

66/2019

Moved Cr Guerini/Seconded Cr Della Bosca

Municipal Fund – Cheque Numbers 40771 to 40779 totalling \$6,491.99, Municipal Fund-EFT Numbers 8679 to 8760 totalling \$447,087.06, Municipal Fund – Cheque Numbers 1504 to 1512 totalling \$181,698.18, Municipal Fund Direct Debit Numbers 13563.1 to 13588.11 totalling \$41,959.91, Trust Fund 402418 to 402421 totalling \$2,871.90 and Trust Fund – Cheque Numbers 6170 to 6175 (DPI Licensing), totalling \$38,267.40 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2019/20 Councillor Sitting Fees

File Reference	2.1.1.1
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To set Councillors Sitting Fees for 2019/20.

Background

Section 7B (2) of the Salaries and Allowances Act 1975 requires the Salaries and Allowances Tribunal, at intervals of not more than 12 Months, to inquire into and determine: -

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings;
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The amount of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

The Tribunal continues to utilise the four band Local Government classification model adopted in 2012 with the Shire of Yilgarn falling under Band 3.

The following parameters have been set by the tribunal for the Band 3 Councils, these equate to a 1% increase over those from 2018/19.

- Council Meeting Attendance Fees per Meeting

Where a Local Government decides, by Absolute Majority, to pay a Council Member a fee referred to in section 5.98 of the Local Government Act for attendance at a Council Meeting, the following per meeting fee range will be applicable;

Band	For a council member other than mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
3	\$193	\$410	\$193	\$634

- Committee Meeting and Prescribed Meeting Fees per Meeting

Where a Local Government decides to pay a Council Member a fee referred to in: -

- (a) section 5.98(1)(b) of the Local Government Act for attendance at a Committee Meeting; or
- (b) section 5.98(2A)(b) of the Local Government Act for attendance at a Meeting of the type prescribed in regulation 30(3A) of the Local Government (Administration) Regulations 1996.

the following per meeting fee range will be applicable;

For a council member (including mayor or president)		
Band	Minimum	Maximum
3	\$97	\$205

It should be noted that a Local Government may decide, by Absolute Majority, that instead of paying Council Members a per Meeting Attendance Fee it may, instead, decided it will pay all Council Members who attend Council, Committee or proscribed meetings a fixed annual fee.

The benefits of this to Council are that there are significantly reduced administrative requirements involved, in that payments to Councillors are usually only made on either an annual, bi-annual or quarterly basis. Additionally, the record keeping requirements of collating Councils attendance forms with time saving on the associated financial processing.

There is a downside to Council electing to utilise a fixed annual fee for Councillor sitting fees which is, if there was to be a consistently absent Councillor, there would be no mechanism to adjust their sitting fees.

At this time, it is not recommended that Council utilise annual sitting fees as it may require amending Council Policy 1.5 – Elected Member Entitlements.

- Annual Allowance for mayor or president of a local government

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act the following allowance range will be applicable;

For a mayor or president		
Band	Minimum	Maximum
3	\$1,025	\$36,957

- Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the Local Government Act the annual allowance for a Deputy President is determined to be 25% of the Presidents Allowance.

- Travel Expenses

The Salaries & Allowances Determination has Councillor travel reimbursements for actual distances travelled being paid at the same rate contained in section 30.6 of the *Local Government Officers (Western Australia) Interim Award 2011*, being

Engine Displacement (in cubic centimetres)			
Area & Details	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan Area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of State	99.01	70.87	58.37

Comment

For reference, the following are the 2018/2019 financial years Elected Member meeting attendance fees and expense reimbursement / allowances:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$250	\$500
Committee	- Per Meeting	\$150	\$150
Expense Reimbursement / Allowance Type			
Travel	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$8,000	
Deputy President	- Per Annum	\$2,000	

Travel expense reimbursement rates are reimbursed at the “Rest of State” levels included at section 30.6 of the Local Government Officers (Western Australia) Interim Award 2011 and have remained unchanged from those of 2018/19.

ICT Allowance is made up of \$480 in telecommunications (based on \$40 monthly post-paid Telstra data plan) and \$700 hardware replacement/upgrade (based on cost of iPad Pro 12.9” 64Gb Wifi + Cellular over 2 years).

As Councillor sitting fees and the Presidents & Deputy Presidents Allowances haven’t changed since the 2015/2016 financial years and to recognise the added burdens expected with the requirement for Councillor training proposed in the current Local Government Act

review, it will be recommended to increase the sitting fees and Presidents & Deputy Presidents Allowances to the following:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

It should be noted that the proposed meeting fees are near the maximum of those allowed under the SAT determination for band 3 Councils.

However, it could be said that with the increasing scrutiny and "Red Tape" emanating from the State and an expected requirement to undertake Councillor training, a suitable inducement may be needed to attract and retain qualified individuals as Councillors. The recommended sitting fees and Presidential / Deputy Presidential allowances equates to an increase of \$15,600 over those endorsed in the 2018/19 financial year.

Statutory Environment

Local Government Act 1995 –

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

- (a) the fee determined for attending a council or committee meeting; or
- (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

- (a) the fee determined for attending a meeting of that type; or

- (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance determined for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a ***committee meeting*** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37; amended by No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.*

[Section 5.99 amended by No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
 - (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;

- (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

[Section 5.99A inserted by No. 64 of 1998 s. 38; amended by No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

Local Government (Administration) Regulations 1996 –

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

[(1), (2) deleted]

- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
 - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
 - (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

[(3B) deleted]

- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
 - (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99; or
 - (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

[(3)-(5) deleted]

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

[(2)-(5) deleted]

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

[(2) deleted]

[Regulation 32 amended in Gazette 13 Jul 2012 p. 3219.]

[33-34AB. Deleted in Gazette 13 Jul 2012 p. 3219]

Salaries and Allowance Act 1975

7B. Determinations as to fees and allowances of local government councillors

- (1) In this section —

elected council member means a person elected under the *Local Government Act 1995* as a member of the council of a local government.
- (2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —
 - (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected council members for attendance at meetings; and

- (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
 - (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members.
- (3) Section 6(2) and (3) apply to a determination under this section.
[Section 7B inserted by No. 2 of 2012 s. 39.]

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

Any resolution on the value of sitting fees and Members expenses will form part of the 2019/2020 Budget.

Officer Recommendation and Council Resolution

67/2019

Moved Cr Close/Seconded Cr Pasini

That Council adopts the following members sitting fees, expense reimbursements/allowances and President & Deputy Presidents allowances for 2019/2020 financial year:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel Reimbursement	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

CARRIED BY ABSOLUTE MAJORITY (6/1)

Cr Della Bosca voted against the Motion

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2019/20 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Proposed 2019/2020 Schedule of Fees & Charges.

Purpose of Report

To consider the fees & charges to be applied in 2019/20.

Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year to be adopted with the annual Budget.

As the Budget will not be adopted until after 1st July 2019, Council is requested to consider the schedule of fees and charges prior to the Budget adoption so that the agreed fees & charges can be taken into consideration when preparing the Budget and to allow the fees & charges to be applied from 1st July 2019.

Comment

A copy of the current fees & charges and proposed changes are included in the attachments. The items in **Red** are proposed to be deleted and the items in **Green** are proposed to be included or have been amended.

It is intended that the proposed fees and charges remain largely unchanged from those imposed in 2018/2019, however a summary of the recommended changes follows:

- Expansion of the fees for Freedom of Information Applications to those allowed under the Freedom of Information Act 1992 and associated Regulations.
- Add charges for the use of the large format printer / scanner.
- Update to Southern Cross Cemetery fees & charges.
- Inclusion of maximum charge for Corporate / Private use of Senior Citizens Centre.
- Addition of daily trailer hire to the Community Bus usage fees.
- Listing of individual standpipe charges due to WaterCorp's updated fee structure.
- Update & simplification of Caravan Park fees & charges structure.
- Addition of daily hire charge for minor plant items.

Statutory Environment

Local Government Act 1995 –

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or

- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

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

There are no financial implications as a result of this report however the adopted Schedule of Fees & Charges will influence the level of 2019/2020 Budgeted income.

Officer Recommendation and Council Resolution

68/2019

Moved Cr Shaw/Scended Cr Close

That Council adopts the 2019/2020 Schedule of Fees and Charges as presented.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 Disposal of Surplus IT Equipment

File Reference	1.4.1.1
Disclosure of Interest	The Author may have an interest in purchasing one or more of the desktop PC's
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Approval is sought for the disposal of surplus IT equipment.

Background

Over the current and previous financial years, much of Councils desktop and server computer hardware has been updated and modernised. This has resulted in a relatively significant amount of old computer hardware being stockpiled.

Currently there are 13 desktop personal computers (PC's) of varying ages and specifications including keyboards, mice and monitors, 2 items of server hardware and 5 iPads held by Council. These items are surplus to requirements and can be disposed of either through sale to the public, donation or recycled via e-waste processing.

Comment

The realistic value of the desktop hardware would be negligible, in the vicinity \$260 to \$650 for the 13 desktops and 5 iPads. It could be expected to be offered between \$20 - \$50 each for the desktops including monitor, mouse & keyboard. Before being disposed of, all the desktop PC's and iPads will be sanitised of any Council information or programs

The server hardware would be considered to be valueless as it is intended to retain the hard drives as a recoverable source in the event of a catastrophic event that destroys the new replacement servers.

Collectively, the value of all the hardware to be disposed of can easily be expected to be under the \$20,000 limit imposed by regulation 30(3)(a) of the *Local Government (Functions & General) Regulations 1996* and as such, is exempt from the requirements of section 3.58 of the *Local Government Act 1995*.

The donation option is being included as a local resident, out of his own pocket, acquires and refurbishes second hand computers and offers them at no cost to underprivileged schools in Africa.

It is intended to recommend that the computer hardware be offered for sale to the public for a 2-week period with the Chief Executive Officer empowered to accept or negotiate any offers

received. After this time, offer all remaining computer hardware to Mr. Mwale in support of his charitable activities.

Statutory Environment

Local Government Act 1995 –

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.

(5) *This section does not apply to —*

- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) *any other disposition that is excluded by regulations from the application of this section.***

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions & General) Regulations 1996 –

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the ***transferee***) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or

- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) ***A disposition of property other than land is an exempt disposition if —***
- (a) ***its market value is less than \$20 000; or***
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

[Regulation 30 amended: Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812.]

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

Council Policy Manual – Policy 3.1 – Financial Treatment of Assets.

Financial Implications

Any income received from any sales will form part of general revenue

Officer Recommendation and Council Resolution

69/2019

Moved Cr Pasini/Seconded Cr Nolan

That Council:

- 1. Offer for outright sale on an as is where is basis, 13 surplus desktop computers and associated monitors, keyboards and mice (if any), two (2) servers (server hardware only less hard drives) and 5 iPads with the Chief Executive Officer being authorised to accept or negotiate any offers received; and***
- 2. The offer be open for a two (2) week period commencing on the day of first notice in the "Crosswords" publication; and***
- 3. At the completion of the two (2) week notice period, any remaining computer hardware be offered, at no cost, to Mr Mwale for the purpose of refurbishment and forwarding to underprivileged schools in Africa.***

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.6 Outstanding Debtor Write Offs

File Reference	8.2.1.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider Sundry Debtor write offs.

Background

Council has in place the following Policy No. 3.7 – Recovery of Fines and Costs from Sundry Debtors:

Where fines and costs have been awarded by the Courts or via Council's designated Recovery Agents from time to time, Solicitors shall continue to act on behalf of Council until satisfaction has been obtained.

All costs associated with the debt recovery effort shall be a charge against the defaulting debtor account.

Recovery Actions include:

- Referral of Fines to the Fines Enforcement Registry if unpaid after the due date,
- Summons for any account with an outstanding balance greater than \$200.00,
- In the event that a Summons remains unsatisfied, a Judgement Summons or Warrant of Execution will be applied to the Debtor,
- *In the event that legal action is exhausted, with the debtor being unable to satisfy the Warrant of Execution (ie. the Bailiff cannot seize goods to dispose of, to meet the value of the debt), then the account will be referred back to Council for consideration.*

Comment

On 17th October 2017 the China Southern Flying College of 35 Eagle Drive, Jandakot WA 6164, were issued with the following invoice as per Council's 2017/2018 fees and charges:

- Invoice # 10907 – Annual Airport Landing Fees 2017/2018 - \$3,000.00

Numerous reminder invoices have been sent. Final notices have been sent. The debtor contacted Council in December of 2017 to advise that the China Southern Flying College was no longer operational on order from the Civil Aviation Safety Authority, and had not been operational since April 2017. They requested that the entire invoice be credited. As Council had received no correspondence or advice in April, nor anytime before the December 2017

phone call, it was decided that at best half the invoice could be credited *if* it were possible to confirm that no notification had been made prior to July 2017.

Post the initial December phone call, no contact was able to be made with the flying college to establish that notification was not made prior to July, that we would treat the December phone call as the notification and as such, a credit note could be issued for half the value of the invoice but they would still be required to pay \$1,500.00.

Subsequent phone calls and notifications requesting payment have not resulted in any contact from the debtor.

As the Flying College is no longer operational, and could provide a court proof that they were not operational within the 2017/2018 financial year to which the debt applies if matters were to go that far, it is inadvisable that the debt be sent off for collection and that Council's best recourse is to write off the debt.

On the 14th February 2017 and the 18th April 2017, WBHO Infrastructure Pty Ltd of Level 10 Australia Place, 15-17 Williams Street, Perth WA 6000 were issued the following invoices as per Council's fees and charges:

- 14th February 2017 – Invoice # 10304 – Sale of water Ghooli Standpipe 06/10/16 – 07/01/17 - \$157.73
- 18th April 2017 – Invoice # 10496 – Sale of water Ghooli Standpipe - \$268.85

Total fees and charges levied: \$426.58.

Numerous statements and reminder invoices have been posted and emailed to the debtor. A final notice has been sent.

The debtor did initiate contact with Council and advised that they would get the invoice paid. The invoice did not get paid. Subsequent communication with the debtor proved impossible. The last contact made was their purchasing team sending through a form letter advising Council of the requirements of their payment system and that Council was required to quote a purchase order on the invoices to ensure the invoice was not rejected.

No purchase order was ever relayed to Council prior to invoicing, nor was it possible to obtain one after Council was advised that a purchase order would be required. A prior invoice was paid without a purchase order, however due to contact being unable to be established, Council is unable to determine why this was the case.

As the debt is not exorbitant, and the debtor no longer operates in the area, and if they did wish to use our Standpipes in the future, they would be required to use the automated systems which require more certain payment methods, it is Council's best recourse to write off the debt.

Statutory Environment

Local Government Act 1995, Section 6.12 'Power to defer, grant discounts, waive or write off debts'.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

\$3,426.58 write-off to E03118_Debtors Written Off

Officer Recommendation and Council Decision

70/2019

Moved Cr Nolan/Seconded Cr Pasini

That Council authorise to write off the debts for China Southern Flying College and WBHO Infrastructure Pty Ltd to the combined value of \$3,426.58.

MOTION LOST (0/7)

Council Decision

71/2019

Moved Cr Nolan/Seconded Cr Della Bosca

- 1. That council write off the dept for WBHO Infrastructure Pty Ltd***
- 2. Issue China Southern Flying Collage with a final warning letter advising that Council intends to pursue the outstanding debt.***

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the China Southern outstanding debt should be pursued as it was understood that China Southern is resuming operations from the Merredin Airstrip and the likelihood was that they would be utilising the Southern Cross Airstrip as part of their pilot training program.

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Ten Year Plant Replacement Program

File Reference	6.4.1.5
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments	One

Purpose of Report

Shire of Yilgarn Plant Replacement Program – 2019/2020 – 2028/2029

Background

A review of Councils plant replacement is carried out on an annual basis, with the attached Plant Replacement Program being for a ten year period. The proposed Plant Replacement Program is expected to provide council with a Strategic Plant Replacement Program that will result in optimum return on both operating and change over costs of Councils Plant and Equipment.

In the past Council has used the following life cycles for the replacement of equipment and plant. This has resulted in Council achieving minimal costly down time and optimum trade prices of the respected plant items.

Graders/ Construction Loader	8 years or 9,000 hours
Multi Tyred/Drum Rollers	8 years or 9,000 hours
Prime Movers/Tip Trucks	8 years or 200,000km
Small Loader/Backhoe	10 years or 9,000 hours
Light Trucks/Personal Carries	5 years or 150,000kms
Utilities	3-4 years or 100,000kms
Executive Type Vehicles	2 years
Community Bus	8 years or 80,000km

Comment

In the 2019/2020 Financial Year Plant Replacement Program it is proposed to replace a Steel Drum Vibrating Roller, Mitsubishi Eight Wheel Tip Trick, Skid Steere Loader, two utilities and three executive vehicles. It is also proposed to upgrade Council's existing line marker and replace a water tank.

The drum roller that is proposed to be replaced in the 2019/2020 Financial Year Plant Replacement Program is a Caterpillar Vibrating Drum Roller. The roller was purchased by Council in 2012 and is currently being utilised by Council staff for road construction and bitumen sealing programs undertaken throughout the year.

Also included in 2019/2020 Financial Year Plant Replacement Program is the replacement of Council's current Caterpillar Skid Steer Loader. This vehicle was purchased in 2009 and is used for various works undertaken throughout the year i.e. drainage, street sweeping, road verge works and trenching.

It is proposed to have a 15,000 litre water tank fabricated to replace one of Council's water tanks. Council have two water tanks this size with the older one of the two suffering from rusting issues. The water tanks are fitted onto the back of Council's tip truck and used for road water binding purposes. It is also proposed to upgrade Council's line marker to a self-propelled type vehicle.

Light vehicles that it is proposed to replace in the 2019/2020 Financial Year Plant Replacement Program are Toyota Hilux Utility and a Toyota Landcruiser Utility. These vehicles are currently being utilised for the transporting of staff, materials, tools/equipment required for parks and gardens, and road maintenance staff to and from worksites located throughout the shire.

Executive type vehicles that it is proposed to replace in the 2019/2020 Financial Year are the Deputy Chief Executive Officer, Manager for Infrastructure and Manager for Community Services vehicles.

Please note it is proposed that the existing vehicle being utilised by the Manager for Community Services (2017 Toyota RAV 4) will be held onto by Council and utilised as the community vehicle. The 2106 Toyota Aurion currently being utilised as the community will be disposed of.

Statutory Environment

Nil

Strategic Implications

Ten-Year Plan will provide Council with a Strategic Plant Replacement Program that will result in optimum return on investment of Plant and Equipment.

Policy Implications

"Staff Policy No 7.12 Motor Vehicle Replacement and Vehicle Standard and Accessories"

Financial Implications

Ten Year Plant Replacement Programs will form the basis of Capital Plant Replacement Purchases in future Budgets. Initial indications show the Plant Replacement Programme for 2019/2020 Financial Year will cost (net) \$672,000

The monetary amount to replace these vehicles will be sourced from Council's Plant Replacement Reserve.

Officer Recommendation and Council Resolution

72/2019

Moved Cr Della Bosca/Seconded Cr Close

That the Ten Year Plant Replacement Program for the period 1st July 2019 to 30th June 2029 as attached, be adopted

and

That all vehicles listed for replacement in the 2019/2020 Plant Replacement Program be included in 2019/2020 Financial Year Budget deliberations.

CARRIED (7/0)

9.4 Officers Report – Executive Manager Regulatory Services

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

File Reference	2.4.2.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Draft Council Policy 6.2: Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities

Purpose of Report

To endorse changes to “Council Policy 6.2: Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities”.

Background

At the October 2018 Council meeting, an item was tabled regarding the proposed changes to water accessed by Shire standpipes, based on the size of the water meter and volume of use.

These changes would mean the majority of Shire owned standpipes would become commercially rated, with the water accessed from these standpipes charged at up to \$8.534 per Kilolitre, plus additional service charges.

As such, several recommendations were put to Council at the meeting, with the following resolution carried en-bloc:

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)

Watercorp are currently processing and arranging the installation of the new 25mm meters, of which they have confirmed will be installed prior to 1st July 2019. The Shire will install manifolds as a priority once the meters are installed by Watercorp, with the swipe controllers to be proposed in the 2019/2020 draft budget for Councils consideration.

Comment

On the 1st July 2019, the Watercorp rate changes will come into effect, as such, "Council Policy 6.2: Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities", requires amending in order to ensure the relevant changes are addressed.

A draft of the amended policy is attached; however, the main amendments include:

1. The inclusion of references to Low-Flow and High-Flow standpipes. The Low-Flow standpipes are serviced by a water meter which is 25mm or less, and is charged at a lower subsidised rate. The High-Flow standpipes are serviced by water meters 40mm or greater, and are charged at a commercial rate;
2. The domestic use swipe card will be issued with sufficient credit to obtain 400KL of water at the Low-Flow rate, should domestic card holders choose to utilise a High-Flow standpipe, they will be charged at the High-Flow rate, and therefore will not be able to access the full 400KL of water;
3. In the event a swipe card controller is not in operation at a standpipe, the honour book system will be utilised, with the amount deducted manually from the users domestic card.

Whilst not directly relevant to the policy, but is included in the fees and charges for 2019/2020, the Low-Flow standpipe rate is proposed to remain at \$3.00/Kilolitre, and the High-Flow standpipe rate is proposed to be set at \$8.50/Kilolitre, this is based on the average water usage across all standpipes for the last three years, the average cost per Kilolitre charged to the Shire by Watercorp, applicable service charges and ongoing maintenance of relevant infrastructure.

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 Facilities

Financial Implications

Nil

Officer Recommendation and Council Resolution

73/2018

Moved Cr Nolan/Seconded Cr Close

THAT COUNCIL

Endorse the amended "Council Policy 6.2: Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities".

CARRIED (7/0)

9.5 Reporting Officer– Manager Community Services

9.5.1 Use of Common Seal

File Reference	1.1.12.1
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 “Delivering Community Services in Partnership” Grant agreement with the Department of Primary Industries and Regional Development (DPIRD).

Background

In February 2019 the Southern Cross CRC applied for funding towards the employment of a trainee under the Regional Traineeship Grant Program, offered by DPIRD.

Comment

On 16 April 2019 it was announced that the application had been successful and CEO Peter Clarke signed the “Delivering Community Services in Partnership” Grant agreement with DPIRD and affixed the Common Seal to it.

Statutory Environment

Nil

Strategic Implications

GOAL: Dynamic and visionary leadership guiding our community into the future .

OUTCOME: A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community

STRATEGY: Ensure compliance whilst embracing innovation and best practice principles.

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 Resolution

74/2019

Moved Cr Shaw/Seconded Cr Guerini

That Council notes and endorses the signing and affixing of the Shire of Yilgarn's Common Seal by the Chief Executive Officer on the Delivering Community Services in Partnership" Grant agreement with the Department of Primary Industries and Regional Development (DPIRD).

CARRIED (7/0)

9.5 Reporting Officer – Manager Community Services

9.5.2 Southern Cross Aquatic Centre design tender

File Reference	4.1.7.12
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	5 (3 tender submissions & 2 evaluations)

Purpose of Report

To award the design tender for the Southern Cross Aquatic Centre.

Background

Council has been granted \$700,000 from the Department of Local Government, Sport and Cultural Industries (DLGSC), towards the build of a new swimming pool in Southern Cross and the CSRFF grant agreement with DLGC has been signed.

Furthermore, Council has accumulated \$2 million in the Swimming Pool Reserve account and a reserve transfer of \$500,000 is scheduled by 30 June 2019. With another anticipated reserve transfer of \$500,000 and interest accruals by 30 June 2020 the account should contain about \$3.05 million which would give sufficient funds for the project.

The timeline for the project, stipulating that there will be no swimming pool facility in the 2019/20 season was endorsed by Council at its April 2019 meeting.

The design tender has been formalised and advertised on 12 April 2019 and closed on Tuesday 7 May 2019.

Comment

Council received 25 tender request and received the following three tender submissions:

1. T14 - 2018 2019 Southern Cross Aquatic Centre from MCG Architects
for tendered price of **\$358,198***
2. T14 - 2018-2019 - Southern Cross Aquatic Centre – DPA from Donovan Payne Architects
for tendered price of **\$320,650***
3. T14-2018-2019 Hodge Collard Preston from Hodge Collard Preston Architects
for tendered price of **\$301,442***

* All prices are GST inclusive.

The tenders were evaluated by staff based on the weighting criteria and received the following scores:

1. MCG Architects, 86%

2. Donovan Payne Architects, 97%

3. Hodge Collard Preston Architects, 95%

Whilst Donovan Payne's tender is \$20,000 more than Hodge Collard Preston's tender, staff considered that Donovan Payne's involvement in the Quairading pool, one which Councils Working Party visited and considered suitable for the Southern Cross facility, was a factor in weighing Donovan Payne slightly higher than Hodge Collard Preston. Donovan Payne's tender documents also highlight a more significant involvement in regional and remote aquatic facilities.

The tenders also were evaluated by Simon De Been from KalEngineering Consultants, who concluded the following weighing:

1. MCG Architects, 61%

2. Donovan Payne Architects, 79%

3. Hodge Collard Preston Architects, 81%

Mr De Been's evaluation favours the most economical tender but only varies by 2% between Donovan Payne Architects and Hodge Collard Preston Architects, from the staff evaluation.

Reference and credit checks were conducted for Donovan Payne Architects and Hodge Collard Preston Architects and the outcome for both is equally positive.

Statutory Environment

Nil

Strategic Implications

Strategic Community Plan 2018-2028

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

Corporate Business Plan 2018/19 to 2022/23

"10 Year Strategic Priorities - New Public Swimming Pool"

Schedule 11 – Recreation and Culture – Swimming Pool – Service Level - *"We will improve the Service Level by: Working towards a complete refurbishment of the pool and new built infrastructure"*

Policy Implications

Council Policy Manual, Policy 3.5 Purchasing and tendering

Financial Implications

Within 2018/19 budget allocations and 2019/20 considerations.

Officer Recommendation

For Councils consideration.

Council Resolution

75/2019

Moved Cr Nolan/Seconded Cr Close

That Council accepts the tender submitted by Donovan Payne Architects, T14-2018/2019 - Southern Cross Aquatic Centre Design Tender, for the tendered price of \$320,650 GST inclusive.

CARRIED (7/0)

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

76/2019

Moved Cr Guerini/Seconded Cr Shaw

That Council accepts the introduction of the Late Item of Business for consideration.

CARRIED (7/0)

12 LATE ITEM – Executive Manager Regulatory Services

12.1 Development Application – Workers Accommodation - 2 & 4 Orion Street, Southern Cross

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Proposed Site Plan Unit Internal Layout

Purpose of Report

To consider an amended development application for temporary accommodation units to be installed at 2 & 4 Orion Street, Southern Cross.

Background

At the December 2018 Council meeting, two separate development applications, for workers accommodation on Lots 290-291 and Lot 502 Orion Street, Southern Cross were conditionally endorsed. The applicants were Sanctum Resources Pty Ltd (Sanctum). These lots, being street number 2 & 4 Orion Street, Southern Cross respectively, will be referred to as one combined Lot for the purpose of this report.

The December 2018 Council resolutions read as follows:

190/2018

Moved Cr Nolan/Seconded Cr Close

THAT COUNCIL:

1. *Conditionally approve the development proposal for Lot 502 Orion Street, Southern Cross, submitted by Sanctum Resources Pty Ltd, for the installation of 8 x 4 room accommodation units as per the submitted plans and as per the conditions listed herein:*
2. *Approve the proposed setbacks and plot ratio as per submitted plans; and*
3. *Grant an exemption to the required number of car spaces, deeming 53 adequate to cater for 79 rooms across both Lots 501 and 502 Orion Street, Southern Cross, citing the bulk transfer of workers to site as justification of the reduction.*

CONDITIONS

1. *This approval is only valid upon Sanctum Resources Pty Ltd obtaining ownership of Lot 502 Orion Street, Southern Cross;*
2. *Existing structures onsite are to be removed, with a demolition permit to be sought and issued prior to demolition commencing;*
3. *Building permit to be sought and issued prior to construction work commencing;*
4. *2.4 metre colourbond fence is to be installed to ensure site is adequately screened from Great Eastern Highway, and colour matched to Palace Hotel;*
5. *Units are to be colour matched to the surrounding buildings on Lot 501 Orion Street, Southern Cross.*
6. *Upon sale or transfer of either Lot 501 or 502 Orion Street, Southern Cross, unit accommodation is to be removed from Lot 502, or a subsequent development application is to be submitted addressing onsite parking for Lot 502; and*
7. *In the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then the owners of Lot 501 and 502 Orion Street, Southern Cross are to undertake any action as directed by Council or Shire Executive Staff to address the matter. This includes but is not limited to reducing the number of accommodation units located on the lots.*

CARRIED (7/0)

191/2018

Moved Cr Guerini/Seconded Cr Close

RECOMMENDATION 1

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

- 3. 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.*

ADVICE NOTES

- 1. A further report to Council will be required once public consultation has occurred, to allow Council to take into account any public submissions regarding the disposal of the land, prior to final endorsement of the sale.*

RECOMMENDATION 2:

THAT COUNCIL:

- 1. Conditionally approve the development proposal for Lots 290 and 291 Orion Street, Southern Cross, submitted by Sanctum Resources Pty Ltd, for the installation of 8x4 room accommodation units as per the submitted plans, on the provision of the conditions listed herein.*
- 2. Approve the proposed setbacks and plot ratio as per submitted plans; and*
- 3. Grant an exemption to the required number of car spaces, deeming 59 adequate to cater 107 rooms across both Lots 501, 502, 291 and 290 Orion Street Southern Cross.*
- 4. Endorse access to Lots 501, 290 and 291 via Lot 502 Orion Street, Southern Cross*

CONDITIONS

- 1. Land is to be surveyed by a practicing and licenced surveyor to ensure property boundaries are identified and adhered to;*
- 2. Building permit to be sought and issued prior to construction work commencing;*
- 3. 2.4 metre colourbond fence is to be installed to ensure site is adequately screened from Great Eastern Highway;*
- 4. Units are to be colour matched to the surrounding buildings on Lot 501 Orion Street, Southern Cross.*
- 5. A Landscape plan is to be submitted for approval by the Executive Manager Regulatory Services and once approved, implemented, for the street frontage facing Great Eastern Highway;*
- 6. Upon sale or transfer of either Lot 501 or 502 Orion Street, Southern Cross, unit accommodation is to be removed from Lot 502, or a subsequent development application is to be submitted addressing onsite parking for Lot 502; and*

7. *In the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then the owners of Lot 501 and 502 Orion Street, Southern Cross are to undertake any action as directed by Council or Shire Executive Staff to address the matter. This includes but is not limited to reducing the number of accommodation units located on the lots.*

CARRIED (7/0)

Councillors will be aware; from the March 2019 Council meeting, that 2 Orion Street, Southern Cross was disposed of by the Shire to Sanctum, and Sanctum also took possession of 4 Orion Street via private sale, as such, fulfilling the ownership condition of approval.

Upon obtaining ownership of the Lots, Sanctum has engaged the relevant tradespeople to undertake preliminary site works, and upon doing so, have identified an issue relating to setbacks from the water pipeline.

As such, they have submitted an amended application, seeking to alter the layout of the site. Sanctum are seeking approval to install 15 x 4-room accommodation units across the Lots, as per the attached layout plan.

Council has previously deemed the accommodation units as fitting with the commercial zoning of the subject lots (December 2018), as such, Council are only considering the layout plan, including setbacks, plot ratio, minimum landscape area, car parking bays and aesthetics.

As the Lots are now owned by the same entity, being Sanctum, they will be assessed as one lot for the purpose of this report. Sanctum also own Lot 501, 6 Orion Street, Southern Cross, being the Palace Hotel

Comment

Council has previously accepted the proposed development being classified as "Hotel/Tavern" for the purpose of assessment against the Shire of Yilgarn Town Planning Scheme 2 (TPS2) "Development Table".

The relevant requirements as per the table are shown below:

Use Class	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Car Parking Bays
	Front	Rear	Sides			
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 4 m ² of bar and lounge area.

*means 'to be determined by the Council' in each particular case.

Setbacks

Council has discretion to approve any setback it deems suitable, taking into account aesthetics and effects on adjoining/neighbouring properties.

The amended layout proposes a 1 metre setback to the North/West boundary, this boundary faces Great Eastern Highway/Orion Street, and given there are no adjoining neighbours and the building line is behind the current Palace Hotel building line, it is deemed adequate.

The North/East boundary is proposed to have a 0.3 metre setback, as this is the boundary shared with the Palace Hotel lot, and is owned by the same entity, the 0.3 metre setback is deemed adequate.

The South/East boundary is proposed to have a 1 metre setback, there is Unallocated Crown Land adjoining, and as such there will be minimal affects,

The South/West boundary is proposed to have an accessway and a 3.45 metre setback to structures. Adjoining the South/West boundary is Unallocated Crown Land which is dissected by the Water Corporation pipeline, effectively removing any use for this land, and as such, the proposed setback is deemed adequate.

Plot Ratio

Council have discretion to approve any plot ratio they deem adequate. The plot ratio for the proposed development is 48% built and 52% open space. This is deemed adequate for the proposed development. As a guide, the plot ratio for a motel is 100% built.

Minimum Landscape Area %

There is sufficient space to achieve 10% landscaping.

Car Parking Bays

The amended proposal is to include nine (9) car parking bays, however, as previously endorsed by Council (December 2018), car parking bays are to be combined with existing and proposed bays, located on 6 Orion Street (Palace Hotel site).

Sanctum are seeking another exemption from the required number of car parking bays

Currently the Palace Hotel, 6 Orion Street. operates 47 rooms with 26 designated car parking bays. A ratio of 0.55 per room, with the majority of personnel being bussed or trained to site, parking seems adequate at that ratio currently.

The new development proposes a total of 107 rooms across all four lots and a total of 57 car bays. This is a ratio of 0.53. However, there is scope to add an additional 5 car parking bays to 6 Orion Street, if necessary, which would result in a ratio of 0.58, which is greater than the current ratio.

The TPS2 requires one car space per room, however this is not a standard hotel/tavern arrangement; with the main use being workers accommodation, whereby staff are bussed or trained in, therefore reducing the number of car spaces required.

Whilst the proposed designated car parking bay ratio is lower than what is currently available, due to the lack of reported parking issues currently experienced and the ability to add additional bays if necessary, it is deemed suitable for Council to grant a conditional exemption for the reduced number of car bays, being 57.

As per previous approval (December 2018), it is recommended that a condition be included in this exemption, if endorsed, that states; in the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then Sanctum will be required to undertake any action as directed by Council or Shire Executive Staff to address the matter. This includes but is not limited to reducing the number of accommodation units located on the lots

Aesthetics

As previously endorsed by Council (December 2018) Sanctum has proposed a 2.4 metre colourbond fence be installed to screen from Great Eastern Highway.

The new layout, with access now from the rear of 6 Orion Street, as opposed to the front, means the entire Lot will be screened from Great Eastern Highway, which is an improvement in aesthetics compared to the previously endorsed design.

A condition of approval will be to ensure the dongas are to be colour matched to the Palace Hotel and or existing accommodation units. Whilst they will be screened from the Highway, it will ensure aesthetically the new development will tie into the existing structures.

Recommendation

It is the opinion of the Executive Manager Regulatory Services that this development will not unduly affect the amenity of the commercial area. The proposed design shows sufficient boundary setbacks, significant plot ratios and sufficient parking to cater for the intended use and patron numbers, most of whom are bulk transported to site. A 2.4 metre boundary fence will ensure the development is aesthetically sound.

As such, it is recommended that Council endorse the amended development proposal, approving the proposed setbacks and plot ratio; and granting an exemption to the required number of car parking bays, deeming 57 adequate to cater for 107 rooms and siting the bulk transfer of workers as justification.

The following conditions should also apply:

1. Building permit to be sought and issued;
2. 2.4 metre colourbond fence is to be installed to ensure site is adequately screened from Great Eastern Highway;
3. Units are to be colour matched to the surrounding buildings on 6 Orion Street, Southern Cross.
4. A landscape plan is to be submitted for approval by the Executive Manager Regulatory Services and once approved, implemented, for the street frontage facing Great Eastern Highway;
5. Upon the separate sale or transfer of 2, 4 and/or 6 Orion Street, Southern Cross, or a change in the use of the buildings, unit accommodation is to be removed from 2 and 4

- Orion Street, Southern Cross, or a subsequent development application is to be submitted addressing onsite parking for 2 or 4 Orion Street, Southern Cross; and
6. In the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then owners of Lot 501 and 502 Orion Street, Southern Cross are to undertake any action as directed by Council or Shire Executive Staff to address the matter. This includes but is not limited to reducing the number of accommodation units located on the lots.

Statutory Environment

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

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Businesses in the Shire remain competitive and viable.

STRATEGY: Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Statutory Planning and Building Act fees.

Officer Recommendation and Council Resolution

77/2019

Moved Cr Close/Seconded Cr Shaw

THAT COUNCIL

1. *Conditionally approve the amended development proposal for 2-4 Orion Street, Southern Cross, submitted by Sanctum Resources Pty Ltd, for the installation of 15 x 4-room accommodation units as per the submitted plans and as per the conditions listed herein;*
2. *Approve the proposed setbacks and plot ratio as per submitted plans;*
3. *Grant an exemption to the required number of car parking bays, deeming 57 adequate to cater for 107 rooms across 2-6 Orion Street, Southern Cross, citing the bulk transfer of workers to site as justification of the reduction; and*
4. *Endorse access to 2-4 Orion Street, Southern Cross via the rear of 6 Orion Street, Southern Cross.*

CONDITIONS

- 1. Building permit to be sought and issued;**
- 2. 2.4 metre colourbond fence, matching the overall colour scheme, is to be installed to ensure site is adequately screened from Great Eastern Highway;**
- 3. Units are to be colour matched to the surrounding buildings on 6 Orion Street, Southern Cross.**
- 4. A landscape plan is to be submitted for approval by the Executive Manager Regulatory Services and once approved, implemented, for the street frontage facing Great Eastern Highway;**
- 5. Upon the separate sale or transfer of either 2, 4 or 6 Orion Street, Southern Cross, or a change in the use of the buildings, unit accommodation is to be removed from 2 and 4 Orion Street, Southern Cross, or a subsequent development application is to be submitted addressing onsite parking for 2 or 4 Orion Street, Southern Cross; and**
- 6. In the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then owners 2-6 Orion Street, Southern Cross are to undertake any action as directed by Council or Shire Executive Staff to address the matter. This includes but is not limited to reducing the number of accommodation units located on the lots.**

CARRIED (7/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

CONFIDENTIAL REPORT

78/2019

Moved Cr Della Bosca/Seconded Cr Guerini

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

CARRIED (7/0)

Robert Bosenberg (EMI), Nic Warren (EMRS), Jenny Gemund (MCS) and Laura Della Bosca (EA) left the meeting, 4.38pm.

13.1 Officers Report – Chief Executive Officer

13.1.1 Re-negotiation of Contract of Employment – Executive Manager Infrastructure

File Reference	1.1.10.19
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Contract of Employment

Purpose of Report

To inform and present to Council a proposed Contract of Employment for the Executive Manager Infrastructure (EMI) following Contract re-negotiations following Contract expiry on 17 April 2019.

Background

The EMI's Contract of Employment expired on 17 April 2019 and the CEO and EMI have been in negotiations for an appropriate extension of same.

Council will recall in previous discussions when the CEO was first officially appointed in 2018, the EMI had given an undertaking to remain in his position for the same period and that a process would be undertaken in that period for an orderly transition prior to his retirement.

Comment

The CEO and EMI have already have set about planning for the above transition. In respect to the new Contract of Employment, negotiations have centred on the above and there are a number of changes to which the CEO seeks the appropriate authorisation from Council.

The above changes will be verbally presented by the CEO for consideration by Council at the meeting. The Contract of Employment is provided as a Confidential attachment to the Agenda document.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership – A Community that respects and values Council staff and Elected Members.

Policy Implications

Nil

Financial Implications

No initial Financial Implications.

OUT OF COMMITTEE

79/2019

Moved Cr Shaw/Seconded Cr Nolan

That the meeting be re-opened to the public

CARRIED (7/0)

13.1 Officers Report – Chief Executive Officer

13.1.1 Re-negotiation of Contract of Employment – Executive Manager Infrastructure

File Reference	1.1.10.19
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Contract of Employment

Officer Recommendation and Council Resolution

80/2019

Moved Cr Pasini/Seconded Cr Close

That Council endorses the Contract of Employment negotiations for the Executive Manager Infrastructure and that the CEO be authorised to sign the Contract as presented to Council.

CARRIED (7/0)

RESIGNATION – MANAGER COMMUNITY SERVICES

The CEO advised that Ms Jenny Gemund had tendered her resignation as Council's Manager Community Services effective from Friday, 2 August 2019 providing Council with the appropriate 3 month notice period as per her Contract of Employment.

The CEO advised Council that Council's Executive team now intends reviewing the Manager Community Services position within the overall organisational structure and will advise Council at a later date as to its intentions to advertise for a replacement or absorb the current duties within current staffing levels.

Council received Ms Gemund's resignation with regret.

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.47pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 16th May 2019, are confirmed on Thursday, 20th June 2019 as a true and correct record of the May Ordinary Meeting of Council.

Cr Onida T Truran
SHIRE PRESIDENT