



*"good country for hardy people"*

# *Minutes*

## *Ordinary Meeting of Council*

*20<sup>th</sup> June  
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 thanked the Shire staff for the Road and Building Inspection tour that was undertaken prior to the Council meeting.

## 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

Nil

## 5. PUBLIC QUESTION TIME

Nil

## 6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 16<sup>th</sup> May 2019

**81/2019**

***Moved Cr Guerini/Seconded Cr Pasini***

***That the minutes from the Ordinary Council Meeting held on the 16<sup>th</sup> May 2019 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

6.2 Special Meeting of Council, Thursday 30<sup>th</sup> May 2019

**82/2019**

***Moved Cr Close/Seconded Cr Guerini***

***That the minutes from the Special Meeting of Council held on the 30<sup>th</sup> May 2019 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

6.3 Special Meeting of Council, Thursday 6<sup>th</sup> June 2019- (Minutes Attached)

**83/2019**

***Moved Cr Della Bosca/Seconded Cr Pasini***

***That the minutes from the Special Meeting of Council held on the 6<sup>th</sup> June 2019 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

6.4 Wheatbelt East Regional Organisation of Council (WE-ROC) Executive Meeting- Wednesday 29<sup>th</sup> May 2019- (Minute Attached)

**84/2019**

***Moved Cr Pasini/Seconded Cr Della Bosca***

***That the minutes from the Wheatbelt East Regional Organisation of Councils Executive meeting be received.***

**CARRIED (7/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

## 8. DELEGATES' REPORTS

Cr Truran announced the following:

- Thanks to Cr Wayne Della Bosca for chairing the Special Meeting on the 30<sup>th</sup> May
- Attended the Southern Cross Hospitals 50<sup>th</sup> Anniversary celebration on the 1<sup>st</sup> June
- On the 4<sup>th</sup> June attended a meeting with the architect designing the new Southern Cross pool
- Attended the Special Meeting of Council on the 6<sup>th</sup> June
- Met with Regional Development Australia Wheatbelt representatives on the 11<sup>th</sup> June
- Attended the Department of Health Advisory Council chairs meeting via teleconference on the 12<sup>th</sup> June.
- Attended the GECZ executive meeting via teleconference on the 13<sup>th</sup> June
- Attended the Local Health Advisory Committee inaugural meeting on the 18<sup>th</sup> June
- On the 20<sup>th</sup> June attended lunch with the WA Country Health Service Regional Director and Executive team.

Cr Pasini announce the following

- Attended the Southern Cross Hospitals 50<sup>th</sup> Anniversary Celebrations on the 1st June
- Attended the Special Meeting of Council on the 6<sup>th</sup> June

Cr Guerini announce the following

- Attended the Special meeting of Council on the 30<sup>th</sup> May
- Attended Scotts Walk for Telethon on the 3<sup>rd</sup> June
- Attended the Special Meeting of Council on the 6<sup>th</sup> June 2019

Cr Della Bosca announced the following

- Chaired the Special Meeting of Council on the 30<sup>th</sup> May
- Attended the CEACA meeting with the CEO on the 5<sup>th</sup> June
- Attended he Special Meeting of Council on the 6<sup>th</sup> June

Cr Close announce the following

- Attended the Special Meeting of Council on the 30<sup>th</sup> May

Cr Shaw Announce the following

- Attended the Department of Health Advisory Council meeting on the 12<sup>th</sup> June

## 9 OFFICERS REPORTS

### 9.1 Officers Report – Chief Executive Officer

#### 9.1.1 Central East Aged Care Alliance (CEACA) – Budget 2019/2020

<b>File Reference:</b>	<b>1 3.3.18</b>
<b>Disclosure of Interest:</b>	<b>None</b>
<b>Voting Requirements:</b>	<b>Absolute Majority</b>
<b>Attachments:</b>	<b>Draft CEACA Budget</b>

#### Purpose of Report

To seek Council's endorsement for the annual financial contribution/subscription to CEACA for the 2019/2020 Budget.

#### Background

At the CEACA meeting held on Wednesday, 5 June 2019 the Committee considered CEACA's Budget for the 2019/2020 financial year in order that CEACA can continue to progress the construction of the 71 aged persons housing project in the Central Wheatbelt area.

The following recommendation was submitted to the CEACA Committee for consideration: -

- 1. That the Draft Budget for the year ending 30 June 2020, as presented, be received with a general contribution for each Member Organisation set at \$20,000 (excluding GST) and be referred to Member Organisations for comment, with all comments to be submitted to the Executive Officer no later than Tuesday 25 June 2019; and*
- 2. That comments, on the Draft Budget, received from Member Organisations by Tuesday 25 June 2019 be referred to a Central East Aged Care Alliance Special Committee meeting on Wednesday 3 July 2019 for the purpose of adopting the 2019/2020 Budget.*

#### Comment

Cr Della Bosca as Council's appointed representative on CEACA and the CEO as Deputy Member attended the above meeting.

The \$20,000 contribution is the same amount for the 2018/2019 financial year and as indicated above, enables CEACA to progress the finalisation of the 71 aged persons houses to be constructed and to plan for future aged services for the region.

Council is somewhat committed to the continuation of the financial contribution until at least the housing project is completed.

### Statutory Environment

Nil

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Social – High Quality and well maintained Aged Care – Manage and develop the Independent Living Unit's in conjunction with CEACA.

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

### Policy Implications

Nil

### Financial Implications

Provision of \$20,000 will be needed to be built into the 2019/2020 Budget.

### Officer Recommendation and Council Decision

**85/2019**

***Moved Cr Della Boca/Seconded Cr Guerini***

***That Council:-***

- 1. Endorses the Draft CEACA Budget for the year ending 30 June 2020, as presented, and commits the Shire of Yilgarn to a general contribution of \$20,000 (excluding GST) in Council's 2019/2020 Budget as a Member Organisation of CEACA; and***
- 2. The CEO informs the Executive Officer of CEACA of the above financial commitment by the requested date of Tuesday 25 June 2019 in order that this can be submitted to the Special Meeting of CEACA scheduled for 3 July 2019.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**



## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Central East Aged Care Alliance (CEACA) – New Constitution for CEACA

<b>File Reference:</b>	<b>1.3.3.18</b>
<b>Disclosure of Interest:</b>	<b>None</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>
<b>Attachments:</b>	<b>Draft CEACA Constitution</b>

#### Purpose of Report

To present to Council for consideration the Draft for a new Constitution for CEACA.

#### Background

CEACA's Executive Officer, together with support from Lawyers Kott Gunning and Accountants Deloitte's, have been working on the rewriting of a new Constitution for CEACA.

#### Comment

The purpose of developing a new Constitution was for CEACA to become registered as a Charitable Organisation under the Australian Charities and Not-for-Profits Commission (ACNC). This Charitable Organisation status would then exempt CEACA from GST implications.

The CEACA Executive Officer had circulated a Notice of a Special Meeting of CEACA scheduled for Wednesday, 3 July 2019 for the primary purpose of considering the new Constitution. At the Committee meeting held on Wednesday, 5 June 2019 general discussion took place on the Draft Constitution and that particular attention/investigation needed to be undertaken in respect to Clause 14.4 (see below) and particularly sub-clause (h) as highlighted before the Constitution is considered at the July Special Meeting.

CEACA has always operated openly with Members, Deputy Members and CEO's providing input to the meetings. The proposal to stifle such involvement and restricting copies of agenda's, minutes of meetings, or documents presented to such meetings has caused concern to Local Governments involved in CEACA.

## 14.4 Procedure of the Management Committee Meeting

- (a) The quorum for a Management Committee Meeting is specified at Rule 1.4. The Management Committee cannot conduct business unless a quorum is present.
- (b) If, within half an hour of the time appointed for the meeting, a quorum is not present the meeting is to stand adjourned to the same time, day and place in the following week.

- (c) If at a meeting adjourned under Rule 14.4(b), a quorum is not present within half an hour of the time appointed for the meeting, the Management Committee Members personally present will constitute a quorum.
- (d) Management Committee Meetings may take place:
  - (i) where the Management Committee Members are physically present together; or
  - (ii) where the Management Committee Members are able to communicate by using any technology that reasonably allows, at the discretion of the person who is the chair of that meeting or a majority of those Management Committee Members physically present, the Management Committee Member to participate fully in discussions as they happen in the Management Committee Meeting and in making decisions, provided that the participation of each Management Committee Member in the Management Committee Meeting must be made known to all other Management Committee Members.
- (e) A Management Committee Member who participates in a meeting as set out in Rule 14.4(d)(ii):
  - (i) is deemed to be present at the Management Committee Meeting; and
  - (ii) continues to be present at the meeting for the purposes of establishing a quorum, until the Management Committee Member notifies the other Management Committee Members that he or she is no longer taking part in the Management Committee Meeting.
- (f) Subject to these Rules, the Management Committee Members present at the Management Committee Meeting are to determine the procedure and order of business to be followed at a Management Committee Meeting.
- (g) Subject to Rule 14.5, all Management Committee Members have the right to attend and vote at Management Committee Meetings.
- (h) All Members, or other guests, may attend Management Committee Meetings if invited by the Management Committee but the person shall not have any right to comment without invitation, or any right to vote, or to be provided with copies of any agenda, minutes of meetings, or documents presented to such meetings.
- (i) The Secretary or a person authorised by the Management Committee from time to time must keep minutes of the resolutions and proceedings of all Management Committee Meetings together with a record of the names of persons present at each meeting.

## Statutory Environment

*Associations and Incorporations Act 2015.*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Social – High Quality and well maintained Aged Care – Manage and develop the Independent Living Unit's in conjunction with CEACA.

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

### Policy Implications

Nil

### Financial Implications

Nil.

### Officer Recommendation and Council Decision

**86/2019**

***Move Cr Shaw/Seconded Cr Close***

***That Council supports CEACA Member Councils concerns with Clause 14.4(h) and instructs the Shire of Yilgarn representatives not to support the Draft Constitution in its current form until 14.4(h) has been removed, or alternatively, is reworded to be more inclusive of those attending meetings on behalf of their local governments and communities.***

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Central East Aged Care Alliance (CEACA) – Shire Rates on CEACA Housing

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

#### Purpose of Report

To submit to Council a request from CEACA for the first 12 months of Rates and Sewerage charges on the Aged Living Units to be waived.

#### Background

At the CEACA meeting held on Wednesday, 5 June 2019 the Committee were advised that at an Executive Committee meeting of CEACA discussion took place on Shire Rates, and where applicable, Sewerage charges.

The CEACA Executive had requested Member Councils waive such charges in the first year of completion of the Units/Houses to assist CEACA as it develops its Management Budget and the successful handover from Pindan Construction is achieved.

#### Comment

Completion of the Units in Southern Cross is not expected until September/October 2019 and potentially only 6 months of Rates/Sewerage charges would apply.

Rather than waive the above charges, it is suggested that Council treats the payment of Rates for the CEACA units as it does with its own premises, that being paying the rates to the Shire of Yilgarn in order that a record of rates raised is appropriate recorded.

#### Statutory Environment

Nil

#### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Social – High Quality and well maintained Aged Care – Manage and develop the Independent Living Unit's in conjunction with CEACA.

#### Policy Implications

Nil

### Financial Implications

Nil.

### Officer Recommendation and Council Decision

**87/2019**

***Moved Cr Shaw/Seconded Cr Pasini***

***That Council advises CEACA of the following: -***

- 1. That the Shire of Yilgarn will pay the first 12 months of Rates and Sewerage charges for the two Independent Living Units in Antares Street and makes the appropriate financial commitment within the 2019/2020 Budget; and***
- 2. That CEACA be advised that official rateable status will commence from 1 July 2020 with CEACA being responsible for these charges from this date.***

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

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

<b>File Reference</b>	<b>2.4.1.14 &amp; 1.3.3.3</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Background Information and Lease Agreement</b>

#### Purpose of Report

To present to Council a proposal from Regional Early Education and Development Inc. (REED) to utilise the Yilgarn Child Care Centre on the same terms and conditions previously afforded to the Yilgarn Occasional Child Care Centre.

#### Background

Ms Helen Creed, Chairperson of REED, advises that for some time, the sustainability of Early Childhood Education and Care (ECEC) services in the Wheatbelt region of Western Australia has been challenging in a changing and complex environment. Work commenced in 2015 as part of the Wheatbelt ECEC Sustainability Project to look at ways to ensure that ECEC services:

- Continue to be provided across the Wheatbelt for the benefit of children and their families, communities and the economy; and
- Are sustainable and deliver high quality programs which contribute to children's development in their critical early years.

Ms Creed advises that she is aware that Ms Sarah Loader, President of the Yilgarn Occasional Child Care Centre, as the Approved Provider of ECEC services in Southern Cross has been in discussions with REED's General Manager, with a view to transferring this Approved Provider status to REED, thereby ensuring that the Yilgarn Occasional Child Care Centre becomes a service under the auspices of REED.

In addition to being the most cost efficient way of ensuring the long term availability of a valuable community resource, Ms Creed advises that REED offers the following:-

- Ability for families to access the child care subsidy to reduce out of pocket expenses for child care fees.
- Structured career progression for REED employees, with professional development and secure long term employment within the Yilgarn Shire and across the region.
- Parental access to contemporary, high quality and sustainable early childhood education and care services, making Southern Cross attractive to families with young children and supporting the local economy.

- Reduced reliance on the volunteer management committee to provide oversight of the highly regulated early childhood education and care sector, leaving users of the service to obtain the full benefits of access to quality child care without the requirement to commit significant resources into its ongoing viability and governance.

Ms Creed advises for these arrangements to progress it is important that REED secures long term access to premises suitable for delivering quality child care services. As such, REED in conjunction with Council will draw up a suitable Lease Agreement for the ongoing use of the Shire owned premises at 43 Spica Street Southern Cross.

Ms Creed also advises that REED is seeking from the Shire of Yilgarn a financial commitment similar to that currently provided to the Yilgarn Occasional Child Care Centre. This includes continual access to the Shire provided residential accommodation for service employees.

#### Comment

The CEO and Executive Manager Regulatory Services have had numerous discussions with REED representatives regarding the proposed services and the use of Council's existing facilities. It is apparent that the Yilgarn Occasional Child Care Committee members fully support REED taking over the provision of child care services in Southern Cross. This decision is supported by the comments provided by Ms Creed above.

Ms Creed has provided for Councillors information relating to the proposed service provision and guidelines.

Council currently undertakes all maintenance and general gardening works associated with the facility and provides a financial contribution of \$7,000 for the provision/continuation of the services in Southern Cross. With respect to housing of the child care worker, Council provides the house at the rear of 11 Antares Street for a nominal rental.

By Yilgarn Occasional Child Care Centre Incorporated merging with REED:

- REED will become the Approved Provider of the ECEC service at 43 Spica Street, Southern Cross, WA, 6426;
  - REED will be responsible for governance and management of the service at 43 Spica Street, Southern Cross, WA, 6426. This includes all legal, financial and human resource management, IT, general administration, communications, ECEC service policies and procedures as well as responsibility for meeting ACECQA requirements;
  - Yilgarn Occasional Child Care Centre Incorporated will wind up at the appropriate time as agreed between the two parties to the merger, taking account of Shire advice regarding timing.
  - As REED is registered to deliver the Commonwealth Government's Child Care Subsidy, families attending the services will be eligible to apply for to access the child care subsidy to reduce out of pocket expenses for child care fees.
- Discussions are proceeding regarding the transfer of the Lease to REED and financial arrangements in place between Yilgarn Occasional Child Care Centre Incorporated Shire.

- REED's preferred position is:
  - i. that the Shire of Yilgarn enter into a 10-year peppercorn lease with an option to renew for a further 10 years with Regional Early Education and Development Inc 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)
  - ii. that Regional Early Education and Development Inc enter into an agreement with the Shire of Yilgarn regarding the maintenance of the building and grounds;
  - iii. that the current Shire of Yilgarn annual financial contribution to Yilgarn Occasional Child Care Centre Incorporated be maintained, with any financial contribution from the Shire being quarantined for enhancement of Regional Early Education and Care – Yilgarn.

In return, Regional Early Education and Development Inc is committed to the ongoing provision of high quality Education and Care in Yilgarn for the benefit of children, families, business, community services and the social and economic fabric of the Yilgarn area. Regional Early Education and Development will also monitor the potential for the building to be used by other social and community services and visiting services for children and families.

#### **Statutory Environment**

Formal Lease being entered into.

#### **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**

Nil

#### **Financial Implications**

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



**Officer Recommendation and Council Decision**

**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)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

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

#### 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 31<sup>st</sup> May 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

**89/2019**

***Moved Cr Nolan/Seconded Cr Pasini***

***That Council endorse the various Financial Reports as presented for the period ending 31<sup>st</sup> May 2019.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment

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

#### Purpose of Report

To consider the Accounts for Payment

#### Background

Municipal Fund – Cheque Numbers 40780 to 40797 totalling \$18,412.86, Municipal Fund-EFT Numbers 8761 to 8898 totalling \$618,980.00, Municipal Fund – Cheque Numbers 1513 to 1521 totalling \$179,747.90, Municipal Fund Direct Debit Numbers 13638.1 to 13665.11 totalling \$41,821.47, Trust Fund 402422 to 402424 totalling \$1,134.20 and Trust Fund – Cheque Numbers 6176 to 6180 (DPI Licensing), totalling \$69,251.35 are presented for endorsement as per the submitted list.

#### Comment

Municipal Fund Cheque 40784 was misprinted and is not included in the reports.

#### 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**

**90/2019**

***Moved Cr Della Bosca/Seconded Cr Close***

***Municipal Fund – Cheque Numbers 40780 to 40797 totalling \$18,412.86, Municipal Fund- EFT Numbers 8761 to 8898 totalling \$618,980.00, Municipal Fund – Cheque Numbers 1513 to 1521 totalling \$179,747.90, Municipal Fund Direct Debit Numbers 13638.1 to 13665.11 totalling \$41,821.47, Trust Fund 402422 to 402424 totalling \$1,134.20 and Trust Fund – Cheque Numbers 6176 to 6180 (DPI Licensing), totalling \$69,251.35 are presented for endorsement as per the submitted list.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2018/2019 Budget Amendment – Additional Funds be Allocated to a Reserve

<b>File Reference</b>	<b>8.2.5.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Approval is sought for the transfer of additional funds to the Sport & Recreation Major Facility Reserve.

#### Background

Over the past several years, Council has been accumulating funds in the Sport & Recreation Major Facilities Reserve for the purpose of a major renewal of the Southern Cross Swimming Pool facility. Current estimates have this valued at \$3,700,000.

The Reserve has a balance, as at 6<sup>th</sup> June 2019, of \$2,007,391.03 with a transfer of municipal funds currently budgeted of \$500,000 to be carried out prior to 30 June 2019, giving an expected end of year reserve balance of \$2,511,791 (including estimated June 2019 interest of \$4,400). A State Government grant has been approved with the value of \$700,000 and it is intended to include a further \$500,000 reserve allocation in the 2019/2020 budget to attain the estimated expenditure amount of \$3.7m.

#### Comment

Council is currently on track to have a cash at bank balance well in excess of one million dollars at 30 June 2019. This is partly due to:

- \$370,000 in additional and unbudgeted Federal Assistance & Untied Road Grants received.
- \$123,000 in additional Main Roads Direct Grants, bringing the grant back to prior years values; and
- \$340,000 in overdue Black Oak Minerals outstanding rates being received on liquidation of the company's assets.

It is also expected that the West Australian Grants Commission will be prepaying a part of the 2019/2020 Federal Assistance and Untied Roads Grants prior to 30 June 2019. These prepayments have historically been between 25% and 50% of the applicable years total grant allocations.

Under normal circumstances, Councils would be husbanding available cash at the end of a financial year to ensure payroll and other payments can be made in the interim period until the new financial years rates are raised and ratepayer payments start to be received. However, it

is expected that Council will have in excess of two million dollars at the beginning of the new financial year meaning the ability to make timely payments wouldn't be a limiting factor.

With the above in mind, it will be recommended that an additional \$300,000 be transferred to the Sport & Recreation Major Facilities Reserve for the purpose of major renewal works to the Southern Cross Swimming Pool. This will allow for a contingency amount that could compensate for cost increase's due to inflationary factors or unforeseen construction issues.

If, at the end of the project, these additional reserve funds remain unutilised, they could either be retained in the reserve for a future project or, in a subsequent budget, be reallocated to a reserve for another purpose or transferred back to Councils municipal fund for general use.

## Statutory Environment

### Local Government Act 1995 –

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

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

*\* Absolute majority required.*

- (1a) In subsection (1) —

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

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

*[Section 6.8 amended: No. 1 of 1998 s. 19.]*

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 strategic implications as a result of this report.

### Financial Implications

Approval will increase the anticipated end of year reserve balance by \$300,000.

### Officer Recommendation and Council Decision

**91/2019**

***Moved Cr Guerini/Seconded Cr Pasini***

***That Council approves the increase in the 2018/2019 budget allocation for a transfer to the Sport & Recreation Major Facilities Reserve from \$500,000 to \$800,000.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Draft 2019/20 – 2023/24 Corporate Business Plan

<b>File Reference</b>	<b>1.1.12.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Copy of draft 2019/20 – 2023/24 Corporate Business Plan</b>

#### Purpose of Report

To consider extending the period of the Shire of Yilgarn Corporate Business Plan and endorsing a draft Corporate Business Plan.

#### Background

The current Shire of Yilgarn Corporate Business Plan was adopted by Council in September 2017.

The Shire has been working towards preparing a new Corporate Business Plan (CBP). The Shire has been keen to prepare the CBP in-house rather than engage consultants. Previous experience has been that strategic planning documents prepared by consultants do not have any ownership from Council or staff. An example of this is the CBP adopted by Council in June 2013 was based on “rate increase of 9% in the first year and 6% annually thereafter”. In July 2013, one month after adopting the CBP, Council adopted a Budget with the rates for GRV increasing 3.5% and UV with no increase.

#### Comment

A copy of the draft CBP is attached for Council consideration. This document is based on the current Strategic Community Plan which is due for a major review in 2019/2020. This review will include online surveys and in-person meetings with key stakeholders.

The intent is for Council to acknowledge the work done to date and understand the current status of our strategic planning documents.

#### Statutory Environment

##### Local Government (Administration) Regulations 1996

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

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

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

#### Strategic Implications

Contained within the Corporate Business Plan

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Officer Recommendation and Council Decision

**92/2019**

***Moved Cr Close/Seconded Cr Guerini***

***That Council adopts the 2019/20 – 2023/24 Corporate Business Plan as presented.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.5 Amendment to 2019/2020 Budget Adoption Timeline

<b>File Reference</b>	<b>8.2.5.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present notice of a required amendment to the currently endorsed 2019/2020 Budget adoption timeline.

#### Background

At the March 2019 meeting, a timeline for the adoption of the 2019/2020 Budget was endorsed by Council. This current timeline is:

#### Future Activities

- |   |  |
|---|--|
| * Thurs, 16 <sup>th</sup> May 2019                | 2019/20 Schedule of Fees & Charges presented by Executive Manager Corporate Services to Council for consideration and adoption.  |
| * Thurs, 16 <sup>th</sup> May 2019                | 2019/20 Councillor Sitting Fees presented by Executive Manager Corporate Services to Council for consideration and adoption.   |
| Fri, 24 <sup>th</sup> May 2019                    | 2019/20 Differential Rating submission period closes.  |
| * Thurs, 30 <sup>th</sup> May 2019                | <b>Special Meeting of Council</b> – Council to consider submissions and determine appropriate level of differential rates. Council decision to seek ministerial approval for imposition of differential general rates. Submission to Minister to be made ASAP after conclusion of meeting. |
| Fri, 14 <sup>th</sup> June 2019                   | Last day for the issuing of Council Purchase Orders for the 2018/2019 financial year.  |
| Week Commencing - Mon, 24 <sup>th</sup> June 2019 | Senior Management to hold first draft budget deliberation meeting identifying major projects to be included and to prepare a 1 <sup>st</sup> draft list of excluded items.   |
| Mon, 1 <sup>st</sup> July 2019                    | Senior Management to hold final draft budget meeting. All expenditure accounted for and rating scenarios finalised.  |
| * Wed, 3 <sup>rd</sup> July 2019                  | Circulate final draft budget to Council  |
| * Fri, 5 <sup>th</sup> July 2019                  | <b>Special Meeting of Council</b> – Finalise draft budget.   |
| * Thurs, 18 <sup>th</sup> July 2019               | Council adopt the 2019/2020 Statutory Annual Budget at the Ordinary Meeting of Council scheduled for this day.   |

## Comment

As of Wednesday 12<sup>th</sup> June 2019, Rates staff have yet to receive the 2019/2020 UV – Mining revaluation roll from Landgate, the revaluation roll for the 2019/2020 UV – Rural rates category was received in May 2019, which is the usual time period for receipt of revaluation rolls for the coming financial year. Discussions with valuation staff at Landgate has indicated that the holdup with issuing the 2019/2020 UV – Mining roll is due to the Department of Mines, Industry Regulation and Safety issuing their information late to Landgate. It is not expected to receive the 2019/2020 UV – Mining revaluation roll until sometime in the week beginning the 17<sup>th</sup> June 2019.

This delay in receiving the 2019/2020 UV – Mining revaluation roll has meant the application to the Minister for approval to differentially rate UV – Mining & UV – Rural with a greater than 50% difference has not yet been made. This is because the application process requires some information from the Rates Model using the valuations and Rate in the Dollar expected to be imposed.

The Minister needs 2 - 3 weeks to grant an approval and as such, the Special Meeting of Council scheduled to be held on Friday 5<sup>th</sup> of July will need to be cancelled because there is a high probability that the approval will not have been received by this date. It will be proposed to amend the current budget adoption timeline to review the draft management budget on the 18<sup>th</sup> June, prior to the July Council meeting and to hold a Special meeting of Council early in August to adopt the statutory budget.

## Statutory Environment

### Local Government Act 1995 –

#### **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.

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 strategic implications as a result of this report.

### Financial Implications

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

### Officer Recommendation and Council Decision

**93/2019**

***Moved Cr Shaw/Seconded Cr Nolan***

***That Council approves***

- 1. the cancellation of the advertised Special Meeting of Council to be held on Friday 5<sup>th</sup> July 2019;***
- 2. the calling of a Special Meeting of Council, by the Shire President, for a date to be determined for the purpose of adopting the 2019/2020 Statutory Budget.***

**CARRIED (7/0)**

## **9.4 Reporting Officer– Executive Manager Regulatory Services**

### **9.4.1 WAPC Referral - Lot 500 Bodallin North Road, Bodallin**

<b>File Reference</b>	<b>3.1.4.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Subdivision Plan</b>

#### **Purpose of Report**

To note and endorse the response to the Western Australian Planning Commission (WAPC), in relation to a proposed subdivision of Lot 500 Bodallin North Road, Bodallin.

#### **Background**

The Shire of Yilgarn was in receipt of a referral from the WAPC, relating to the subdivision of Lot 500 Bodallin North Road, Bodallin. The subdivision proposed to create 2 lots, with the newly created Lot 2 containing the telecommunications tower operated by Vodafone. The subdivision plan is attached.

Due to decision deadlines for the WAPC, there was not sufficient time to wait until the June Council meeting.

As such, the Executive Manager Regulatory Services assessed the proposal and deemed there were no issues relating to the Shire of Yilgarn Town Planning Scheme 2, and advised the WAPC that the Shire of Yilgarn had no objections to the proposal, in order to meet the decision deadline and avoid delays for the applicant.

#### **Comment**

Councillors are asked to note and endorse the response to the WAPC, being that the Shire of Yilgarn holds no objections to the proposed subdivision of Lot 500 Bodallin North Road as per the attached plan.

The proposed subdivision was required to separate the farming and telecommunications uses of the land. Originally an agreement between land owner and Vodafone was made to allow access to the site, this subdivision will extricate the need for an agreement, allowing the telecommunication organisation the ability to purchase the land freehold.

Whilst not related to the Shire's decision, Main Roads have queried WAPC regarding access to the site via Great Eastern Highway, preferring access to be from Bodallin North Road. The WAPC were advised the Shire has no position on this matter under our legislative delegations, but can see the safety benefits from access being off Bodallin North Road, however the presence of the Bodallin North Rd branch of the Water Corporation pipeline may be restrictive to this.

### Statutory Environment

Planning and Development Act 2005  
Shire of Yilgarn Town Planning Scheme

### 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

**94/2019**

***Moved Cr Della Bosca/Seconded Cr Shaw***

***That Council endorse the response provided to the Western Australian Planning Commission, in relation to the proposed subdivision of Lot 500 Bodallin North Road, Bodallin (Application 157896), being:***

***The Shire of Yilgarn hold no objections to the proposed subdivision of Lot 500 Bodallin North Road, Bodallin as per the provided plan.***

**CARRIED (7/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Proposed Closure of a Portion of Butcher Road, Bodallin

<b>File Reference</b>	<b>6.1.2.9</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Layout Plan</b>

#### Purpose of Report

To consider a request for closure of a portion of Butcher Road, Bodallin, to enable land encroachment issues to be corrected.

#### Background

The Shire has been approached by the owners of Lot 83 Butcher Road, Bodallin, in relation to correspondence they received from the Department of Planning, Lands and Heritage (DPLH).

In the said correspondence, the DPLH advised they had received notification from Water Corporation that farmland had encroached onto Reserve 13200, with the reserve land containing Water Corporation infrastructure. The farmland encroachment included a dwelling that has been in place for some decades.

Under current planning and building legislation, including the Shire's Town Planning Scheme, there is no requirement for Shire approval to be sought for a single dwelling placed on one lot located outside of a gazetted townsite, assuming similar legislative requirements applied at the time of construction, it is reasonable to assume that the builders did not seek input from the Shire, as was not required, and as such, the result was encroachment on the neighbouring reserve.

It has also been identified that encroachment onto the Butcher Road reserve has occurred.

It has been agreed to by the owners of Lot 83, that to address the encroachment, they will purchase the encroached lands and have it amalgamated into their existing Lot 83. For this to occur, the affected portion of Butcher Road is required to be closed and returned to the Crown.

In investigating the matter, the Executive Manager Infrastructure and Executive Manager Regulatory Services identified sections of the road reserve that were not utilised in the actual construction of the road, and as such, this portion of road reserve is also proposed to be closed.

The attached layout plan indicates the portion to be closed.

#### Comment

The DPLH, when assessing amalgamations, will look to ensure there is no landlocked parcels. Access to Reserve 13200 will be via the access route coming directly from Great Eastern Highway, which is the current access point.



Access to Lot 83, once the road reserve is removed and amalgamated, could be via two locations, being Nulla Nulla South Road or the remaining section of Butcher Road.

If Council is to consider the request to close the portion of Butcher Road reserve, then in accordance with the Land Administration Act 1997, Council must first commence a thirty five (35) day statutory advertising period calling for comments relating to the proposed road reserve closure.

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

### **Statutory Environment**

*Land Administration Act 1997 Part 5 Section 58*

#### *58. Closing roads*

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - a) by order grant the request; or*
  - b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - c) refuse the request.*
- (5) If the Minister grants a request under subsection (4) —*
  - a) the road concerned is closed on and from the day on which the relevant order is registered; and*
  - b) any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road —*
  - a) becomes unallocated Crown land; or (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

### **Strategic Implications**

Road rationalisation in the Shire of Yilgarn

**Policy Implications**

Nil

**Financial Implications**

Nil

**Officer Recommendation and Council Decision**

**95/2019**

***Moved Cr Pasini/Seconded Cr Shaw***

***That Council endorses the commencement of a thirty five (35) day statutory advertising period, in accordance with the Land Administration Act 1997, Part 5 Section 58; calling for comments relating to the proposed closure of a portion of the Butcher Road reserve, as per the supplied plan.***

**CARRIED (7/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.3 Clearing Permit – Aurenne Parker Range Pty Ltd – Buffalo Gold Project

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

#### Purpose of Report

To endorse comments to the Department of Mines, Industry Regulation and Safety, regarding the issuing of a clearing permit for Aurenne Parker Range Pty Ltd at the Buffalo 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 Aurenne Parker Range Pty Ltd for the Buffalo Gold Project, located on Mining Lease 77/893.

The applicants are seeking to clear 117.3 hectares of land on their lease for mineral production. The land to be cleared is located approximately 53 kilometres South – South/East of the Southern Cross townsite, along the Marvel Loch-Forrestania 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 Resolution**

**96/2019**

***Moved Cr Della Bosca/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 8512/1 to Aureenne Parker Range Pty Ltd for the Buffalo Gold Project on Mining Lease M77/893.***

**CARRIED (5/2)**

Cr Pasini and Cr Guerini voted against the motion.

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.4 Clearing Permit – Aurenne Parker Range Pty Ltd – Centenary Gold project

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

#### Purpose of Report

To endorse comments to the Department of Mines, Industry Regulation and Safety, regarding the issuing of a clearing permit for Aurenne Parker Range Pty Ltd at the Centenary 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 Aurenne Parker Range Pty Ltd for the Centenary Gold Project, located on Mining Leases 77/657 and 77/762; and Miscellaneous Licence 77/264.

The applicants are seeking to clear 96.9 hectares of land on their lease for the purpose of mineral production and associated infrastructure. The site of the clearing is located approximately 50 kilometres South – South/East of the Southern Cross townsite, along the Marvel Loch-Forrestania 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**

**97/2019**

***Moved Cr Close/ Seconded Cr Della Bosca***

***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 8514/1 to Aureenne Parker Range Pty Ltd for the Centenary Gold Project on Mining Leases 77/657, 77/762 and Miscellaneous Licence 77/264.***

**CARRIED (5/2)**

Cr Pasini and Cr Guerini voted against the motion

## 9.5 Reporting Officer – Manager Community Services

### 9.5.1 Yilgarn Agricultural Show – sponsorship

<b>File Reference</b>	<b>1.3.3.11 &amp; 8.2.6.23</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To authorise sponsorship for 2019 Yilgarn Agricultural Show.

#### Background

The Manager Community Services received an email from the Yilgarn Agricultural Society inviting Council to support the Yilgarn Agricultural Show 2019. Various financial sponsorship options are offered as listed below in the extract of the email.

*"Major sponsorship is \$9,000 for our Fireworks and we offer naming rights for this, placed on the back and front cover of our Schedule and any advertising posters leading up to the day, which will be on Radio, GWN, Facebook, Instagram and our local Newspaper The Crosswords, and other Newspaper outlets, also on the day over the PA System and your name on our ticket booth and wristbands. And if you have advertising banners or signage we would place your banners or signage around the showground.*

*\$6,000 goes toward the cost of Monsterball, which has Zorb Balls, Large Inflatable Slides, Bucking Bull, Inflatable Obstical Course. We would be advertising on Radio and in Newspapers, Instagram and Facebook and on the day through the PA system. Your signage or banner placed at the front of the rides, and advertising in our Show Schedule and on the front gate.*

*\$4,000 for our Magician, who performs 4 magic shows and teaches the children throughout the day, again we would advertise your name on the day and place your signage in front of the performance stage so that it was obvious to all who donated this.*

*\$2,000 towards our large ride of the Sizzler to keep the older children entertained, this is an important part of a Show for this age group. Your banner or signage at the front of rides and advertising with Newspapers, Instagram and Facebook*

*\$2,000 towards our Sideshow Alley, this helps greatly towards the cost of getting the show rides, bumper cars, to the show for the older childrens entertainment and something to keep the whole family entertained. We will advertise your Companies name within our Show Schedule and place any Banners you may have around this area. Also advertise with our local Newspaper and on Facebook and Instagram.*

*\$1,600 is for the Little Louie mini roadtrain for the children to ride around the show ground. Your signage or Banner can be placed on the showground and your company name advertised in our Show Schedule and advertised on our Facebook and Instagram pages*

*\$1,000 contributions would go to other entertainment ie: music in the evening. And we would place your name in our Show Schedule."*

#### **Comment**

Council supports the Agricultural Show every year in-kind by allowing free use of the recreation complex and lending a helping hand with the set and clean up. The road closure for the parade is also organised and operated by Shire employees.

The total of in-kind contribution for the last show in 2017 was \$6950.

Due to the in-kind contribution that Council already provides to the event, it is proposed to sponsor the "Lil Louie" road train at a cost of \$1600 for all children to ride and enjoy free of charge.

#### **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**

\$1600 allocated from underspent Community Funding Program



**Officer Recommendation and Council Decision**

**98/2019**

***Cr Guerini/Seconded Cr Pasini***

***That Council authorises the expenditure of \$1,600 to sponsor the "Lil Louie" road train at the 2019 Yilgarn Agricultural Show.***

**CARRIED (7/0)**

## 10 APPLICATION FOR LEAVE OF ABSENCE

Nil

## 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**99/2018**

*Moved Cr Shaw Seconded Cr Nolan*

*That the late item be submitted for consideration.*

**CARRIED (7/0)**

### 12.1 Development Application – Transportable Residential Dwelling

<b>File Reference</b>	<b>3.1.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Development Specifications &amp; Layout Plan</b>

#### Purpose of Report

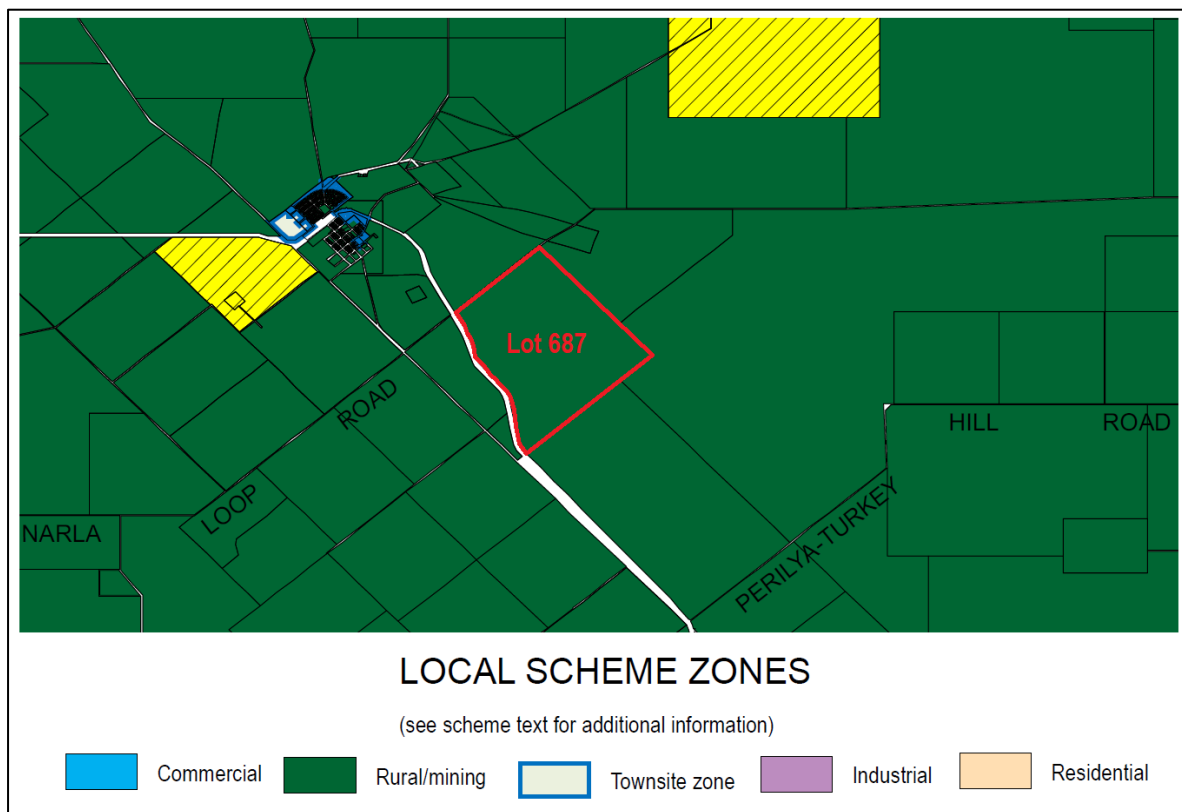
To consider a Development Application for the installation of a second dwelling on Lot 687 Bullfinch Road, Bullfinch, being a transportable dwelling.

#### Background

The Shire is in receipt of a Development Application for the installation of a second residential dwelling on Lot 687 Bullfinch Road, Bullfinch. The Development Specifications and Layout Plan are attached for Councillors perusal.

The lot is zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme 2 (TPS2), with the zoning described as:

*The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.*



The TPS2 Table 1 – Zoning Table details the permitted uses in the relevant zones, with a single residential house deemed a “P” use.

Clause 3.2.2 of TPS2 defines a “P” use as meaning that the use is permitted by the Scheme.

However, Section 5.3 of TPS2, states that a transportable dwelling is not permitted to be installed within the district without the prior consent of Council, as detailed below:

- 5.3.1 *Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling whether in whole or in part.*
- 5.3.2 *Notwithstanding the provisions of Sub-Clause 5.3.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:-*
  - (i) *complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or*
  - (ii) *has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.*
- 5.3.3 *The approval to be obtained from Council pursuant to Sub-clause 5.3.2 may be granted on condition, which conditions may include a condition requiring the*

*applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.*

- 5.3.4 If Council has required a bond pursuant to Sub-clause 5.3.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to:*
- (i) keeping the bond;*
  - (ii) applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council.*
  - (iii) applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant's property and to place it elsewhere;*
  - (v) applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the transportable Dwelling;*
  - (vi) returning such amount of the bond as Council deems fit to the applicant.*
- 5.3.5 Where Council applies a bond in accordance with Sub-clause 5.3.4 (ii), (iii) or (iv);*
- (i) Council may give at least 1 month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;*
  - (ii) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;*
  - (iii) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tool and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;*
  - (iv) the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and*
  - (v) Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.*

Clause 6.1 of the TPS2 details that if one single dwelling is installed on a lot in the district, then Council approval is not required, however, in the event a second dwelling is proposed, then Council approval is to be sought, as follows:

#### **6.1 REQUIREMENT FOR PLANNING APPROVAL**

- 6.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise*

*provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.*

6.1.2 *The planning approval of the Council is not required for the following development of land:*

(d) *The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.*

As the lot is located in a rural zone, there is no R-Code allocation, and as such, setback requirements under the Residential Design Codes are not applicable.

#### **Comment**

Being a "Rural/Mining" lot, there is insignificant risk that this development proposal will pose any risk to the amenity of the area.

It is considered a bond is not necessary, due to the minimal impact on surrounding properties and aesthetics.

Vehicular access is already provided for via access off Bullfinch Road.

There are no Residential Design Codes applicable, and as such, no requirement to assess against these.

The location of the dwelling will still permit for relevant fire breaks to be installed around the property.

It is the Reporting Officers opinion that due to the above, Council endorse approval of the proposed development

#### **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**

Planning and Development fee income.

### **Officer Recommendation and Council Decision**

**100/2019**

***Moved Cr Guerini/Seconded Cr Pasini***

***That Council, approve the installation of a single transportable dwelling, as per the supplied plans, on Lot 687 Bullfinch Road, Bullfinch.***

#### **Advice Notes**

- 1. Building Permit is not required as per the Building Act 2011; and***
- 2. An application for Installation of a Sewage Treatment System is to be submitted to the Shire for assessment and approval, and the system is to be installed and checked by the Executive Manager Regulatory Services prior to occupancy of the premises.***

**CARRIED (7/0)**

### 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

**101/2019**

*Moved Guerini/Seconded Cr Della Bosca*

*That the meeting be closed to members of the public in accordance with section 5.23(b) of the Local Government Act 1995*

**CARRIED (7/0)**

#### 13.1 CONFIDENTIAL ITEM - Reporting Officer– Executive Manager Regulatory Services

#### 13.1 Untidy Premises – Local Government Act 1995

File Reference	1.2.2.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	CONFIDENTIAL

**102/2019**

*Moved Cr Nolan Seconded Cr Guerini*

*That the meeting be re-opened to the public*

**CARRIED (7/0)**

#### 13.1 CONFIDENTIAL ITEM - Reporting Officer– Executive Manager Regulatory Services

#### 13.1 Untidy Premises – Local Government Act 1995

#### Officer Recommendation

- 1. That Council resolve that the premises, located at 20A Antares Street, Southern Cross, is deemed untidy, due to the presence of disused materials;*
- 2. That Council endorse the issuing of a notice under Section 3.25 of the Local Government Act 1995, to the owner/occupier of 20A Antares Street, Southern Cross, in accordance with Schedule 3.1, Division 1, Clause 5 of the same Act, requiring the removal of all rubbish and disused materials, as identified in the said notice, due to the land being deemed untidy;*
- 3. That Council endorse the Chief Executive Officer commencing a prosecution, including engaging legal representation, if non-compliance with the notice occurs; and*
- 4. In the event of the matter being appealed by the notice recipient via the State Administrative Tribunal, Council endorse the Chief Executive Officer engaging legal representation, should it be deemed necessary;*

## Council Decision

**103/2019**

***Moved Cr Della Bosca/Seconded Cr Close***

- 1. That Council declares that the premises, located at 20A Antares Street, Southern Cross, is deemed untidy, due to the presence of disused materials;***
- 2. That Council initially issues a letter to the owner of the premises advising that prior to taking legal action, Council will afford the owner 35 days from notification to remove all disused materials from the premises in consultation with Council's Executive Manager Regulatory Services, and if the owner fails to comply with this directive, Council proceeds with the following action:-.***
- 3. That Council issues of a notice under Section 3.25 of the Local Government Act 1995, to the owner/occupier of 20A Antares Street, Southern Cross, in accordance with Schedule 3.1, Division 1, Clause 5 of the same Act, requiring the removal of all rubbish and disused materials, as identified in the said notice, due to the land being deemed untidy;***
- 4. That Council endorse the Chief Executive Officer commencing a prosecution, including engaging legal representation, if non-compliance with the notice occurs; and***
- 5. In the event of the matter being appealed by the notice recipient via the State Administrative Tribunal, Council endorse the Chief Executive Officer engaging legal representation, should it be deemed necessary.***

**CARRIED (7/0)**

## **REASON FOR ALTERATION TO RECOMMENDATION**

Council considered that the owner should be afforded the opportunity of removing the disused materials within a specific timeframe before Council proceeds with legal action.

## **14 CLOSURE**

As there was no further business to discuss, the Shire President declared the meeting closed at 4.34pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 20<sup>th</sup> June 2019, are confirmed on Thursday, 18<sup>th</sup> July 2019 as a true and correct record of the June Ordinary Meeting of Council.

**Cr Onida T Truran**  
**SHIRE PRESIDENT**