



Minutes

Ordinary Meeting of Council

18th July

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

Cr Truran announced the CRC is having an Information Session and Morning Tea on 26th July 2019 to celebrate 25 years since the Telecentre/CRC commenced operation in Southern Cross and also the 20th anniversary operating from the CRC Building located within the Southern Cross District High School grounds.

Cr Truran also wished Jenny Gemund all the best for her future endeavors as this is to be her last Council Meeting and acknowledged all the hard work and progress made during in her time working for the Shire in her capacity as Manager Community Services.

3. ATTENDANCE

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

4. DECLARATION OF INTEREST

The Chief Executive Officer declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 in Agenda Item 9.1.1- Chief Executive Officer Annual Performance Appraisal.

5. PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 104/2019

Moved Cr Nolan/Seconded Cr Pasini

That the minutes from the Ordinary Council Meeting held on the 20th June 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 105/2019

Moved Cr Della Bosca/Seconded Cr Pasini

That the minutes from the WEROC meeting, GECZ meeting, CEACA Special General Committee meeting and the CEACA Special Committee meeting be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Truran announced the following:

- Attended the CWA meeting on the 21st June
- Attended the WE-ROC meeting on the 26th June
- Attended the GECZ meeting on the 27th June

Cr Della Bosca announced the following:

- Attended the GECZ meeting on the 27th June
- Attended the CEACA meetings on the 3rd July
- Attended the Regional Road Group meeting on the 8th July

Cr Nolan announce the following

- Attended the AgCare meeting on the 2nd July

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

The CEO declared an Interest in the following Item as the Author of the report relating to his Annual Performance Appraisal. The Shire President indicated that it was not necessary for the CEO to leave the Chamber as this Report merely relates to the processes and not the Appraisal itself.

9.1.1 Chief Executive Officer Annual Performance Appraisal

File Reference	1.1.10.129
Disclosure of Interest	P Clarke (CEO and Author of Report)
Voting Requirements	Subject to Council Decision
Attachments	Nil

Purpose of Report

To advise Council of the requirement to conduct the CEO's Annual Performance Appraisal.

Background

As per the CEO's Contract of Employment, a Performance Appraisal is required to be conducted annually against the set Performance Criteria, which was determined upon the CEO's commencement on 20 August 2018.

Comment

In accordance with the Contract of Employment, Council needs to consider whether the Review is:-

- conducted by the whole of Council;
- by a Committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the *Act*; or
- a person or body who has been authorised by the Council to conduct the performance review.

The CEO has prepared a report in response to the Criteria and this will be circulated to Councillors for assessment prior to the date set for the Review.

Council could conduct the Review prior to the commencement of the Briefing Session at Council's August 2019 Ordinary meeting scheduled for Thursday, 15 August.

The CEO would have no objections to Council undertaking the Review in-house however, should Council wish to engage the services of an independent Consultant to assist with the

review process, the proposed date of 15 August 2019 should allow sufficient time to engage a Consultant's services.

Statutory Environment

Extract from the CEO's Contract of Employment

4.2 Performance Criteria and Performance Review

Your performance under this Contract, must be reviewed and determined by the Reviewer –

- (a) by reference to the Performance Criteria;
- (b) at least annually; and
- (c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.

4.3 Selection of Reviewer

- (a) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -
 - (i) who the Reviewer is to be; and
 - (ii) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.
- (b) For example, the Reviewer may be –
 - (i) the Council;
 - (ii) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or
 - (iii) a person or body who has been authorised by the Council to conduct the performance review.
- (c) For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in clause 4.3(a), the Council is to make the relevant determination.

Extract from the Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

Strategic Implications

Nil

Policy Implications

Staff Policy Manual – Policy 7.15 “Relating to CEO Performance Review”

PURPOSE:

This policy provides a framework and guidance for the CEO performance review. It is designed to ensure a consistent and fair approach is used where the format and assessment criteria are known in advance.

TIMING:

The CEO performance review is to be conducted in August each year unless otherwise agreed by the CEO and the Council and recorded in the minutes of a meeting.

DELEGATION:

The Council will conduct the CEO performance review. The number of councillors to conduct the review are those that attend at the set time. The President is to Chair the interview unless other arrangements are agreed between the Councillors present and the CEO prior to the interview commencing.

The Council reserves the right to delegate the performance review to a committee, panel or single person provided that the decision to do so has been passed at a council meeting and has the written agreement of the CEO.

OUTSIDE ASSISTANCE:

If the Council is of the view that it requires the assistance of a consultant or other outside expertise for any particular appraisal interview, the Council can select a person for this purpose provided that the council has the written agreement of the CEO to the person selected.

CEO Performance Agreement

The Council is to use the CEO Performance Agreement as the basis for the assessment. The Council is to draw up the CEO Performance Agreement for the next following review period as part of its task. The CEO Performance Agreement is to contain the following:

- Performance Indicators
- Performance Targets
- Timeframe
- Performance Measure

For ease of assessment the Council shall break down the performance indicators into Key Result Areas. These key result areas may be consistent each year or amended by the Council with the agreement of the CEO.

CEO Report

The CEO is required to submit a Review Report against each performance indicator using the performance measure as evidence. The report is to say whether the performance targets have been reached within the specified timeframe and the affect these have had on the performance of the organisation. If the performance targets have not been reached the report is to include an explanation.

Appraisal Report

The Council is to use the CEO Review Report as the base for its assessment. For each Performance Indicator the Council will either:

- Accept the report of the CEO or
- Amend the report in part

The complete Review Report of the CEO, together with any amendments made by the Council at interview shall become the Appraisal Report and be submitted to a Council meeting for formal adoption.

Appraisal Interview

At the appraisal interview the Councillors present are to consider the report of the CEO against each of the Performance Indicators. The Councillors will use their judgment to decide whether it considers that the CEO Report is an accurate reflection of whether the CEO has reached the performance targets.

If the Councillors present are not satisfied on the basis of the evidence and the report that the performance targets have been reached, they shall discuss this with the CEO. The discussions shall have regard to the "Description" of the Key Result Area and the "Dominant Skills/Expertise" requirements for that particular Key Result Area contained in the Performance Agreement.

Satisfaction Measure

In using their judgment, the Councillors present shall take the view of whether a "reasonable person" would be satisfied that the performance targets have been reached. It is open to the Councillors present to make recommendations to the CEO regarding his or her performance and any improvements that are required for the forthcoming review period.

REPORT TO COUNCIL:

Once the performance appraisal has been completed the Shire President and/or consultant (with the assistance of the CEO) is to submit the Appraisal Report to council for formal adoption.

At the same time a draft of a Performance Agreement for the forthcoming review period is to be submitted for adoption. It is open to the council to make changes to the draft performance agreement before adoption provided that the CEO agrees to the changes and the minutes of the meeting record this.

LEGAL IMPLICATIONS:

This policy replaces the appraisal process described in the CEO's contract of employment. The submission of this policy to the council for consideration constitutes the CEO's agreement to the policy.

Once adopted the Appraisal Report has industrial relations implications.

Financial Implications

Should Council wish to engage the services of an independent Reviewer, there would be cost implications.

Officer Recommendation and Council Decision

106/2019

Moved Cr Pasini/Seconded Cr Guerini

That Council conducts the Chief Executive Officer's annual Performance Review in-house with the whole of Council participating and that it be held prior to the Council Briefing Session on Thursday, 15 August 2019 commencing at 2.00pm

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Regional Early Education and Development Inc. (REED) – Yilgarn Child Care Centre

File Reference	2.4.1.14 & 1.3.3.3
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Lease Agreement – Yilgarn Child Care Centre

Purpose of Report

To present to Council the negotiated Lease Agreement between the Shire of Yilgarn and Regional Early Education and Development Inc. (REED) to utilise the Yilgarn Child Care Centre.

Background

At the June 2019 Ordinary meeting Council resolved the following in respect to the above matter:-

88/2019

Moved Cr Guerini/Seconded Cr Shaw

That Council advises the Regional Early Education and Development Inc. (REED) that it is prepared to support the continuation of child care services in Southern Cross under the following terms and conditions with the CEO and Executive Manager Regulatory Services negotiating the following: -

- 1. Initially, Council enters into a 5 year peppercorn lease with an option to renew for a further 5 years with REED for the continued use of the building and grounds at 43 Spica Street, Southern Cross, WA, 6426 for the purpose of providing an early education and care service (and related family and community support services);***
- 2. That REED and the Shire of Yilgarn enter into an agreement regarding the maintenance of the building and grounds;***
- 3. That Council advises REED that it is prepared to commit to the annual financial contribution previously provided to the Yilgarn Occasional Child Care Centre Incorporated on the proviso that this amount is acquitted annually with any reported surpluses from these funds being quarantined for enhancement of Regional Early Education and Care in the Yilgarn district.***
- 4. That Council provides the residence at the rear of 11 Antares Street for the purpose housing REED's Child Care employee at a nominal rental.***

CARRIED (7/0)

Comment

Based on the above resolution, the CEO and Executive Manager Regulatory Services have now negotiated with REED what is deemed to be a satisfactory Lease Agreement.

REED's Chairperson, Ms Helen Creed, has now signed the Agreement (see attachment) in anticipation of Council endorsing the Agreement through the Shire President and CEO executing the Agreement with Council's Common Seal.

Statutory Environment

Formal Lease Agreement for use of the Yilgarn Child Care Centre.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Social – An inclusive and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term – Continue to provide child care facilities within the community.

Policy Implications

Council Policy 1.4 – Use of Council's Common Seal

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

Commitment to the provision of an annual \$7,000 financial contribution.

Officer Recommendation and Council Decision

107/2019

Moved Cr Nolan/Seconded Cr Shaw

That in accordance with Council Policy 1.4, Council authorises the Shire President and CEO to sign the Lease Agreement between the Shire of Yilgarn and Regional Early Education and Development Inc. (REED), for use of the Yilgarn Child Care Centre for the ongoing provision of Child Care Services as per the conditions contained within the Agreement and that the Shire of Yilgarn's Common Seal be affixed to the Lease document.

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 June 2019.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

108/2019

Moved Cr Della Bosca/Seconded Cr Close

That Council endorse the various Financial Reports as presented for the period ending 30th June 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	See attachment 9.2.2

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40798 to 40808 totalling \$11,437.47, Municipal Fund-EFT Numbers 8899 to 9010 totalling \$464,656.49, Municipal Fund – Cheque Numbers 1522 to 1528 totalling \$171,835.83, Municipal Fund Direct Debit Numbers 13691.1 to 13737.11 totalling \$40,859.31, Trust Fund 402425 to 402427 totalling \$3,441.65 and Trust Fund – Cheque Numbers 6181 to 6183 (DPI Licensing), totalling \$45,159.65 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 Decision

109/2019

Moved Cr Shaw/Seconded Cr Guerini

Municipal Fund – Cheque Numbers 40798 to 40808 totalling \$11,437.47, Municipal Fund- EFT Numbers 8899 to 9010 totalling \$464,656.49, Municipal Fund – Cheque Numbers 1522 to 1528 totalling \$171,835.83, Municipal Fund Direct Debit Numbers 13691.1 to 13737.11 totalling \$40,859.31, Trust Fund 402425 to 402427 totalling \$3,441.65 and Trust Fund – Cheque Numbers 6181 to 6183 (DPI Licensing), totalling \$45,159.65 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Convene a Special Meeting of Council

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

Purpose of Report

To convene a Special Meeting of Council with the purpose of adopting the 2019/2020 Statutory Budget.

Background

Council is to endorse and adopt a budget for the operations of Council annually and no later than 30th August of any given year.

Comment

It is intended to call a Special Meeting of Council, to be held on Monday the 5th of August commencing at 4:00pm for the purpose of adopting the 2019/2020 Statutory Budget and associated ancillary items.

Statutory Environment

Local Government Act 1995 –

5.3. Ordinary and special council meetings

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,
 in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) *if so decided by the council.*

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

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.

Officer Recommendation

That Council approves the calling of the following Special Meeting of Council:

- *Monday, 5th of August 2019 commencing at 4:00pm with the purpose of adopting the 2019/2020 Statutory Budget and associated ancillary items*

Note:

This agenda item was withdrawn as was explained at the 2019/2020 Budget Workshop held prior to the Council meeting, in that a fresh application would be submitted to the Minister for approval to Differentially Rate based on the 0.5% rate increase within the 2019/2020 Budget as opposed to the initial application of 1.5%. Due to timeframes, a Special Council meeting on the 5th August was not achievable and therefore, the Budget adoption process would be submitted to the Thursday, 15th August Ordinary Council meeting.

See Item 12.2 and associated resolution contained within these Minutes.

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Regional Road Group Five Year Road Construction Program

File Reference	1.6.21.10 & 6.1.2.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	One

Purpose of Report

Regional Road Group Five-Year Road Construction Program – 2020/2021 – 2024/2025

Background

Annually Council is required to review its Regional Road Group Construction Program and submit the program to the Regional Road Group if Council is to be successful in receiving road-funding grants.

Main Roads Western Australia in conjunction with Regional Road Group has requested that a five year program is submitted from each council.

Roads included in the Five Year Road Works Program, are roads identified by council and Roads 2030 Regional Road Group Development Strategy as Strategic Routes within the Shire of Yilgarn. These roads are categorised as Regional Distributor Roads *priority "A and B"*, Local Distributor Roads *priority "B"* and Local Access Roads *priority "C"*.

All roads nominated as Strategic Routes by Councils within the Regional Road Groups are subjected to a Multi Criteria Assessment with points scored on different characteristics of road treatment types i.e. preservation or new construction, intending road type, drainage, safety, school bus routes, heavy haulage routes, alignments and traffic data. The higher the score the better the chances are of achieving maximum funding.

Traffic data is an important component of the Multi Criteria Assessment scoring system as it justifies the type of road to be constructed. Traffic data picked up by Traffic Classifiers must include Vehicle Class, Average Daily Traffic and Estimated Standard Axle.

Average Daily Traffic (ADT) is the average daily traffic in both directions determined by dividing total traffic count by duration i.e. $ADT = 540 \text{ (total vehicles)} \div 30 \text{ (total days)} = 18 \text{ vehicles/day}$.

Estimated Standard Axle category is an important element of the Multi Criteria Assessment. The breakdown of AUSTROADS Vehicle Classes data collected during traffic counts not only identifies heavy haulage routes but also calculates the axle loading on road pavement which assists with road type and pavement designs.

As shown in the table below, Regional Road Groups have adopted road standards that are appropriate for roads of regional significance, based on traffic volumes and estimated axel loadings.

Road Type	2	3	4	5	6	7
Description	Formed	Gravel	<7 metre Seal	>7 metre Seal	8 - 9 metre Seal	Sealed With passing lanes
ADT range	0 - 30	31 - 50	51 - 100	101 - 500	501 - 1000	> 1000
ESA range	0 - 5	6 - 20	21 - 40	41 - 60	> 60	> 60

If the Average Daily Traffic (ADT) and average daily Estimated Standard Axle (ESA) values apply to different road types, then the higher standard of road is adopted i.e. if a road has an ADT count of 33 and an ESA count of 22 then a road type 4 would be appropriate.

To achieve maximum value from traffic counts, traffic counts are carried out from October through to February (Peak Season) during the grain harvesting season when the movement of heavy vehicles is at a high.

Comment

Councilors should be aware that the funding figures which are shown in the Five Year Construction Program (Appendix 1) are subject to change. If funding figures are reduced or increased then the percent amount that the funding figures are reduced or increased will reflect on each construction/bitumen sealing programs both through the cost estimated figure and distance. This is a working document and is reviewed annually.

In the Five Year Construction Program, there is a requirement for councils to allocate a percentage of funding to preservation works (bitumen reseals, reconstruction to same standard, unsealed shoulder refurbishment) and a percentage of funding to construction works (upgrading existing gravel roads to a sealed standard or reconstruction to a higher standard road).

In the attached Five Year Program, averaged over the five-year period 49% has been allocated to preservation works and the remaining 51% has been allocated to construction works.

Following is an overview of roads identified under the Roads 2030 Regional Road Group Development Strategy as strategic routes which have been included in the updated Regional Road Group Five Year Construction Program.

Koolyanobbing Road (*Regional Distributor Priority A*)

Works on the Koolyanobbing Road include the continuation of upgrade to eight metre prime seal (*construction*) and bitumen resealing (*preservation works*) as shown in the attached program (2020/21 – 2023/24)

Traffic counts on the Koolyanobbing Road taken in October 2018 through to December 2018 has shown an Average Daily Traffic Count of 80 and an Estimated Daily Axle Loading of 172

M40 Road (*Regional Distributor Priority A*)

Works on the M40 Road include the completion of the remaining nine kilometers second coat bitumen seal (*preservation works*) from SLK 9 and to be completed in 2022/2023 at SLK 0.0.

Traffic counts on the M40 taken in October 2018 through to December 2018 has shown an Average Daily Traffic Count of 57 and an Estimated Daily Axle Loading of 63

Moorine South Road (*Local Distributor Priority B*)

Works on the Mooring South Road include second coat bitumen seal (*preservation works*) from SLK 16.5km to 64.5km. There is also works programmed in 2023/2024 to construct to prime seal standard from SLK 64.5 – 67.5

Traffic counts on Mooring South Road taken in October 2018 through to December 2018 has shown an Average Daily Traffic Count of 66 and an Estimated Daily Axle Loading of 66

Marvel Loch Forrestania Road (*Access Road Priority B*)

Works on Marvel Loch Forrestania Road included reconstruction of existing 6 metre out to a seven metre seal, these works are not programmed until 2024/2025

Traffic counts on Marvel Loch Forrestania Road taken in November 2018 through to December 2018 has shown an Average Daily Traffic Count of 79 and an Estimated Daily Axle Loading of 20

Statutory Environment

Nil

Strategic Implications

2030 Regional Road Group Five Year Road Construction Program and Forward Capital Works Plan

Policy Implications

Nil

Financial Implications

Funding for 2030 Regional Roadworks Programs is proportion one third Council Funding and two thirds Main Roads State Roads Funding to Local Government Agreement

Officer Recommendation and Council Decision

110/2019

Cr Della Bosca/Seconded Cr Guerini

That Council adopts the extended Five Year 2020/2021 – 2024/2025 Regional Road Group Roadworks Program as the attached Appendix one

CARRIED (7/0)

APPENDIX ONE

SHIRE OF YILGARN								
2020/21 - 2024/25 Regional Road Group five Year Roadworks Program								
Road Name	Year	SLK Start	SLK End	Length km	Work	Grants	Funding Shire	Total
2020/2021	1							
Koolyanobbing Rd		11.0	14.0	3.0	Construct & prime	\$ 402,375.00	\$ 201,187.50	\$ 603,562.50
Koolyanobbing Rd		8.0	11.0	3.0	10mm Reseal	\$ 68,117.00	\$ 34,058.50	\$ 102,175.50
Moorine South Rd		16.5	24.5	8.0	10mm Reseal	\$ 180,265.00	\$ 90,132.50	\$ 270,397.50
M40		3.0	9.0	6.0	10mm Reseal	\$ 129,551.00	\$ 64,775.50	\$ 194,326.50
					Annual Total	\$ 780,308.00	\$ 390,154.00	\$ 1,170,462.00
2021/2022	2							
Koolyanobbing Rd		14.0	17.0	3.0	Construct & prime	\$ 412,434.00	\$ 206,217.00	\$ 618,651.00
Koolyanobbing Rd		11.0	14.0	3.0	10mm Reseal	\$ 69,819.00	\$ 34,909.50	\$ 104,728.50
Moorine South Rd		24.5	35.0	10.5	10mm Reseal	\$ 242,501.00	\$ 121,250.50	\$ 363,751.50
M40		-	3.0	3.0	10mm Reseal	\$ 69,286.00	\$ 34,643.00	\$ 103,929.00
					Annual Total	\$ 794,040.00	\$ 397,020.00	\$ 1,191,060.00
2022/2023	3							
Koolyanobbing Rd		-	2.5	2.5	Construct & prime	\$ 361,656.00	\$ 180,828.00	\$ 542,484.00
M40		-	3.0	3.0	10mm Reseal	\$ 71,562.00	\$ 35,781.00	\$ 107,343.00
Koolyanobbing Rd		14.0	17.0	3.0	10mm Reseal	\$ 71,562.00	\$ 35,781.00	\$ 107,343.00
Moorine South Rd		35.0	48.0	13.0	10mm Reseal	\$ 307,744.00	\$ 153,872.00	\$ 461,616.00
					Annual Total	\$ 812,524.00	\$ 406,262.00	\$ 1,218,786.00
2023/2024	4							
Moorine South Rd		64.5	67.5	3.0	Construct & prime	\$ 433,312.00	\$ 216,656.00	\$ 649,968.00
Koolyanobbing Rd		-	2.5	2.5	10mm Reseal	\$ 62,175.00	\$ 31,087.50	\$ 93,262.50
Moorine South Rd		48.0	61.0	13.0	10mm Reseal	\$ 315,432.00	\$ 157,716.00	\$ 473,148.00
					Annual Total	\$ 810,919.00	\$ 405,459.50	\$ 1,216,378.50
2024/2025	5							
Marvelloch Forrestania Rd		-	3.0	3.0	Construct & prime	\$ 444,144.00	\$ 222,072.00	\$ 666,216.00
Moorine South Rd		61.0	67.5	6.5	10mm Reseal	\$ 161,658.00	\$ 80,829.00	\$ 242,487.00
Parker Range Rd		-	5.0	5.0	10mm Reseal	\$ 181,980.00	\$ 90,990.00	\$ 272,970.00
					Annual Total	\$ 787,782.00	\$ 393,891.00	\$ 1,181,673.00
					Total	\$ 3,985,573.00	\$ 1,992,786.50	\$ 5,978,359.50

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Clearing Permit – Marda Operations Pty Ltd – Marda Gold Project

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Correspondence from Department of Mines, Industry Regulation and Safety - Photomap - Natmap

Purpose of Report

To endorse comments to the Department of Mines, Industry Regulation and Safety, regarding the issuing of a clearing permit for Marda Operations Pty Ltd at the Marda Gold Project.

Background

The Shire is in receipt of correspondence from the Department of Mines, Industry Regulation and Safety (DMIRS), relating to a clearing permit sought by Marda Operations Pty Ltd at the Marda Gold Projects, located on Mining Leases 77/394, 77/646, 77/931, 77/962 and Miscellaneous Licences 77/239, 77/240.

The applicants are seeking to clear 165 hectares of land on their lease for mineral production. The land to be cleared is located approximately 115 kilometres North of the Southern Cross townsite, in the vicinity of the intersection of the Bullfinch Evanston Road and the Mount Jackson Road.

Comment

DMIRS have not provided any information indicating there are issues with threatened ecological species, and as such, it is the reporting officer's opinion, Council should advise DMIRS, there are no objections from the Shire of Yilgarn to the issuing of the permit.

Statutory Environment

Environmental Protection Act 1986

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

Nil

Officer Recommendation and Council Decision

111/2019

Moved Cr Nolan Seconded Cr Close

That Council endorse the following response to the Department of Mines, Industry Regulation and Safety:

The Shire of Yilgarn holds no objections to the issuing of clearing permit CPS 6197/5 to Marda Operations Pty Ltd for the Marda Gold Project on Mining Leases 77/394, 77/646, 77/931, 77/962 and Miscellaneous Licences 77/239, 77/240.

CARRIED (6/1)

Cr Guerini voted against the decision



Our Ref:
Enquiries
Fax
Email

A1506/201401 - CPS 6197/5
Heather Johnson – Ph: 08 9222 3614
08 9222 3860
nvab@dmirs.wa.gov.au

Chief Executive Officer
Shire of Yilgarn

ceo@yilgarn.wa.gov.au

Dear Sir/Madam

Application to amend a previously granted Clearing Permit under the *Environmental Protection Act 1986*

The Department of Mines, Industry Regulation and Safety has received the following application to amend a previously granted clearing permit under the *Environmental Protection Act 1986* (the Act):

Permit Holder:	Marda Operations Pty Ltd – Marda Gold Project
Permit Type:	Purpose Permit
Tenements:	Mining Leases 77/394, 77/646, 77/931, 77/962; Miscellaneous Licences 77/239, 77/240
Purpose:	Mineral Production
Area (ha):	165 ha
Shire:	Shire of Yilgarn
Clearing Permit System (CPS) No:	6197/5
Amendment requested:	<ul style="list-style-type: none">• To amend the permit boundary• To change company name

In accordance with sub-section 51E(4) of the Act, on behalf of the General Manager Environmental Compliance, Resource and Environmental Compliance Division, I consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. The General Manager Environmental Compliance, Resource and Environmental Compliance Division, will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant the amended clearing permit (including any specified conditions) or refuse to grant the amendment.

Enclosed are maps indicating the amended application area. Please forward your submission to the above address within 21 days from the **Monday, 1 July 2019**, quoting CPS 6197/5.

If you have any queries regarding this matter, please contact Heather Johnson in the Department's Resource and Environmental Compliance Division, as above, for further information.

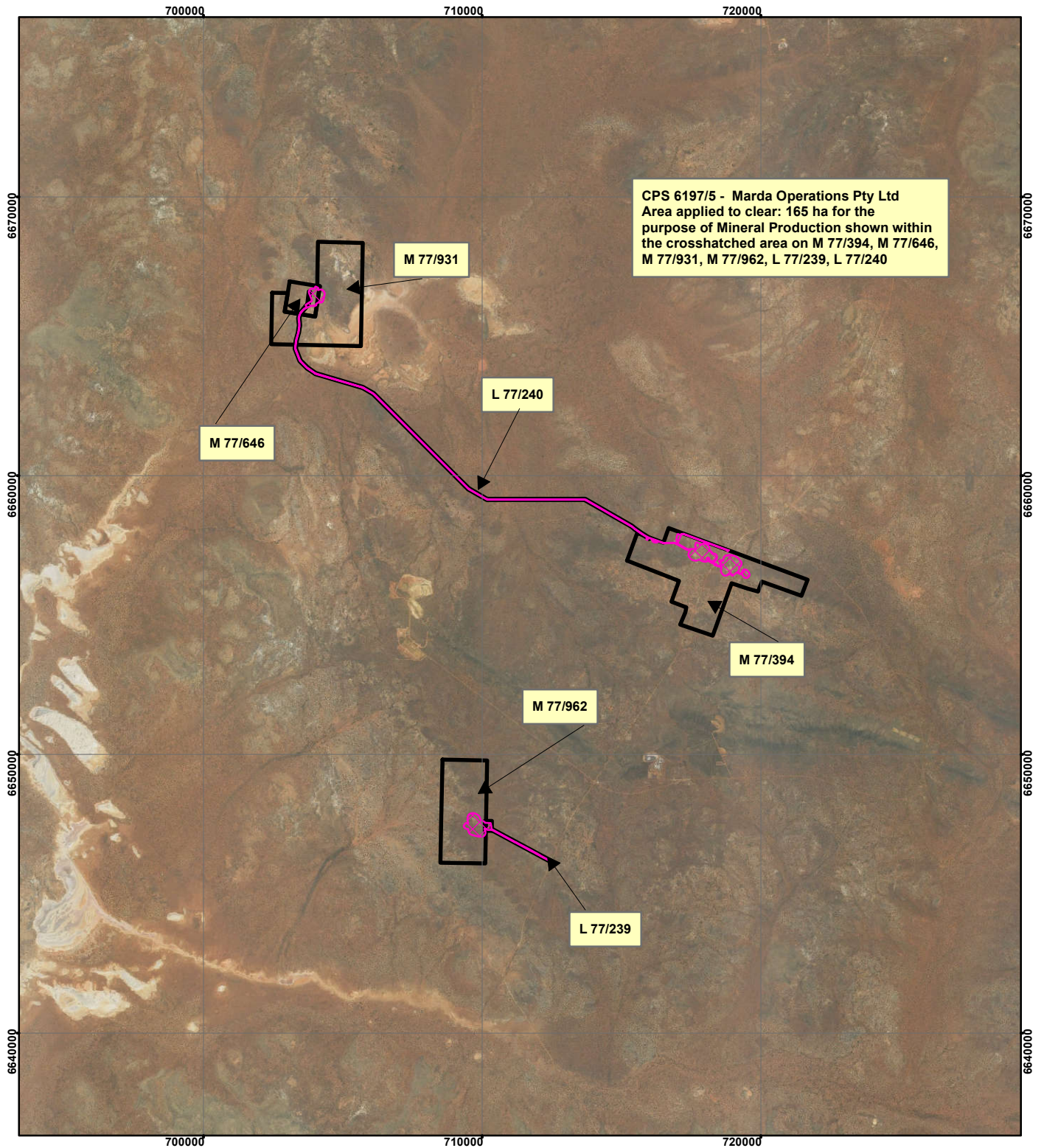
Yours sincerely

Daniel Endacott



Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

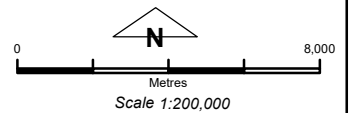
28 June 2019

CPS 6197/5 - Marda Operations Pty Ltd



Legend

-  Clearing Instruments
-  Mining Tenements



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

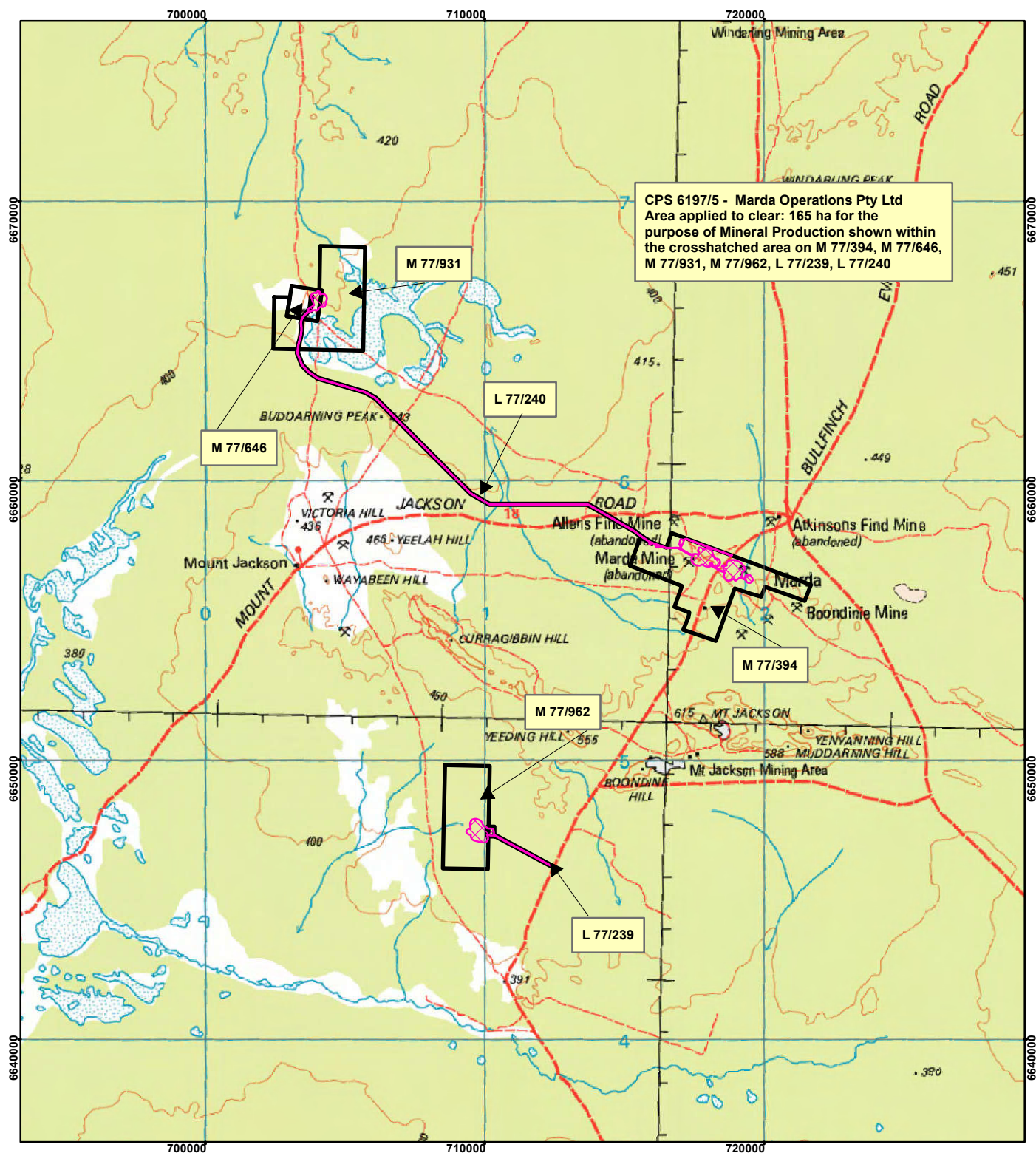
..... Date

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

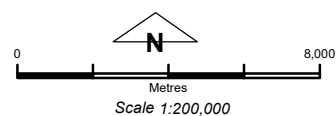


CPS 6197/5 - Marda Operations Pty Ltd



Legend

- Clearing Instruments
- Mining Tenements



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of
the Environmental Protection Act 1986

Information derived from this map should be
confirmed with the data custodian acknowledged
by the agency acronym in the legend.



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Proposed Subdivision of Lot 44 Spica Street, Southern Cross

File Reference	3.1.4.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Layout Plan

Purpose of Report

To consider a request for comment in relation to the subdivision of Lot 44, (16) Spica Street Southern Cross.

Background

The Shire of Yilgarn is in receipt of correspondence from the owner of Lot 44 (16) Spica Street, Southern Cross, requesting Council's comments/consent to the subdivision of their property.

As directed by the Executive Manager Regulatory Services, the owner contacted the Western Australia Planning Commission (WAPC), whom handle subdivisions in Western Australia, with the WAPC providing the following response:

Thank you for your enquiry on 2 July 2019 regarding the subdivision potential of Lot 44 (No.16) Spica Street, Southern Cross (the subject site) to enable the creation of separate titles for each existing dwelling. In determining subdivision applications, the Western Australian Planning Commission (WAPC) takes into account the requirements of the state planning framework and the local planning scheme.

The subject site is zoned Commercial under the Shire of Yilgarn Local Planning Scheme No.2 (LPS 2). Within the Commercial zone, residential land uses including a single house and grouped dwelling are generally not permitted unless development approval is granted from the local government. It is understood, however, that the residential land use is an existing situation, and therefore may have 'non-conforming use rights' in accordance with Part 7 of LPS 2.

As part of the subdivision assessment process, the WAPC refers applications to the relevant local government and servicing authorities for comment. Due regard is given to the recommendation of the local government, which would relate to whether the subdivision is supported, given that LPS 2 does not contain any provisions relating to the subdivision of Commercial land, and may address whether the existing residential uses can continue to operate within the Commercial zone. This may depend on the current supply of commercial zoned land in Southern Cross, and the potential for land use conflicts to arise in the future.

Accordingly, it is recommended that you enquire with the Shire of Yilgarn to ascertain whether the Shire is prepared to support the subdivision of the subject site.

Should you wish to proceed with a lodgement of a formal application to the WAPC, you may wish to engage the services of a licensed surveyor or planning consultant to assist with the subdivision process.

The site is located in the commercial zone as per the Shire of Yilgarn Town Planning Scheme 2 (TPS2). The site currently contains two residential dwellings but only has one shared sewer connection point.

The current lot size is 1012 m², with the proposed separate lots estimated to be approximately 506 m².

A layout plan of the lot is provided as an attachment.

Comment

As detailed above, the site is zoned “commercial” and has “non-conforming use rights”, meaning that at the time the land was zoned “commercial”, the subject lot was already a residential use, and can continue as residential use until such time as the residence is removed.

Unlike residentially zoned land, where a minimum lot size is determined by the zoning code applied to each lot, commercial land has no zoning code and therefore no minimum lot size, and therefore Council has discretion to consent to any commercial lot size.

The Council must determine if subdivision of the land will adversely affect the amenity of the area and/or create land conflict issues.

There currently exists two street access points, and as such access to separate lots would not be an issue.

It is thought that as the land use is not changing from what is existing and that no development upon the land is proposed, and in essence, is purely a land title change that will occur, it is thought there will be no adverse effects by consenting to the subdivision.

In addition, any future residential developments will require approval from Council, allowing control of any land conflict issues at that time.

One issue that will require the attention of the owner is access to mains sewer. Currently as-constructed diagrams show there is one sewer access point to Lot 44, should the owner want separate freehold titles, then an additional connection will be required, at their cost. Should a survey strata or easement be acceptable to the owner, then the existing connection point can remain, with the required common property or easement detailed on the survey plans.

For reference, adjacent lots to the North being lot 602 and 603 Spica Street, are a result of a previous subdivision into two 506m² lots, and as such, has created a precedence.

It is therefore suggested that Council consent to the subdivision of 16 Spica Street, Southern Cross, noting that access to sewer is required to be addressed prior to submission to the WAPC and shown in the submitted application plans.

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

Nil

Officer Recommendation and Council Decision

112/2019

Moved Cr Nolan/Seconded Cr Della Bosca

That Council consent to the subdivision of Lot 44 (16) Spica Street, Southern Cross into two comparably sized lots, with the connection to sewer to be address prior to lodgement with the Western Australian Planning Commission and detailed in the survey plans.

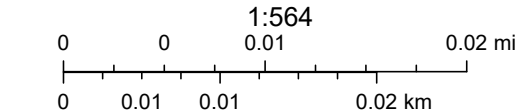
CARRIED (7/0)

Lot 44 Spica Street



10/07/2019, 10:51:04 am

- | | | | | |
|---------|---------------|-------|---------------------|--------------------------------------|
| Others | NotApplicable | Minor | Freeways & Highways | StateHighway |
| Laneway | Track | Main | Freeway | Cadastre (No Attributes) (LGATE-001) |
| Mall | | | NationalHighway | |



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9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Development Application 58-60 McInnes Street, Moorine Rock

File Reference	3.1.3.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Proposed Site Plan - Unit Specifications

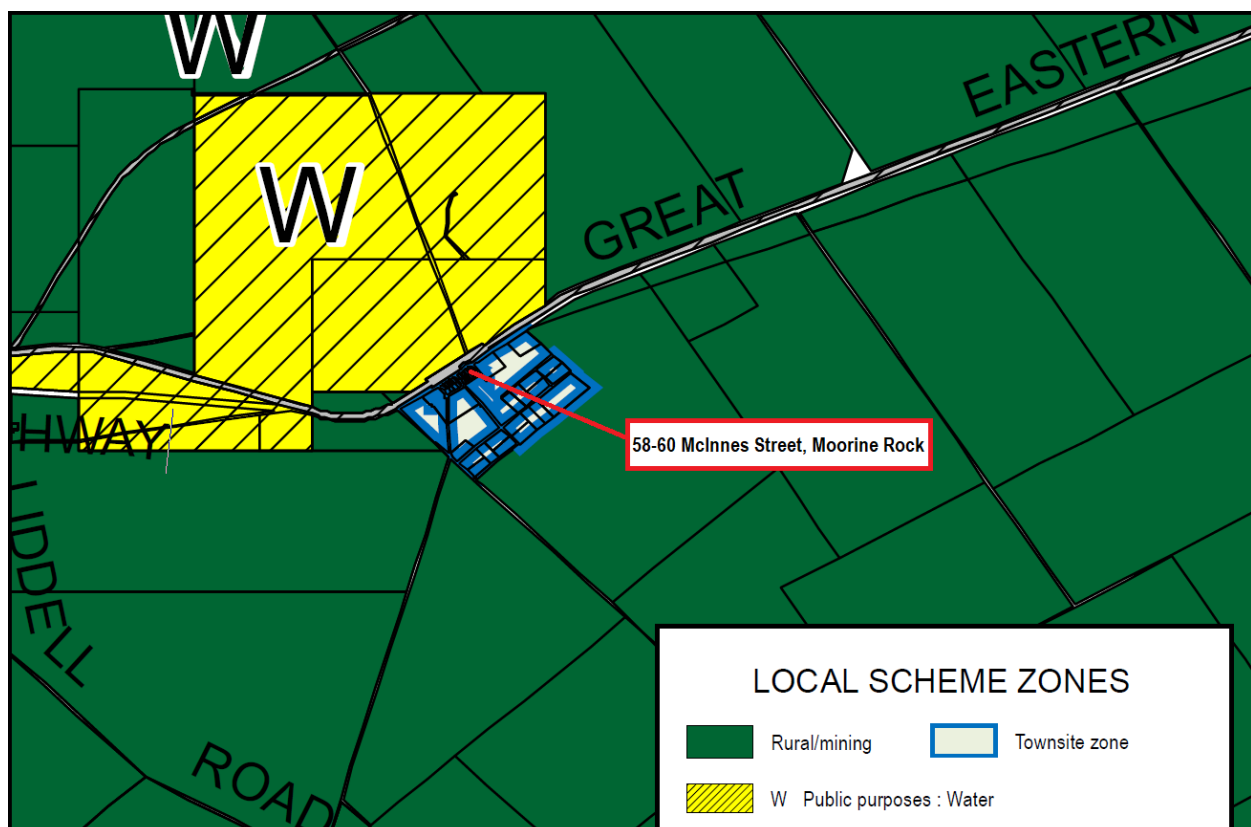
Purpose of Report

To consider a development application for 58-60 McInnes Street, Moorine Rock, to install workers accommodation and other ancillary work.

Background

The Shire of Yilgarn is in receipt of a Development Application, which seeks approval to install two four-room ensuited accommodation units, relocate an existing accommodation unit prior to disposal, install a new cool room and remove an existing shed. A copy of the proposed layout plan and unit specifications has been included as attachments.

The subject site, 58-60 McInnes Street, Moorine Rock, is the location of the Moorine Rock Hotel, and is situated in a “Townsite Zone” as per the image below.



The townsite zone, as per the TPS2 is described as:

The Townsite Zone is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance.

Comment

As the development is proposed on the site already containing the hotel, it is adequate to deem these additions as a "Hotel/Tavern" use as per the TPS2.

"Hotel/Tavern" is an "AA" use under the TPS2 zoning table for "Townsite" zones, which means the development is not permitted unless the Council has granted planning approval.

As per Clause 6.3.2 of the TPS2, Council may give notice of the proposed development as follows:

6.3.2 *Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.*

6.3.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*

- (a) *Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
- (b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
- (c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.*

The TPS2 "Development Table" defines the required setbacks, plot ratios and landscaping for commercial and industrial development. The relevant requirements for "Hotel/Tavern" 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 following table details the proposed new setback to boundaries and the possible effects:

Boundary	Proposed Setback	Effects
North-East	On Boundary	This boundary is adjacent to the Driver Street road reserve, and therefore, locating the proposed accommodation unit on the boundary is not expected to create and issue. The boundary line already has the patio for the motel built upon it.
South-East	On Boundary	This boundary is adjacent to the R.O.W. and with Lot 38 and 39 part of the same assessment as the subject land, and therefore owned by the same entity, any effects experienced will be accepted by the owner.
South West	800 mm	The proposed setback is deemed suitable, as this relocation is only temporary until the unit can be removed, it is in keeping with existing setbacks along the same boundary.

It is deemed the proposed setbacks will not create a nuisance, or detract from the amenity of the area, and it is suggested Council approve the proposed setbacks.

Plot Ratio

Council have discretion to approve any plot ratio they deem adequate. The plot ration with proposed additions will be less than 50%, which is deemed adequate.

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

As mentioned, Lot 38 and 39 as shown on the layout plan are contained within the one assessment, and as such, there is ample parking space to cater for new additions upon these lots.

Aesthetics

It will be recommended that Council require the new units to be colour matched to the existing hotel to ensure the site is aesthetically pleasing.

Upon this requirement being met, it is believed the development will not detract from the aesthetics of the area.

Consultation

All residential land owners within Moorine Rock were written to advising of the proposed development. Due to timing constraints, and the desire to allow sufficient time for owners to review and provide comments, the closing period for submission was set for the 17th July 2019. As such, at the time of writing the report the submission period had not closed. A verbal update will be provided to Councillors on the day of the meeting. To date, no submissions had been received and no enquiries made.

Recommendation

Pending any public submissions received, it is the opinion of the Executive Manager Regulatory Services that this development will not unduly affect the amenity of the townsite zone in Moorine Rock, on the provision the colour scheme is matched to the existing hotel.

As such, it will be recommended that the development proposal is approved.

Advice Notes

This development has commenced without approval, however has ceased upon direction from the Shire, until such time as relevant approvals are in place.

As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.

The applicant will also be required to obtain a Building permit for the development.

Statutory Environment

Planning and Development Act 2005
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

Planning and Development and Building Fees

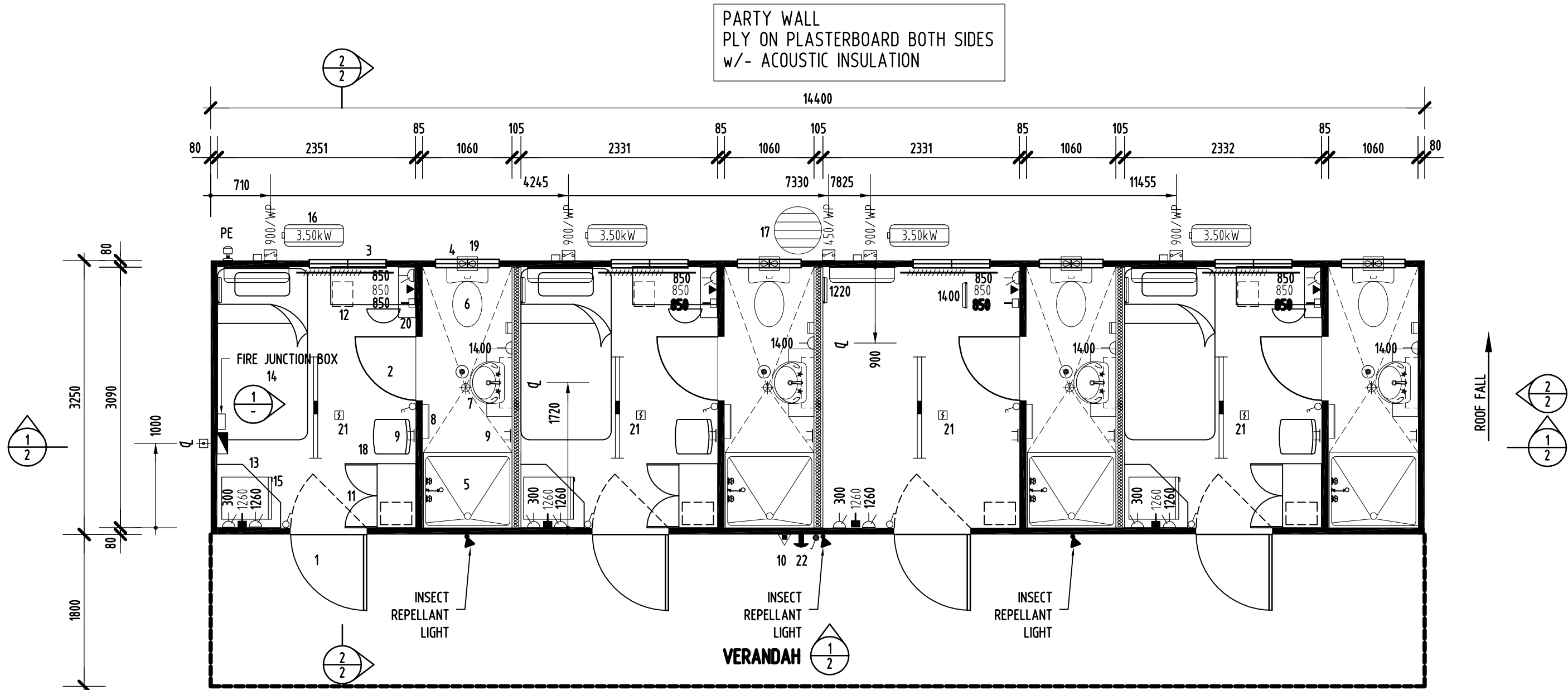
Officer Recommendation and Council Decision

113/2019

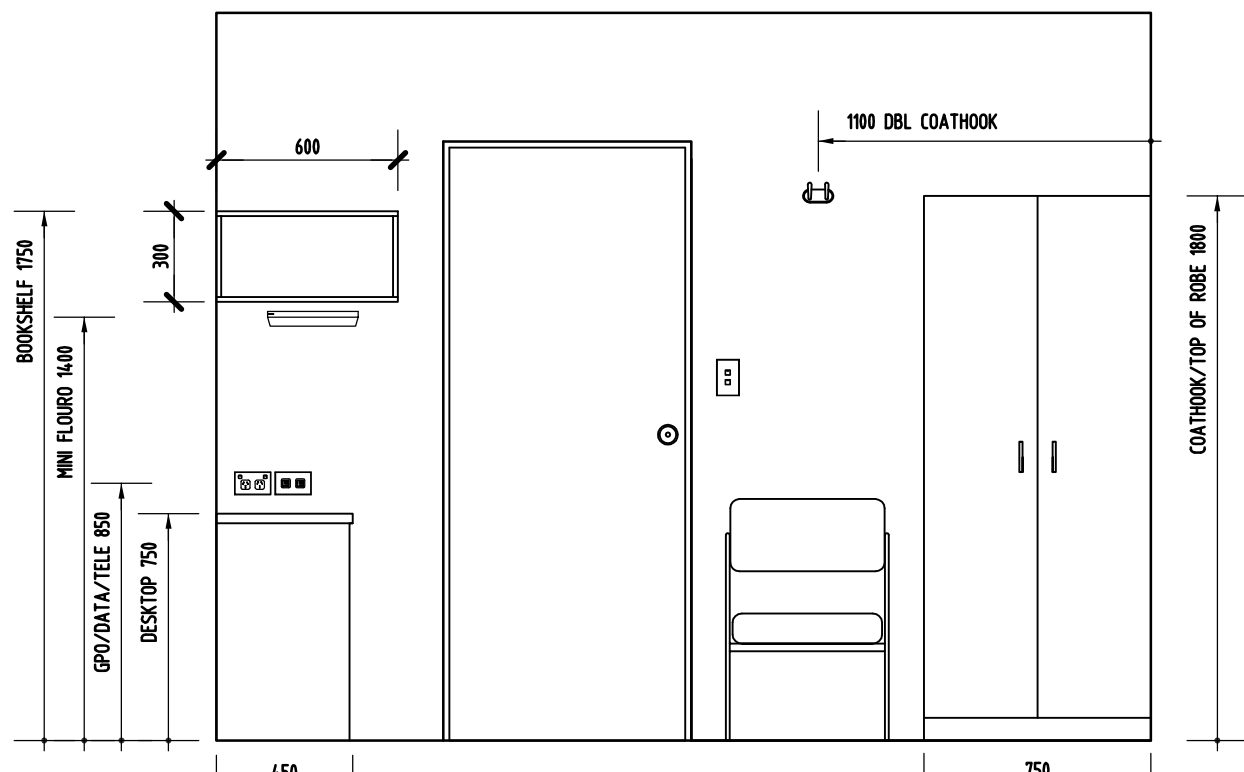
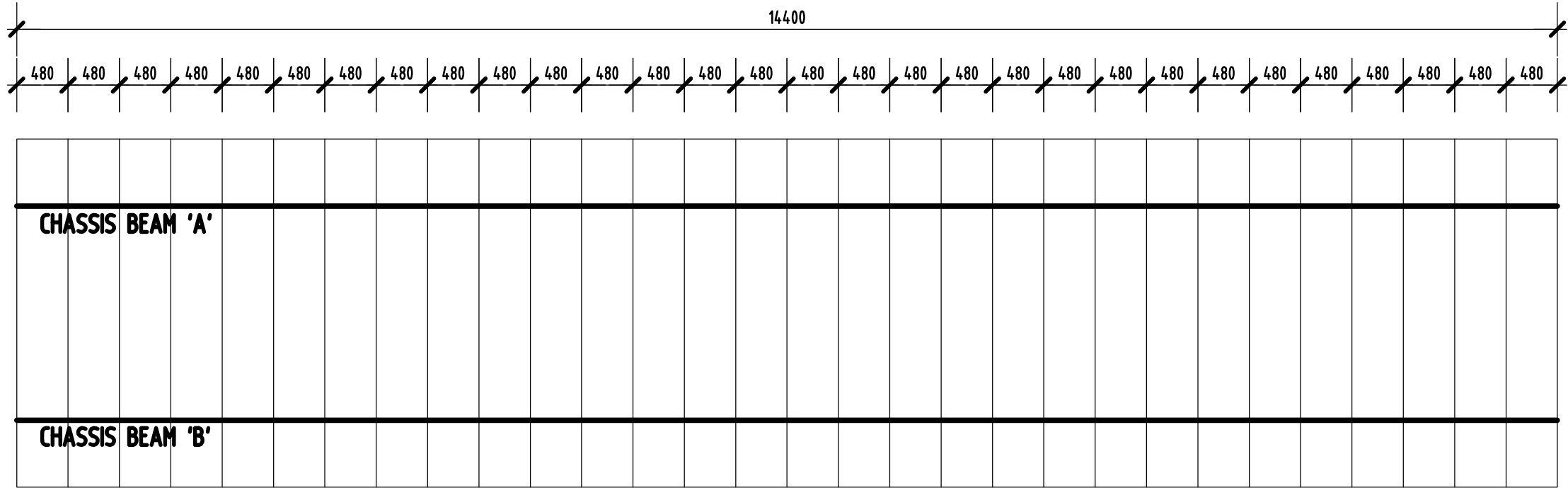
Moved Cr Pasini/Seconded R Della Bosca

That Council approve the proposed development at 58-60 McInnes Street, Moorine Rock, being the installation two four-room ensuited accommodation units, relocation of an existing accommodation unit prior to disposal, installation of a new cool room and removal an existing shed, as per submitted plans and specifications, on the condition that the units are colour matched to the existing Hotel.

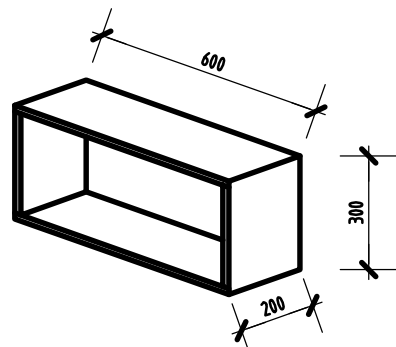
CARRIED (7/0)



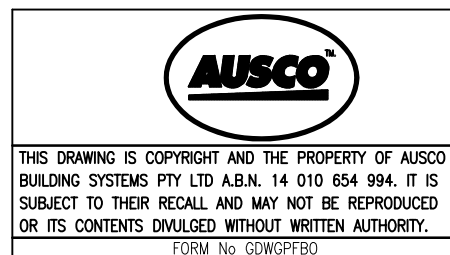
PLAN



ELEVATION
SCALE 1:25



BOOKSHELF DETAIL
SCALE 1:20



ITEM	QTY	DESCRIPTION	Issue	Date	Description	By	Check
11	24/10/17	AS BUILT					
10	08/15/17	ISSUED FOR SHIRE APPROVAL					
9	21/03/17	EXTERNAL LIGHTING/ITEM 18 REVISED AS CLOUDED					
8	19/03/17	EXTERNAL LIGHTING REVISED AS CLOUDED					
7	19/03/17	EXTERNAL LIGHTING REVISED AS CLOUDED					
6	05/03/17	AMENDED 100 (PACKED IN BUILDING)					
5	06/03/17	GPO HEIGHT REVISED AS CLOUDED					

23	4	PLASTIC STACK CHAIR (PACKED IN BUILDING)
22	1	ALARM BELL
21	4	SMOKE ALARM - LOW VOLTAGE WIRED TO JUNCTION BOX
20	4	BOOK SHELF - 2000 (0.6LM)
19	4	EXHAUST FAN (WALL MOUNTED)
18	4	VISITORS CHAIR PLASTIC (PACKED IN BUILDING)
17	1	ELECTRIC WATER HEATER, 160-LITRE 1x2.4kW (PACKED IN BUILDING)
16	4	AIR CONDITIONER, SPLIT SYSTEM - 1.5HP REVERSE CYCLE
15	4	BAR FRIDGE, 120-LITRE (PACKED IN BUILDING)
14	4	KING SIZE SINGLE ENSEMBLE BED, 2020 x 1070 - ON CASTERS (PACKED IN BUILDING)
13	4	TV SHELF, WALL MOUNTED, 750 x 750

ITEM	QTY	DESCRIPTION
12	4	WRITING DESK, 3-DRAWER, 1075 x 450 c/w PADDED CHAIR
11	4	ROBE, 2-DOOR, 1800 x 750 x 460 c/w HANGING RAIL, 6 PLASTIC COATED HANGERS & 3 DRAWER UNIT
10	1	FIRE EXTINGUISHER, 4.5kg DRY CHEMICAL WALL MOUNTED c/w SIGNAGE
9	8	COAT HOOK, DOUBLE, SS
8	8	TOWEL RAIL, SS, 400mm LONG 1 @ 900 1 @ 1500
7	4	HANDBASIN, SEMI RECESSED VC H & C MIXER w/- 800W POLISHED MDF TOP c/w 350x500 VANITY CABINET OVER
6	4	TOILET SUITE c/w WALL MOUNTED DUAL FLUSH CISTERN & CHROME PLATED PAPER HOLDER
5	4	SHOWER CABINET, 1050 x 900 FIBREGLASS c/w CURTAIN & ROD
4	4	WINDOW, OBSCURE GLAZED PERMANENT VENTED, 350 x 755 c/w INSECT SCREEN
3	4	WINDOW, HORIZONTAL SLIDING, 1075 x 900 c/w CYCLONIC RATED GLASS, BLOCKOUT CURTAIN & INSECT SCREEN
2	4	DOOR, INTERNAL HOLLOW CORE, 2040 x 720
1	4	DOOR, EXTERNAL PLAIN METAL, 2035 x 850 MASTER KEYED c/w INWARD OPENING INSECT SCREEN DOOR

ITEM	QTY	DESCRIPTION
12	4	WRITING DESK, 3-DRAWER, 1075 x 450 c/w PADDED CHAIR
11	4	ROBE, 2-DOOR, 1800 x 750 x 460 c/w HANGING RAIL, 6 PLASTIC COATED HANGERS & 3 DRAWER UNIT
10	1	FIRE EXTINGUISHER, 4.5kg DRY CHEMICAL WALL MOUNTED c/w SIGNAGE
9	8	COAT HOOK, DOUBLE, SS
8	8	TOWEL RAIL, SS, 400mm LONG 1 @ 900 1 @ 1500
7	4	HANDBASIN, SEMI RECESSED VC H & C MIXER w/- 800W POLISHED MDF TOP c/w 350x500 VANITY CABINET OVER
6	4	TOILET SUITE c/w WALL MOUNTED DUAL FLUSH CISTERN & CHROME PLATED PAPER HOLDER
5	4	SHOWER CABINET, 1050 x 900 FIBREGLASS c/w CURTAIN & ROD
4	4	WINDOW, OBSCURE GLAZED PERMANENT VENTED, 350 x 755 c/w INSECT SCREEN
3	4	WINDOW, HORIZONTAL SLIDING, 1075 x 900 c/w CYCLONIC RATED GLASS, BLOCKOUT CURTAIN & INSECT SCREEN
2	4	DOOR, INTERNAL HOLLOW CORE, 2040 x 720
1	4	DOOR, EXTERNAL PLAIN METAL, 2035 x 850 MASTER KEYED c/w INWARD OPENING INSECT SCREEN DOOR

FLOOR PLAN

CONSTRUCTION DETAILS	
PROJECT NUMBER	- SM15094
BUILDING TYPE	- SALE REGION D TC 2
CHASSIS	- CANTILEVER
CHASSIS COATING	- 1 COAT Zn Ph PRIMER - 2 COATS GLOSS ENAMEL
FLOOR JOISTS	- GALV. LIPPED C 75x45x1.2 G500 @ 480crs
END MEMBERS	- GALV 75x75x4 SHS
LIFTING POINT	- RETRACTABLE
LIFTING MEMBER	- GALV 125x75x4 SHS
FLOORING DRY	- 15mm T&G F11 PLYWOOD
FLOORING WET	- GRADED MDF OVER 15mm T&G F11 PLYWOOD
FLOOR COVERING DRY	- 2mm SEAMLESS VINYL (SOLAR BEIGE)
SKIRTING DRY	- 'D' MOLD BLACK
FLOOR COVERING WET	- 2.0mm SLIP RESISTANT VINYL (RAFFIA BEIGE)
SKIRTING WET	- 100mm COVED SLIP RESIST VINYL
CEILING HEIGHT	- 2400mm
WALL STUDS (EXT & INT)	- LIPPED C 75x37.5x0.75 G550 @ 400crs
EXTERNAL LINING	- MESA COLORBOND (PAPERBARK) + ROUGHPLY SUBSHEATHING
INTERNAL LINING	- POLYPLY (BEIGE)
CORNICE	- 'D' MOLD BLACK
PARTY WALL LINING	- POLYPLY (BEIGE) OVER PLASTERBOARD
WALL INSULATION	- GLASSWOOL R2.0
PARTY WALL INSULATION	- ACCOUSTIC BATTS
ROOF SLOPE	- SIDE SLOPE (2° PITCH)
CEILING JOISTS	- LIPPED C 75x37.5x0.75 G550 @ 400crs
CEILING LINING	- POLYPLY (MIRAGE PEARL)
CEILING INSULATION	- GLASSWOOL R3.0
ROOF SHEETING	- TRIMDEK ZINCALUME
EXTERNAL TRIM	- FASCIA/BARGE (CAPRI GREEN)
EXTERNAL DOOR	- PAPERBARK
EXTERNAL DOOR TRIM	- PAPERBARK
INTERNAL DOOR	- PAINTED (STONE BEIGE)
EXTERNAL WINDOW FRAME	- STONE BEIGE
INTERNAL REVEAL LINING	- STONE BEIGE
CURTAINS	- CASCADE WEDGEWOOD
SHOWER CURTAINS	- WHITE TAFFETA
CABINETRY TOPS	- INK PEARL
CABINETRY UPRIGHTS	- LEMON TREE
CHAIRS	- SLATE
ELECTRICAL P.O.E	- JUNCTION BOX
REFERENCE DETAILS	- CBF 1014, 1016, 1018 > 6.0M - STDA 0004, 0006, & ASD 1219

The structure shown on this drawing has been designed in accordance with current Australian Standards.
The structure, when constructed in accordance with this drawing, will be structurally sufficient.

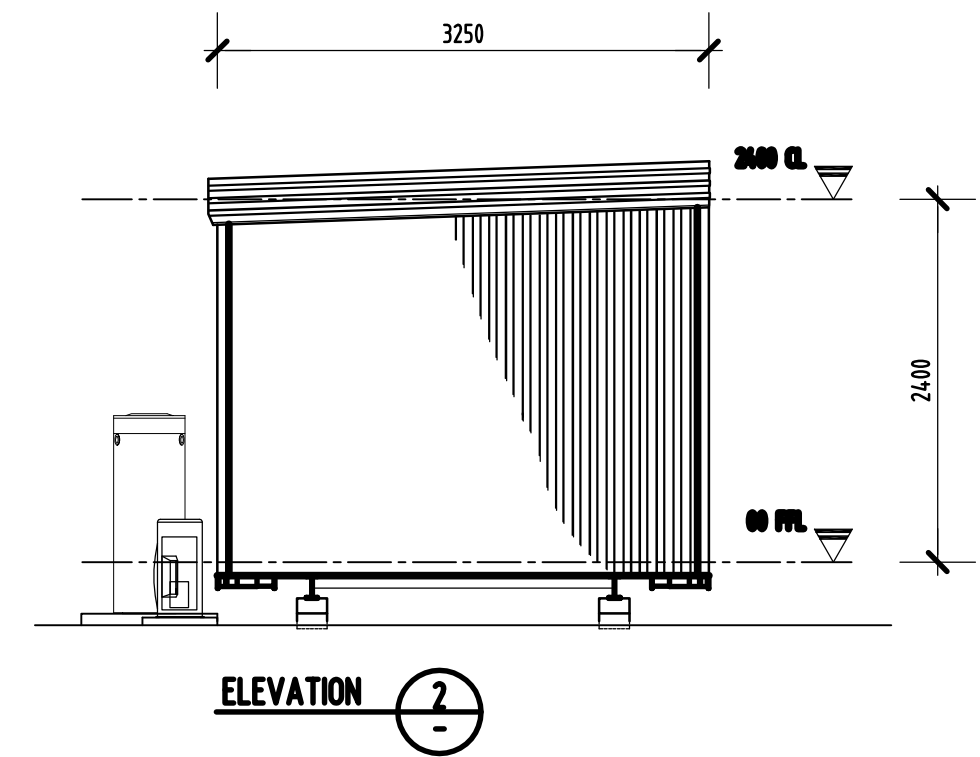
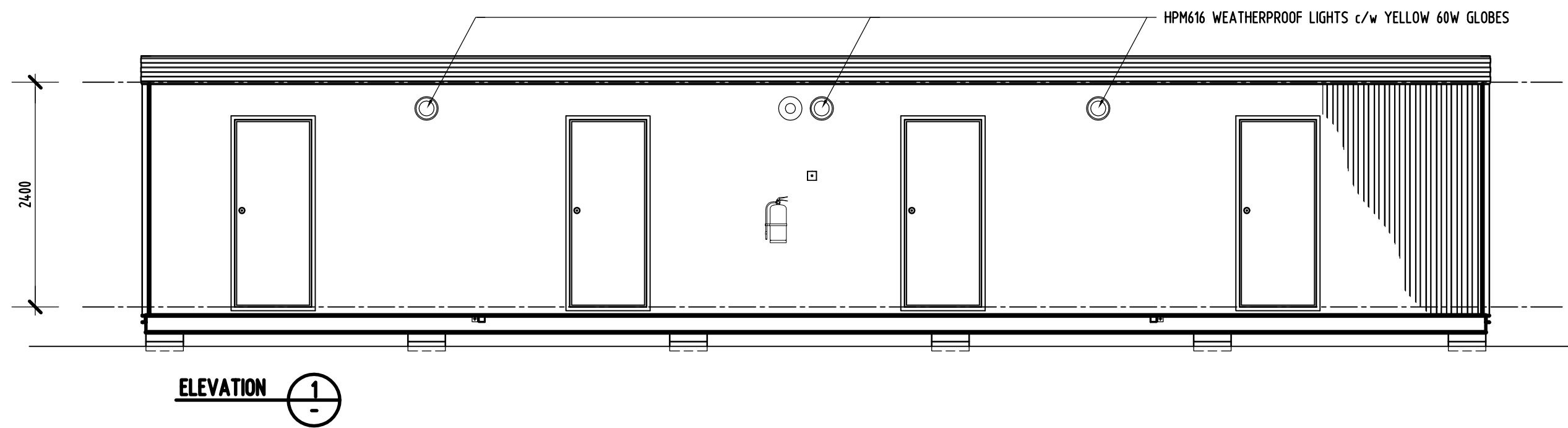
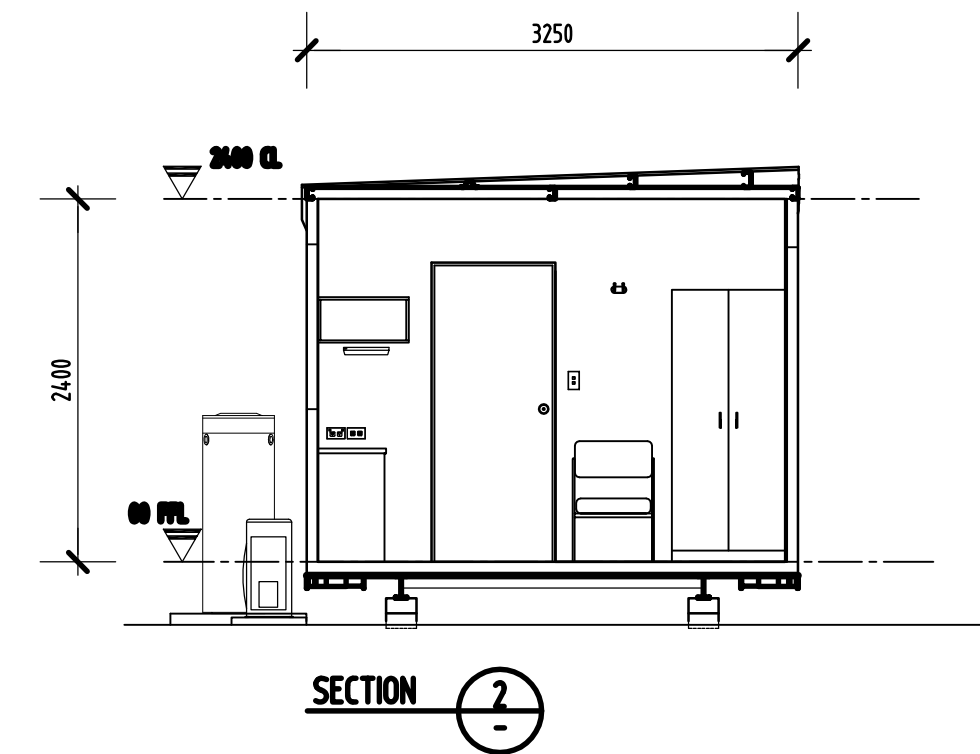
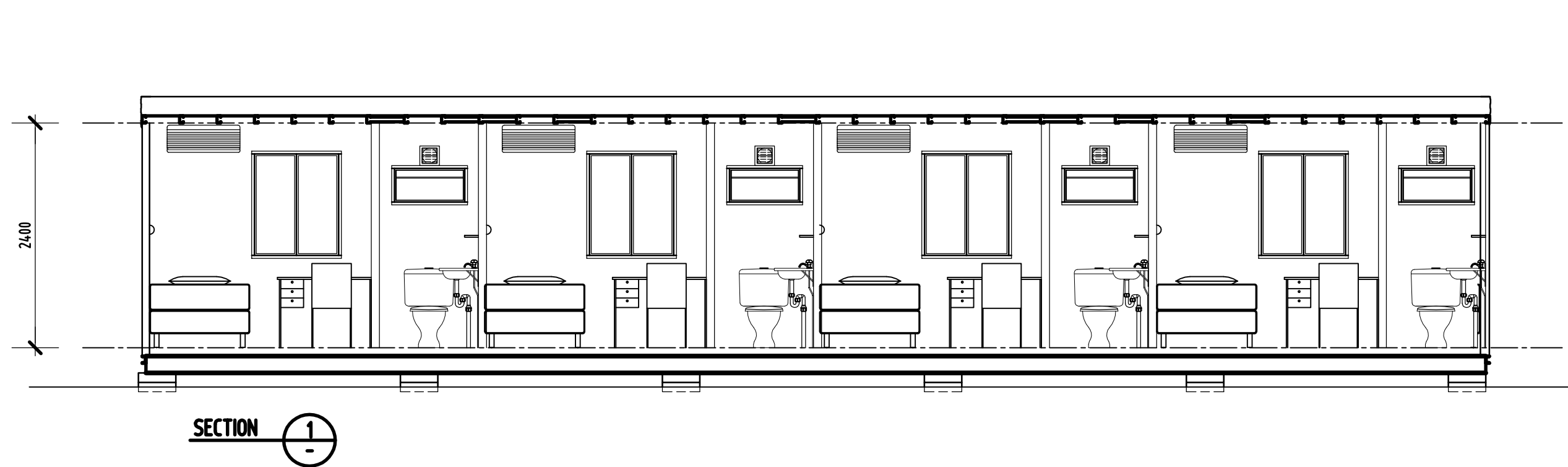
Jonah Klu
for Arup Pty Ltd on 11/10/2017

ELECTRICAL NOTE:
CAT 6 CABLE
CAT 6 OUTLETS
TV POINT 'F' CONNECTOR TYPE

PLUMBING NOTE:
ALL PLUMBING TO BE HARNESSSED TO REAR OF BUILDING

REFER SM15094P01-2 FOR ELEVATIONS & SECTIONS

Note: Provide full rough ply to both internal and external linings of all external walls, with Type B fixings.
All works to 2000-2001 (S16C Cyclonic Specification).



Note: Provide full rough ply to both internal and external linings of all external walls, with Type B fixings.
All works to 2000-2001 (S16C Cyclonic Specification).

The structure shown on this drawing has been designed in accordance with current Australian Standards.
The structure, when constructed in accordance with this drawing, will be structurally sufficient.

Jonathan M...

for Arup Pty Ltd on 1110/2017

NOTE: VERANDAH OMITTED FOR CLARITY
FOOTINGS INDICATIVE ONLY

AUSCO

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FORM No. GDWGPFB0

Issue	Date	Description	By	Check
1	06/06/07	LIGHTING NOTATION ADDED	N.Sch	
0	08/05/07	ISSUED FOR SHIRE APPROVAL	N.Sch	

LEGEND
2x36W FLUORO
DIFFUSED FLUORO
INCAND' LIGHT
OYSTER LIGHT
EXTERIOR LIGHT
VANDALITE W/P
8 WATT FLURO
EMERGENCY LIGHT
SWITCH BOARD
P.O.E.
TV AERIAL POINT
DATA POINT
PHONE POINT
SMOKE ALARM
PE CELL
EXT' EXIT LIGHT
ISOLATOR
LIGHT SWITCH WP
LIGHT SW' 2 WAY
LIGHT SW' DBL
GPO 10amp
GPO 10amp DBL
GPO 15amp

Drawn By	Date
N.Sch	08/05/07
Checked By	Date

ELEVATIONS & SECTIONS	
Scale	1 : 50
Dimensions	ARE IN MM DO NOT SCALE

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Development Application 22 Great Eastern Highway, Yellowdine

File Reference	3.1.3.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Proposed Site Plan - Unit Specifications

Purpose of Report

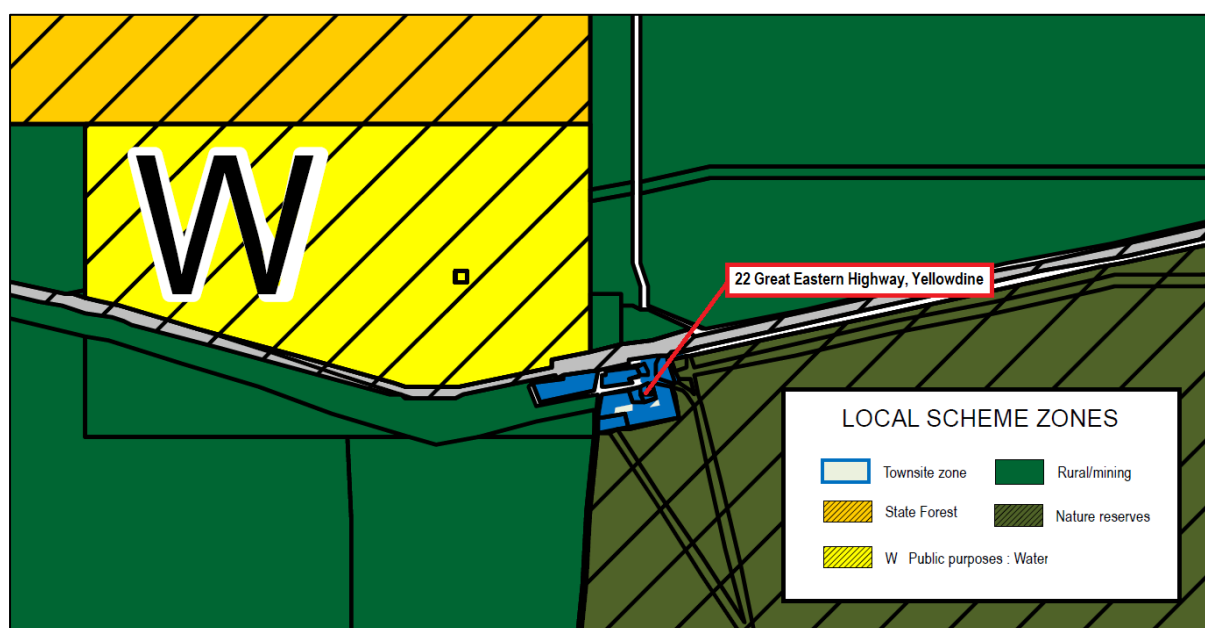
To consider a development application for 22 Great Eastern Highway, Yellowdine, to rebrand an existing service station and replace an existing pylon advertising sign, in addition to approving a lapsed “non-conforming use”.

Background

The Shire of Yilgarn is in receipt of a Development Application, which seeks approval to rebrand the service station at 22 Great Eastern Highway, Yellowdine and install a new pylon sign. A layout plan and specifications have been included as an attachment.

The existing pylon sign to be replaced is located within the Great Eastern Highway Road Reserve and Main Roads WA have advised the applicant they are required to seek Council approval prior to their approval.

The site is located in a “Townsite” zone under the Shire of Yilgarn Town Planning Scheme 2 (TPS2), with a “Petrol Filling Station” an “AA” use for this zone. An “AA” use means that the use is not permitted unless the Council has granted planning approval.



Whilst Council may have historically granted approval for this use, or alternatively, this site may hold "non-conforming use rights", meaning at the time the site was zoned "Townsite" it was already operating and can legally continue to; Clause 7.4 of TPS2 states:

When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

As the site has not been operational for over six months, Council must again grant approval to operate as a "Petrol Filling Station" as per the "AA" use provisions of the TPS2.

As per Clause 6.3.2 of the TPS2, Council may give notice of the proposed development as follows:

- 6.3.2 *Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.*
- 6.3.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*
- (a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
 - (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
 - (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.*

In relation to signage, Clause 5.2.1 of the TPS2 states:

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.

Whilst the Signs, Hoarding and Bill Posting By-Laws has ceased, the Shire does have the "Policy 4.3 - Advertising & Directional Signs".

This policy states:

The erection of any signs, whether on public or private land, requires the approval of Council, under clause 5.2 Control of Advertisements of Yilgarn's Town Planning Scheme No. 2 (or as amended) and Main Roads WA Advertising Sign Guidelines.

Applicants are to submit an application for development approval to the Council detailing the reason for the sign, where it is proposed to be located, what it is made of and the design/wording/colour scheme on the sign. Signs are to be professionally made and painted. They are to be erected in accordance with best practice, the Building Code of Australia, or as directed by the Shire.

Advertising signs located on the state road reserves and beyond the boundaries of, but visible from, state road reserves, require Main Roads WA approval.

The submitted Development Application is in keeping with Policy 4.3.

Comment

In regards to the use of the land, the petrol filling station and ancillary buildings are the only currently occupied structures in the townsite zone and have existed for many years.

It is thought there is no risk of a nuisance being created due to no neighbouring properties, nor are there any recorded complaints relating to amenity on file.

The TPS2 "Development Table" defines the required setbacks, plot ratios and landscaping for commercial and industrial development. The relevant requirements for "Service Station" are 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			
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.

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

Setbacks

The front and back setbacks are compliant at 15.3 and 13.9 metres respectively. Council has discretion to approve any side setback is deems suitable, in this case, to the West the setback is 6.9 metres and is deemed sufficient, whilst the East boundary is intersected by existing structures, however the adjacent lot is leased from the Crown by the owners of the subject lot, and has been existing for many years, and as such, is deemed suitable to again approve.

Plot Ratio

Council have discretion to approve any plot ratio it deems suitable. As the building footprint is not being altered, it is deemed suitable for Council to approve the existing plot ration.

Minimum Landscaping Area

There is sufficient landscaping to meet the 5% requirement.

Parking

There is adequate space to cater for parking requirements.

Signage

The installation of the pylon sign will be assessed by Main Roads WA for compliance with codes of practice relevant to roadside advertising, and as such, it is deemed appropriate to approve the proposed sign, with the condition that Main Roads WA approval is gained prior to installation.

Consultation

Due to the isolated nature of this site and low risk of nuisance or affects to surrounding amenity, public notice is not deemed necessary.

Recommendation

It is the Reporting Officers opinion that Council should approve the proposed development, given that it has existing as a petrol filling station for many years without amenity issue, it is deemed the aesthetics will be improved with rebranding, and Main Roads WA will ensure roadside signage is compliant.

Advice Notes

As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.

The applicant will be required to seek a Building permit from the Shire prior to construction commencing.

Statutory Environment

Planning and Development Act 2005
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

Policy 4.3 – Advertising & Directional Signs

Financial Implications

Planning and Development and Building Fees

Officer Recommendation and Council Decision

114/2019

Moved Cr Guerini/Seconded Cr Nolan

That Council approve the use of a petrol filling station at 22 Great Eastern Highway, Yellowdine, and subsequently approve the rebranding of the site, and installation of a pylon sign in the road reserve adjacent to the site, as per submitted plans and specifications. Council approval is subject to approval from Main Roads WA being obtained.

CARRIED (7/0)

PROPOSED SERVICE STATION REBRANDING & PYLON SIGN TO REPLACE EXISTING AT 22 GREAT EASTERN HIGHWAY, YELLOWDINE WA 6426



LOCATION MAP

IMAGE SOURCE: GOOGLE MAPS

DRAWING INDEX

- | | |
|----|---------------------|
| 01 | TITLE PAGE |
| 02 | SITE PLAN |
| 03 | PROPOSED ELEVATIONS |
| 04 | PYLON SIGN |

No.	Amendment	Drawn	Approved	Date	 BUILDING - LAND - GUIDANCE OFFICE: 58 FITZROY STREET, TUMUT. 2720 P: 0410 659 795 E: admin@allspecap.com THE FULL SPECTRUM OF DEVELOPMENTS	CLIENT: TIGER ONE FUELS	Sheet: 1 of 4		
	Issued For DA	MT	JM	09-05-19		PROJECT: SERVICE STATION REBRANDING & PYLON SIGN	SCALE: NTS	A3	
						LOCATION: LOT 22 P12647 GREAT EASTERN HIGHWAY, YELLOWDINE WA 6426	Date: 09-05-2019		
						DRAWING TITLE TITLE SHEET	Project No. 19030 46 01		



IMPORTANT NOTE:

This plan is prepared for TigerOne Fuels from a combination of survey and existing records for the purpose of designing new constructions on the land and should not be used for any other purpose. Tree spreads are diagrammatic only and may not be symmetrical.



This note is an integral part of the plan. The boundaries shown here are depicted by remote sensing techniques eg. google, six maps.

GENERAL NOTES:

It is the responsibility of the contractor to liaise with all servicing authorities to determine the location of any services prior to any excavation on the site. The position of services where provided on the plan are approximate only. No guarantee is given that all existing services have been shown.

The Contractor is to ensure that all works are executed in a safe manner and in accordance with the OH&S Act 2004 and OH&S Regs 2017 NSW. Other safety requirements of relevant authorities must also be followed.

The Contractor is to liaise the relevant authorities regarding sediment control measures. No construction work is to commence onsite until such measures are in place.



ALLSPEC & PARTNERS
BUILDING - LAND - GUIDANCE
OFFICE: 58 FITZROY STREET, TUMUT, 2720
P: 0410 659 795 E: admin@allspecap.com
THE FULL SPECTRUM OF DEVELOPMENTS

CLIENT:
TIGER ONE FUELS

PROJECT:
**SERVICE STATION
REBRANDING & PYLON SIGN**

LOCATION:
**LOT 22 P162647
GREAT EASTERN HWY, YELLOWDINE**

DRAWING TITLE:
SITE PLAN

No.	Amendment	Date
1	Issued For DA	09-05-19

SHEET: 2 of 4

SCALE 1 : 250 A3

DATE: 09-05-2019

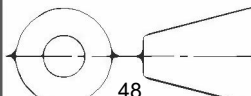
PROJECT No: 19030⁴⁷ 02

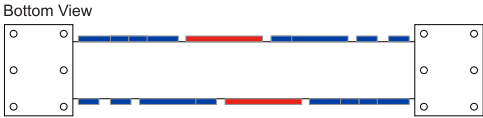
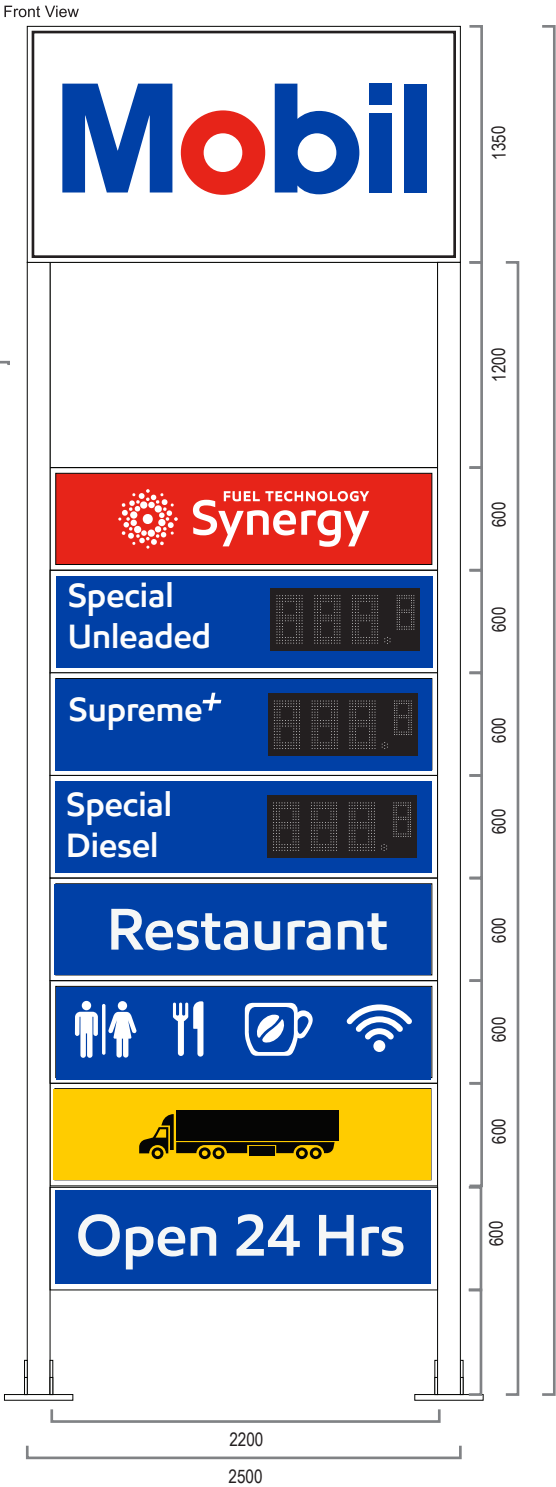
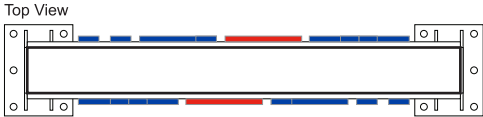


Proposed Mobil Branding



Existing View

<p>© Copyright 2009</p> <p>This design / drawing remains the property of EVOCOM and all rights strictly reserved. Reproduction either wholly or in part / or issuance to third parties in any form whatsoever is strictly prohibited without the written consent of EVOCOM.</p>	<p>Do not scale from this drawing</p>	<p>Customer Name MOBIL</p> <p>Drawing Title MOBIL</p>	<p>Drawn MR</p> <p>Date 18/04/19</p> <p>Revision</p> <p>Site Address:</p>		<p>All Dimensions in MM</p> <p>Tolerances on Dimensions not otherwise specified.</p> <p>Linear ± 0.1</p> <p>Angular ± 0.5°</p> <p>Hole Ctrs ± 0.1</p>	 <p>48</p> <p>Third Angle Orthographic Projection</p>
	<p>Page 1 of 1</p>					



*Note: The lower panel house the ICU
and will now have any internal
lighting

			Do not scale from this drawing	Customer Name Yellowdine	Drawn	JG			
					Date	24.01.18			
					Revision	0			
		Site Address:							
		SHEET 1 OF 1		Drawing Title Pylon sign visuals					

49

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Rural Landfills Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Rural Landfill Policy

Purpose of Report

To consider and endorse the draft Rural Landfill policy.

Background

Since the opening of the manned Southern Cross Landfill site, there have been a number of reports of Southern Cross residents, and specifically commercial operators, travelling to the Shires rural landfills to avoid paying commercial landfill fees.

These rural landfill sites are designed to accept a small amount of putrescible waste, and should large quantities of putrescible waste; or, non-permitted wastes be deposited, then the Department of Water and Environment Regulation may require these sites to be licenced, which would incur significant costs and Officer time. These sites also have limited space, and once full, it is unlikely that a subsequent site will be able to be established in the area, which will affect local residents, many of whom do not have a verge collection service.

As such, Shire administration have investigated and determined the best method to avoid the misuse of these sites.

Under the Litter Act 1979, it states:

23. *Littering, offence*

Any person who deposits litter, or causes litter to be deposited, on any land or on or into any waters commits an offence unless the litter is deposited —

- (a) on private land by consent; or*
- (b) in an appointed area; or*
- (c) in a place or receptacle set aside or provided for that purpose; or*
- (d) on land adjacent to private land by arrangement with, or at the invitation of, a public authority with a view to the litter being collected and removed by the public authority.*

Penalty:

- (a) for an individual, a fine of \$5 000;*
- (b) for a body corporate, a fine of \$10 000.*

Utilising Clause 23(b) of the Act, it is proposed that the draft Rural Landfill policy (attached) will "appoint" these rural landfills for the depositing of permitted waste by residents of the respective townsites and associated surrounds only. By doing so, persons not from the relevant area found depositing waste, can be deemed to be littering and can face the applicable penalties.

It should be noted that a breach of Clause 23 of the Litter Act can be prosecuted for the maximum penalty shown above, or can be infringed with reduced penalties and issued immediately.

Comment

A number of options were considered in arriving at the above proposal, including the installation of locked gates with keys left with central persons or premises for access, or multiple keys issued to local residents, however the costs to supply and track these keys, plus the inconvenience for locals to obtain a key outweighed the benefits.

It is thought the proposed option will be best suited to the Shire's current needs. If endorsed, signage will be installed at all rural landfill sites advising of its appointed nature, and advising that any persons who do not fit the criteria for depositing waste will be deemed to be breaching the Litter Act.

The Shire has purchased a portable CCTV unit, which has been recently successful in capturing an illegal dumping incident on Crown land, with the evidence proposed to be tested via a prosecution, and it is deemed this method will be ideal for capturing person/s who are failing to abide by the appointments or as a minimum, will deter wrongdoing.

Statutory Environment

Litter Act 1979

Strategic Implications

Goal

Protecting, utilising and enhancing our beautiful natural heritage.

Outcome

Satisfaction with waste management services and recycling process.

Strategies

Establish and maintain environmentally sound waste facilities to cater for the Shire's long term waste disposal requirements.

Policy Implications

New draft policy "6.10 Rural Landfills"

Financial Implications

Signage costs budgeted for in 2019/2020

Officer Recommendation

115/2019

Moved Cr Nolan/Seconded Cr Della Bosca

That Council endorse the "Rural Landfill" policy, and subsequently endorse the Shire administration applying the Litter Act 1979, Section 23 to person/s found breaching the policy.

CARRIED (7/0)

POLICY: RURAL LANDFILLS

POLICY NO: 6.10

SECTION: GENERAL ADMINISTRATION

LAST REVIEW DATE: JULY 2019

DUE FOR REVISION: JULY 2020

The Shire operates a number of rural landfill sites, designed to accept small quantities of putrescible waste (Class II) from local residents only.

To restrict non-local persons and commercial entities from utilising these sites, the following appointments are made:

Site	Appointment
Bodallin Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Bodallin townsite and surrounding Bodallin rural locations only, unless otherwise approved by the Shire of Yilgarn
Bullfinch Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Bullfinch townsite and surrounding Bullfinch rural locations only, unless otherwise approved by the Shire of Yilgarn
Marvel Loch Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Marvel Loch townsite and surrounding Marvel Loch rural locations only, unless otherwise approved by the Shire of Yilgarn
Moorine Rock Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Moorine Rock townsite and surrounding Moorine Rock rural locations only, unless otherwise approved by the Shire of Yilgarn

Under the Litter Act 1979 Clause 23(b), a person who deposits waste on land that is not appointed commits an offence. Persons who deposit waste in breach of the above appointments are deemed to have breached the Litter Act 1979, and as such, are liable to applicable penalties under said Act.

9.5 Reporting Officer – Manager Community Services

9.5.1 Yilgarn Motoring Enthusiasts funding agreement renewal

File Reference	1.3.9.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	1 Funding agreement

Purpose of Report

To renew the funding agreement with the Yilgarn Motoring Enthusiasts for another 3-year period.

Background

Council has provided financial and in-kind support towards “The Car & Bike Show and Swap Meet” since 2013.

Therefore, in 2016 the Shire of Yilgarn entered a 3-year funding agreement with the Yilgarn Motoring Enthusiasts providing \$3,000 and in-kind support (waiving the hire fees for the recreation centre facilities, marking the oval, allowing camping on the oval and netball courts and supplying extra rubbish bins) each year. This demonstrated the Shire’s commitment to the club’s future events and eliminated the annual application process.

Comment

The Yilgarn Motoring Enthusiasts are a strong club, the annual event is scheduled to advance in the next few years and the club has satisfied their part of the agreement in the last 3 years.

As Council is most likely to support this event in the future, a new agreement is suggested.

Statutory Environment

Nil

Strategic Implications

Strategic Community Plan 2018-2028

Goal

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

Outcome

Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

Strategies

Continue to implement and support community programs.

Continue to support local sport, recreation & community groups.

Policy Implications

Nil

Financial Implications

\$3000 cash donation to be included in 2019/20, 2020/21 and 2021/22 budget.

Officer Recommendation and Council Decision

116/2019

Moved Cr Pasini/Seconded Cr Guerini

That Council authorises the Chief Executive Officer to enter into a 3-year funding agreement between the Shire of Yilgarn and the Yilgarn Motoring Enthusiast to provide a financial donation of \$3,000 and in-kind support to the 2019, 2020 and 2021 Southern Cross Car & Bike Show.

CARRIED (7/0)

Shire of Yilgarn community support - three year funding agreement

The Recipient Organisation:	Yilgarn Motoring Enthusiast
The Grant:	\$3000 per financial year
The Event:	Yilgarn Car & Bike show and swap meet
The Grant Amount:	\$3000 (excluding GST) per event
The Funding Period:	September 2019 to September 2021
The Acquittal Date:	Acquittal documentation is due within 30 days after each event.

Terms and conditions of this agreement

- The Shire of Yilgarn will pay the Yilgarn Motoring Enthusiast, every August of the funding period the amount of \$3000, subject to the event proceeding.
- The recipient must advise the Shire of Yilgarn immediately of the likelihood of any funds not being used. If applicable, a refund of any unused money may be requested. Unused money must not be spent for any other purpose unless first approved in writing by the Shire of Yilgarn.
- The recipient will use the funds only for the running of the Yilgarn Car & Bike Show unless written permission for a variation is obtained from the Shire of Yilgarn prior to the expenditure.
- The recipient will acknowledge assistance from the Shire of Yilgarn in press releases and promotional material, using the Shire's logo and the words "Proudly sponsored by the Shire of Yilgarn". A promotional shire banner will be displayed in a prominent location during the event.
- The recipient will keep proper accounting records relating to your organisation and the funding.
- The recipient understands that this funding agreement is for a specific period and cannot be construed as being a commitment by The Shire of Yilgarn for recurrent funding.
- The Shire of Yilgarn will cease payment of any funding or recovering any funding already paid to you if you cease or fail to comply with this agreement.
- The recipient will provide an annual report which shall include a financial summary of the income received, funds expended and an outline of activities including attendance numbers and details on how the event was promoted. This report is to include copies of photographs, brochures and other documentation.

Shire of Yilgarn community support - three year funding agreement

Name of Signatory	
Signatory's position within the recipient organisation	President
Name of the recipient organisation	Yilgarn Motoring Enthusiast
On behalf of the recipient organisation I accept the obligations and conditions outlined in this funding agreement.	
Date signed	

Name of Signatory	Peter Clarke
Signatory's position within the recipient organisation	Chief Executive Officer
Name of the benefactor organisation	Shire of Yilgarn
On behalf of the benefactor organisation I accept the obligations and conditions outlined in this Funding Agreement.	
Date signed	

10 APPLICATION FOR LEAVE OF ABSENCE

Cr Della Bosca has submitted an application in writing to the CEO seeking Leave of Absence from the August 2019 Ordinary meeting of Council.

117/2019

Moved Cr Shaw/Seconded Cr Close

That Council grants Cr Della Bosca Leave of Absence for the August 2019 Ordinary Council meeting in accordance with section 2.25 (1) of the Local Government Act 1995

CARRIED (7/0)

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

118/2019

Moved Cr Nolan/Seconded Cr Guerini

That the late items be submitted for consideration

CARRIED (7/0)

12 Officers Report – Chief Executive Officer

12.1 Western Australian Legislative Council – Select Committee into Local Government

File Reference	1.6.26.31
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments –	-Select Committee submission invite
	-Draft Submission

Purpose of Report

To advise Council of the WA Legislative Council's decision to establish a Select Committee into Local Government and to present for Council's consideration, a submission to the Select Committee based on its Terms of Reference.

Background

As reported in Council's July 2019 Briefing Session Agenda, on Wednesday, 26 June 2019, WA's Legislative Council resolved to establish a Select Committee into Local Government with its Terms of Reference detailed below:-

The Select Committee is to enquire into how well the system of local government is functioning in Western Australia, with particular reference to –

- (a) Whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;*
- (b) The scope of activities of local governments;*
- (c) The role of the department of state administering the Local Government Act 1995 and related legislation;*
- (d) The role of elected members and chief executive officer/employees and whether these are clearly defined, delineated, understood and accepted;*
- (e) The funding and financial management of local governments; and*
- (f) Any other related matters the select committee identifies as worthy of examination and report.*

The following Upper House Members were appointed to the Select Committee into Local Government:

Hon. Simon O'Brien (Lib), Hon. Diane Evers (Greens), Hon. Charles Smith (Ind), Hon. Martin Aldridge (Nat) and Hon. Laurie Graham (ALP)

The Chair is to be Hon. Simon O'Brien

The Deputy Chair is to be Hon. Laurie Graham (ALP)

Comment

On Monday, 8 July 2019 the Chair of the Select Committee, the Hon. Simon O'Brien MLC, wrote to the Shire President and CEO to formally advise of the establishment of the Committee and invited Council to provide a submission on one or more of the above Terms of Reference.

The Committee Chair advised that the closing date for submissions is 4.00pm on Friday, 23 August 2019.

The Committee Chair also advised that the Select Committee may decide to hold hearings at a later date and that a request must be made within the submission to appear before the Committee.

Based on the importance of the Terms of Reference and the current negativity that the Local Government sector is experiencing, it was considered appropriate for a submission to be prepared for Council consideration and then ultimately forwarded to the Select Committee for its deliberation.

Statutory Environment

Western Australian Legislative Council relating to the establishment of Select Committees.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future.

Policy Implications

Nil.

Financial Implications

Nil.

Officer Recommendation and Council Decision

119/2019

Cr Close/Seconded Cr Della Bosca

That Council endorses the Draft submission to the WA Legislative Council's Select Committee into Local Government and forwards same to the Legislative Council's Committee Clerk for the Select Committee's consideration.

CARRIED (7/0)

12 Reporting Officer – Executive Manager Corporate Services

12.2 Differential Rates – 2019/2020

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To adopt the Differential Rate in the dollar for the 2019/2020 financial year for all land categories.

Background

In the past, the Minister for Local Government would grant approval to differentially rate at greater than 50% on an application based on an estimate of a Rate in the Dollar (RID) to be imposed, however from this year onwards, the Minister is requiring Council to consider its draft management budget and decided on a satisfactory surplus/deficit and subsequently include the actual RID's to be imposed in any application being made for, and approval being granted.

The Minister is of the opinion that once approval of a RID is given, then that is the RID to be used with no further amendments being possible. However, this requirement to "Lock in" the RID is limited to only those RID's that approval is being sought to rate at more than two times the rate of the lowest RID in the applicable rate category, in Councils case this would be the UV – Mining rate type. Reg 23 (b) of the Local Government (Financial Management) Regulations 1996 allows for the RID advertised in the public notice to be different to those actually imposed so long as the statutory budget documents includes the reasons for the difference.

Comment

This requirement to provide the actual RID's to be imposed has the potential to significantly impact Councils budget adoption timelines. If Council wishes to continue to adopt its budget in July of any given year then a draft management budget will have to be considered in early June to allow for up to four weeks for the Minister to consider and approve any application.

This will mean that the draft management budget will have to be formulated with significant income and expenditure unknowns. These could include, but not be limited to:

- Uncertainty over value of Federal Assistance and Untied Roads Grants and whether a prepayment will be made and if so, what percentage;
- Regional Road Group Project Grants and Direct Grants would not have been advised;
- DFES Operating and Capital Grants would yet to be advised;
- Potential for greater than expected fluctuations in Power, Water & Insurance costs.

However, the main risk factor to be aware off would be in the estimation of the "*Net Current Assets at Start of Year*" figure.

A safer alternative would be to present the draft management budget for Councils consideration in the first week in July, make the application to the Minister and adopt the statutory budget at the August meeting of Council. However, this would delay the raising and significant collection of Rates until late August or early September.

Statutory Environment

Local government Act 1995

6.33. Differential general rates

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
 - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
 - (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- and

- (b) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Local government (Financial Management) Regulations 1996

23. Rates information required

- (b) if a differential general rate or minimum payment differs from the proposed rate or payment set forth in the local public notice given under section 6.36 —
 - (i) details of the rate or payment set forth in the public notice; and
 - (ii) reasons for the difference;

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

The endorsed rate in the dollar will form the basis of the 2019/2020 budgeted rates revenue.

Officer Recommendation and Council Decision

120/2019

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

- 1. Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2019/2020 financial year:**

Land Category	Rate – Cents in the Dollar	Minimum Payment
GRV - Residential/Industrial	11.2332	\$500
GRV - Commercial	7.9074	\$400
GRV - Minesites	15.8148	\$400
GRV -Single Persons Quarters	15.8148	\$400
UV - Rural	1.7575	\$400
UV - Mining	17.3923	\$400

and

- 2. Make application to the Minister for Local Government to impose the UV Mining Differential Rate, being more than twice the lowest differential UV rate.**

CARRIED BY ABSOLUTE MAJORITY (6/1)

Cr Nolan voted against the decision

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.28pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 18th July 2019, are confirmed on Thursday, 15th August 2019 as a true and correct record of the July Ordinary Meeting of Council.

**Cr Onida T Truran
SHIRE PRESIDENT**