



# *Minutes*

## *Ordinary Meeting of Council*

### *19<sup>th</sup> September 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 shared a Thankyou note received from Sarah Perrett regarding the prize she won, for a photography entry at the Southern Cross Agricultural Show, which the Shire of Yilgarn provided.

## 3. ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren Laura Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker
Apologies:	Nil	
Observers:	Neil Grant-Williams, Craig Manton, Sam Foster, Lee Hunt	
Leave of Absence:	Cr David Pasini	

## 3A. APPLICATION FOR LEAVE OF ABSENCE

Cr Pasini applied in writing to the CEO for a Leave of Absence from the Ordinary Meeting of Council-19 September 2019.

**138/2019**

***Moved Cr Nolan/ Seconded Cr Guerini***

***That Cr Pasini be granted Leave of Absence from this Ordinary Meeting of Council***

**CARRIED (6/0)**

## 4. DECLARATION OF INTEREST

The CEO declared an Interest in 13.1, which related to his Performance Appraisal process.

## 5. PUBLIC QUESTION TIME

Nil

## 6 CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday 15 August 2019

**139/2019**

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

**That the minutes from the Ordinary Council Meeting held on 15 August 2019 be confirmed as a true record of proceedings.**

**CARRIED (6/0)**

### 6.2 Great Eastern Country Zone, Tuesday 27 August 2019

Wheatbelt Communities Inc., Tuesday 27 August 2019

Wheatbelt East Regional Organisation of Councils, Tuesday, 27 August 2019-

**140/2019**

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

***That the minutes from the Great Eastern Country Zone, the Wheatbelt Communities Inc. and the Wheatbelt Regional Organisation of Council held on the 27 August 2019 be received.***

**CARRIED (6/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Craig Manton (Regional Manager Wheatbelt) along with colleagues Sam Foster and Lee Hunt from Main Roads attended Council to provide an update on planned works on the Great Eastern Highway and associated funding for these projects. Mr Manton informed Council that he is an alternative contact point in the Wheatbelt regarding the Department of Transport and Public Transport Authority issues, reporting directly to the Director General monthly.

Mr Manton outlined the proposal for the Great Eastern Highway as the Federal Government has announced funding of \$18 million for use in this area. Mr. Manton's presentation included the upgrade of the Walgoolan and Moorine Rock Bridges, the reasoning behind the decision to allocate funding to these projects was that the funding is a significant amount to enable such projects to proceed, whereas the smaller amounts received yearly are sufficient for roadworks such as reseal and widening. Consideration was given to the realigning of the railway bridge in Carrabin in conjunction with ARC, however, ARC Industrial have declined to contribute to any upgrade of the railway bridge.

Last financial year there was 50-55km of improvement work done on the Great Eastern Highway with another 10 km to be done this year between Bodallin and Moorine Rock.

Following the presentation, Councillors were afforded the opportunity of raising issues with Mr Manton on matters regarding the Shires roads. Matters raised included issues on the Marvel Loch Road regarding repairs and maintenance due to heavy mine traffic and issues on the Great Eastern Highway regarding a recently upgraded section of the road slightly east of Garrett Road which appear to not have improved the road and flooding issues 5 km west of Garret road. Mr. Manton indicated he would provide feedback to the CEO on the matters raised.

Cr Truran thanked Mr. Manton and associates for attending the presentation.

Craig Manton (Regional Manager Wheatbelt), Sam Foster and Lee Hunt left the meeting at 4.40pm

## 8. DELEGATES' REPORTS

The Shire President announced that she has attended the following meeting over the course of the month;

20-21 August 2019-	Attended and Chaired the DHAC meeting.
27 August 2019-	Attended the GECZ, WE-ROC and WCI meetings along with the CEO and Deputy President.
28 August 2019-	Attended the new Councillor Information session.
31 August 2019-	Opened the 2019 Southern Cross Agricultural Show
6 September 2019-	Presented the awards at the YSSSA carnival.
11 September 2019-	Attended the WALGA Video conference
16 September 2019-	Attended the WACHS Community Consultation workshop.

Cr Nolan  
27 August 2019- Attended the AgCare meeting.

Cr Della Bosca  
27 August 2019- Attended the GECZ, WE-ROC and WCI meetings with the CEO and President  
9 September 2019- Attended the DOAC meeting  
14 September 2019 Opened the General Museum Committee Meeting

## 9 OFFICERS REPORTS

### 9.1 Officers Report – Chief Executive Officer

#### 9.1.1 Audit Regulation 17 Review & Financial Management Review 2019

<b>File Reference</b>	<b>1.1.12.3 &amp; 8.2.3.5</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>2019 FMSR Report - Shire of Yilgarn 2019 Reg 17 Report - Shire of Yilgarn</b>

#### Purpose of Report

To present to Council the recently completed Audit Regulation 17 Review and Financial Management Review 2019.

#### Background

In accordance with the *Local Government (Financial Management) Regulations 1996* and the *Local Government (Audit) Regulations 1996*, the above Reviews were conducted during August 2019.

#### Comment

AMD Chartered Accountants, a specialist Local Government Auditing firm, were appointed to conduct the Audit Regulation 17 Review and Financial Management Review. Appointing an external auditor to conduct the Reviews is of benefit as it provides an impartial review to inform the CEO and Council with recommendations that work towards continuously improving the organisation in the financial and risk management areas of responsibility.

In respect to the Audit Regulation 17 Review, the *Local Government (Audit) Regulations 1996* state that the CEO is to report on the results of the Review to Council's Audit Committee. To ensure that the CEO met this requirement, both documents were presented to the meeting of the Audit Committee held prior to this Council meeting.

As indicated at the Audit Committee meeting, it is important to note that the Reviews are performed on the same basis without differentiating between a small or large local government and their respective capacities and capabilities. With limited human resources to undertake a number of the recommendations, it means that Council will be required to engage external consultants to complete complex policy frameworks.

Councillors will note that within the Reports, management was required to make comments on the recommendations provided by AMD and whilst the majority indicate there will be appropriate action taken to meet the recommendations, there are those that will require a financial commitment from Council to engage external assistance. Therefore, the timeframe for completing these recommendations has been extended to the 2020/2021 financial year for budget purposes.

## Statutory Environment

### *Local Government (Financial Management) Regulations 1996 and the*

#### **5. CEO's duties as to financial management**

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
  - (a) for the proper collection of all money owing to the local government; and
  - (b) for the safe custody and security of all money collected or held by the local government; and
  - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
  - (d) to ensure proper accounting for municipal or trust —
    - (i) revenue received or receivable; and
    - (ii) expenses paid or payable; and
    - (iii) assets and liabilities;and
  - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
  - (f) for the maintenance of payroll, stock control and costing records; and
  - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
  - (a) ensure that the resources of the local government are effectively and efficiently managed; and
  - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
  - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

### *Local Government (Audit) Regulations 1996*

#### **17. CEO to review certain systems and procedures**

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.

- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

### Policy Implications

Nil

### Financial Implications

Future Budget allocations to comply with the more complex recommendations.

### Recommendation and Council Decision

**141/2019**

***Moved Cr Nolan/Seconded Cr Close***

***That Council accepts the recommendations and management comments relating to the Audit Regulation 17 Review and Financial Management Review 2019 as presented to the Audit Committee that was completed by AMD Chartered Accountants in accordance with the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996.***

***CARRIED BY ABSOLUTE MAJORITY (6/0)***

## 9.1 Reporting Officer – Chief Executive Officer

### 9.1.2 Annual Policy Manual Review

<b>File Reference</b>	<b>2.3.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Council and Staff Policy Manuals</b>

#### Purpose of Report

To inform Council of the Annual Review in relation to Council and Staff Policy Manuals.

#### Background

Council previously undertook a substantial review of Council Policies at its Ordinary Council meeting held on Thursday 20 September 2018.

#### Comment

Following a review of the Council Policies by the executive staff, the following amendments are recommended for Council consideration:

#### Council Policy Manual

- Policy 1.6 – Media Policy  
Change of responsible Officer associated with the preparation of the Community Newsletter
- Policy 1.9 - Councillor IPAD/Tablet Policy  
Wording changes to clarify use of iPads and annual Councillor IT allowance.
- Policy 1.12 - Induction for Councillors  
New Policy – As recommended in the 2019 Regulation 17 Review.
- Policy 3.6 - Signing of Cheques  
With the resignation of the Manager Community Services and the decision not to replace this position, the reference to the position as being a signatory to cheques has been removed.
- Policy 4.5 - Swimming Pool Usage  
With the resignation of the Manager Community Services and the decision not to replace this position, the responsibilities of the Swimming Pool has now been delegated to the Executive Manager Regulatory Services.

Policy 6.9 - Community Funding Program

With the resignation of the Manager Community Services and the decision not to replace this position, the responsibilities for coordinating the Community Funding Program has now been delegated to the Community Resource Centre Coordinator.

**Staff Policy Manual**

Policy 7.2 - Employee Benefits

Included provision for Safety Representative Allowance. This allowance encourages employees to take on the position as Safety Representative and to recognise the associated responsibilities with the position.

Policy 7.10 - Media Policy

Change of responsible Officer associated with the preparation of the Community Newsletter

Policy 7.12 - Motor Vehicle Use

With the resignation of the Manager Community Services and the decision not to replace this position, the reference to the provision of a vehicle for this position has been removed.

Policy 7.21 - Grievances, Investigations and Resolutions

New Policy – The Staff Policy Manual lacked a quality and robust process for the handling of the above issues. This new Policy clearly spells out the process for all employees.

Policy 7.22 - Disciplinary Policy

New Policy – This new Policy is similar to the above in that it addresses the issues of employee behaviour, misconduct or unacceptable performance levels that require disciplinary action and to which all employees are aware of the processes.

**Statutory Environment**

Section 2.7 of the Local Government Act 1995

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

#### Strategic Implications

Nil

#### Policy Implications

Recommended changes to Policy

#### Financial Implications

Nil

#### Officer Recommendation and Council Decision

**142/2019**

***Moved Cr Della Bosca/Seconded Cr Guerini***

***That Council notes the Annual Review of Council's Policies undertaken by Council's Executive Managers and endorses the inclusion, deletion and amendments of the Policy's indicated above and for same to be included in the 2019 Council and Staff Policy Manuals.***

**CARRIED BY ABSLOUTE MAJORITY (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Proposed Special Meeting of Council

<b>File Reference</b>	<b>2.1.2.8</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 to Council the proposal to conduct a Special Meeting for the purposes of Swearing-In newly Elected Members of Council, Elections of Shire President and Deputy Shire President and appointment of Committees and representatives.

#### Background

The Council Elections are to be conducted on Saturday, 19 October 2019 and in consideration that the next Ordinary Council meeting is not scheduled to be held until Thursday, 21 November 2019, it is recommended that Council conducts a Special Meeting of Council immediately following the Elections for the purposes as detailed above.

#### Comment

The proposal to conduct the Special Meeting of Council will ensure that Council is not without an appointed Shire President and Deputy Shire President and appointed Committees and representatives between the Elections on Saturday, 19 October and the next scheduled Ordinary meeting on Thursday, 21 November 2019.

It is proposed that the Special Meeting be held on Tuesday, 22 October 2019.

The conduct of this meeting will also allow newly elected Members to invite family and friends to witness the Swearing-in process and following the meeting, enjoy fellowship with Councillors and staff.

#### Statutory Environment

*Local Government Act 1995* – Section 2.15 and Schedule 2.3 Division 2.

#### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

#### Policy Implications

Nil.

### Financial Implications

Nil.

### Officer Recommendation and Council Decision

**143/2019**

***Moved Cr Shaw/Seconded Cr Close***

***That Council schedules a Special Meeting of Council to be held on Tuesday, 22 October 2019 commencing at 5.00pm for the purposes of Swearing-In newly Elected Members of Council following the 2019 Council Elections, and for the purposes of electing the Shire President, Deputy Shire President, appointment of Council Committees and associated Committee representatives.***

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Local Government Professionals Australia (WA) - Annual State Conference

<b>File Reference</b>	<b>1.1.8.1</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 seek the approval of Council for the CEO and Executive Manager Regulatory Services to attend the Local Government Professionals Australia (WA) Division Annual State Conference.

#### Background

The Contracts of Employment for both of the above Officers supports Professional Development and in the CEO's case, the following is incorporated into the document:-

### 6.3 Professional Development

- (a) In this clause, '**conference**' include workshop, forum of similar event.
- (b) The Local Government –
  - (i) Supports, as part of the CEO's performance of the functions, the membership of professional bodies and attendance at conferences; and
  - (ii) Must pay the costs associated with the CEO's membership of professional bodies up to the amount specified; and
  - (iii) Subject to prior approval by the Council (or, if the Council so resolves, the President) and in accordance with the Budget, must also pay the costs of conference attendances by the CEO for professional development purposes relevant to the functions.

#### Comment

Local Government Professionals Australia is the peak body of local government professionals and to which the CEO is a long standing member and the Executive Manager Regulatory Services recently becoming a member.

The 2019 Conference, titled "*Be Unstoppable – Join Forces Now*" will be held in Perth between Wednesday, 6 to Friday, 8 November. The program's content over the 3 days is highly relevant to the current issues affecting the local government sector.

### Statutory Environment

Contracts of Employment.

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

### Policy Implications

Nil

### Financial Implications

Provision for Conference attendance included in 2019/2020 Budget.

### Officer Recommendation and Council Decision

**144/2019**

***Moved Cr Shaw/Seconded Cr Guerini***

***That Council grants approval for the CEO and Executive Manager Regulatory Services to attend the Local Government Professionals Australia (WA Division) Annual State Conference to be held in Perth between Wednesday, 6 and Friday, 8 November 2019 and pays all associated costs with such attendance.***

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Wheatbelt Secondary Freight Network

<b>File Reference</b>	<b>1.6.21.10</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Wheatbelt Secondary Freight Network Documents</b>

#### Purpose of Report

To present to Council for endorsement the Wheatbelt Secondary Freight Network's Governance Framework, Program Delivery Plan and Multi-Criteria Analysis Methodology.

#### Background

At the May 2019 Ordinary Council meeting, Councillors were advised that the Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

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

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

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt.

The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded.

#### Comment

Since May 2019, the WSFN Steering Committee have been busy working on the development of a governance framework to guide the WSFN operational rollout.

Over many weeks the Steering committee have met and discussed the variety of issues and have now completed a program Governance plan, Program delivery plan and a Multi-criteria analysis methodology. The Steering Committee now requests that this framework be presented to Council for formal acceptance by resolution.

The CEO and Executive Manager Infrastructure have read the attached documents and consider them as meeting of the overall goals and objectives of the WSFN.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

#### **Policy Implications**

Nil

#### **Financial Implications**

Council has already agreed to contribute \$6,000 in its 2019/2020 Budget as a contribution to the WSFN, along with the other 42 participating Local Governments,.

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

**145/2019**

***Moved Cr Della Bosca/Seconded Cr Guerini***

***That Council fully endorse the Wheatbelt Secondary Freight Network's Governance Framework, Program Delivery Plan and Multi-Criteria Analysis Methodology and advise the WSFN Steering Committee accordingly.***

**CARRIED (6/0)**

## 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> August 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

**146/2019**

***Moved Cr Nolan/Seconded Cr Della Bosca***

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

**CARRIED (6/0)**

## 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 40817 to 40826 totalling \$9,183.43, Municipal Fund-EFT Numbers 9124 to 9207 totalling \$427,455.92, Municipal Fund – Cheque Numbers 1539 to 1548 totalling \$289,526.15, Municipal Fund Direct Debit Numbers 13830.1 to 13935.11 totalling \$59,810.79, Trust Fund 402433 to 402457 totalling \$43,827.67 and Trust Fund – Cheque Numbers 6190 to 6193 (DPI Licensing), totalling \$33,686.50 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**

**147/2019**

***Moved Cr Guerini/Seconded Cr Shaw***

***Municipal Fund – Cheque Numbers 40817 to 40826 totalling \$9,183.43, Municipal Fund-EFT Numbers 9124 to 9207 totalling \$427,455.92, Municipal Fund – Cheque Numbers 1539 to 1548 totalling \$289,526.15, Municipal Fund Direct Debit Numbers 13830.1 to 13935.11 totalling \$59,810.79, Trust Fund 402433 to 402457 totalling \$43,827.67 and Trust Fund – Cheque Numbers 6190 to 6193 (DPI Licensing), totalling \$33,686.50 are presented for endorsement as per the submitted list.***

**CARRIED (6/0)**

### 9.3 Reporting Officer– Executive Manager for Infrastructure

#### 9.3.1 Supply and Spray Bitumen for 2019/2020 Financial Year

<b>File Reference</b>	<b>6.6.2.11 &amp; 6.6.8.8</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

Supply and Spray Hot Bitumen for 2019/2020 Financial Year Road Construction Program

#### Background

Quotations were invited through WALGA Preferred Supply Contract for the supply and spraying of hot bitumen for the 2019/2020 Financial Year Road Construction Program. Bitumen required for the 2019/2020 Road Construction Program is for, Cramphorne Road, Bodallin South Road, Moorine South Road, Koorda Bullfinch Road (M40), Koolyanobbing Road and Achenear Street.

It is estimated 382,400 litres of bitumen is required for 2019/2020 of which 355,300 litres will be sprayed in lots of above 25,000 litres and the remaining 27,100 litres will be sprayed in lots off between 10,000 to 25,000 litres.

Included in the quotation request is a requirement to submit a cost per tonne to carry out pre-coating of 3000 tonnes of aggregate.

#### Comment

Four companies were invited two submitted quotations (Fulton Hogan, Boral, Bitumen Surfacing and Bitutek) to supply and spray bitumen for 2019-2020 Financial Year, Bitutek and Boral supplied quotes, Bitumen Surfacing advised that they will not be submitting quotation due to prior commitments and Fulton Hogan did not submit

##### 1. Bitutek (GST exclusive)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.45 per litre	\$ 1.45 per litre
10,000 25,000	\$ 1.20 per litre	\$ 1.20 per litre
over 25,000	\$ 1.15 per litre	\$ 1.15 per litre

*Pre-coating Aggregate*      \$ 2.25 per tonne

#### **Expected total cost to Council's Construction Program**

27,100 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 32,520.00
355,300 litres in job lots above 25,000 litres of 98/2:	\$419,254.00
adhesive agent	\$ 2,105.00
3000 tonnes aggregate x \$2.25 per tonne	<u>\$ 6,750.00</u>
<b>Total</b>	<b><u>\$460,629.00</u></b>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Bitutek:

- 1) Loader
- 2) Wetting agent (diesel) for the pre-coating

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**2. Boral (GST exclusive)**

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.45 per litre	\$ 1.33 per litre
10,000 25,000	\$ 1.29 per litre	\$ 1.25 per litre
over 25,000	\$ 1.36 per litre	\$ 1.30 per litre

*Pre-coating Aggregate \$ 2.25 per tonne*

**Expected total cost to Council's Construction Program**

27,100 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 34,959.00
355,300 litres in job lots above 25,000 litres of 98/2:	\$461,890.00
adhesive agent	\$ 2,583.00
3000 tonnes aggregate x \$2.45 per tonne	\$ 7,350.00
<b>Total</b>	<b><u>\$506,782.00</u></b>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Boral:

- 3) Loader
- 4) Wetting agent (diesel) for the pre-coating

---

Bitutek was the company that supplied and sprayed bitumen for Council in the 2018/2019 Financial Year. The service and quality of goods supplied was to a good standard.

When setting the 2019/2020 Financial Year Construction Budget an estimated monetary allocation of \$469,300 has been allowed for in council's construction program for the supply and spray of hot bitumen and pre-coating of aggregate.

**Strategic Implications**

2019/2020 Construction Program

**Policy Implications**

In line with Council's Policy, *"Finance 3.5 Purchasing Quotes and Tenders"*

**Financial Implications**

Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in Council's 2019/2020 Construction Program Budget

**Officer Recommendation and Council Decision**

**148/2019**

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

***That Council accepts the Quotation submitted by Bitutek for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2019/2020 Financial Year.***

**CARRIED (6/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.1 Proposal to Lease a Portion of 11 Antares Street, Southern Cross

<b>File Reference</b>	<b>2.4.1.26</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 consider a submission of interest to lease a portion of 11 Antares Street, Southern Cross.

#### Background

The Shire of Yilgarn is in receipt of a submission from a local business operator, proposing to lease a portion of 11 Antares Street, Southern Cross.

The individual has proposed leasing Portion A, being the front-northern portion of 11 Antares Street, for the purpose of running a massage and beauty therapy business.

The premise was toured by the individual, where the current state of works required was discussed. As Council would be aware from the walk through some months ago, there is significant maintenance work required to bring the building up to a suitable standard.

This includes:

- Repair of the roof;
- Repair of sections of ceiling;
- Replace/clean water damaged sections of carpet; and
- Check/Repair air conditioning;

As Council are aware, \$26,000 had previously been budgeted to repair the roof of the building, however this was removed in the 2019/2020 budget, with the same amount included in the budget for engineering and design consultants to look at options for the building, with the idea of the CRC being relocated to this site and bringing some vibrancy to this side of the street.

The individual has stated they are willing to contribute to the maintenance required in Portion A.

In addition, Councillors will be aware that the Shire had been approached by a non-profit organisation, who had an interest in leasing portions C and D.

As detailed in the Statutory Environment section of this report, for Council to dispose of property, including via lease, it must first obtain a valuation of the property, then advertise any proposed disposal to the public before making a determination.

## Comment

To commence the process, a valuation is required, and it is proposed, due to multiple interests in the space, that the Shire undertake to have a licenced valuer attend the property and undertake a valuation on the price of lease. It is proposed to utilise a portion of the engineering and design consultants 2019-2020 budget allocation to undertake.

Once the valuation is provided, the interested parties can be re-approached, and asked to submit an offer to lease, which will need to be advertised as per Clause 3.58 of the Local Government act 1995.

In addition, the required maintenance and contributions can also be discussed, with a final proposal presented to Council for their consideration.

It is proposed, should Council endorse the recommendation, that if interested parties submit a lease proposal, whereby the monthly lease value is no less than 75% of the valuation, then advertising can commence immediately. Should the offer be below that price, then it will be returned to Council prior to advertising.

## Statutory Environment

### **Local Government Act 1995**

#### **Part 3 Functions of local governments**

#### **Division 3 Executive functions of local governments**

#### **3.58. Disposing of property**

##### **1) In this section —**

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

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

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

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

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- 4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
  - (b) the consideration to be received by the local government for the disposition; and*
  - (c) the market value of the disposition —*
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- 5) *This section does not apply to —*
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) any other disposition that is excluded by regulations from the application of this section.*

### 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

Approximately \$1,500 to \$2,000 for onsite valuation

**Officer Recommendation and Council Decision**

**149/2019**

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

***That Council endorse leasing portions of 11 Antares Street, Southern Cross for commercial purposes.***

***and***

***Approve engaging a licenced valuer to undertake a valuation of the commercial portion of 11 Antares Street, Southern Cross, with the expenditure to be taken from the 11 Antares Street engineering and design consultants 2019-2020 budget allocation.***

***and***

***Endorse commencing public notice of intention to dispose via lease, should a proposed lease value be no less than 75% of the value provided by a licenced valuer.***

**CARRIED (6/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Disability Access and Inclusion Plan 2019-2024

<b>File Reference</b>	<b>1.6.10.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple majority</b>
<b>Attachments</b>	<b>Draft Disability Access and Inclusion Plan 2019-2024</b>

#### Purpose of Report

To endorse the Shire of Yilgarn Disability Access and Inclusion Plan 2019 - 2024

#### Background

It is a requirement of the Disability Services Act 1993, that all public authorities must have a Disability Access and Inclusion Plan (DAIP) and that a full review must be undertaken every five years.

The Shire of Yilgarn DAIP was due for review in 2019, and as such, in February 2019, the Shire undertook a round of local Community Consultation, with advertisements in the local "Crosswords" newsletter, Shire website and community notice board, giving public notice that the DAIP was being reviewed and seeking submissions, especially from people with a disability, family and friends of people with a disability, carers, agencies and service providers.

The Shire of Yilgarn received no submissions during the four-week consultation process, however this was viewed as a positive, in that there were no grievances from members of the public in relation to our actions in relation to accessibility and inclusiveness.

The document nevertheless was reviewed by the Executive Manager Regulatory Services, with a number of new initiatives included.

The DAIP is now presented to Council for their endorsement, and subsequent submission to the Disability Services Commission.

#### Comment

As stated in the DAIP, the document is designed to be fluid, and can be reviewed and amended to meet the changing needs of the Yilgarn community. As such, whilst no feedback was received during the consultation period, it is welcomed at any time.

#### Statutory Environment

*Disability Services Act 1993*

*Part 5 — Disability access and inclusion plans by public authorities*

*28. Disability access and inclusion plans*

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*

**Strategic Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Officer Recommendation**

**150/2019**

***Moved Cr Nolan/Seconded Cr Close***

***That Council endorse the Shire of Yilgarn Disability Access and Inclusion Plan 2019 - 2024 and consent to the plan being submitted to the Disability Services Commission.***

**CARRIED (6/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.3 Relinquishment of Responsibility for Reserve 28308

<b>File Reference</b>	<b>1.6.37.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>- Department of Planning Lands and heritage Correspondence</b> <b>- Aerial of Reserve 28308</b> <b>- Deposited Plan of Reserve 28308</b> <b>- Smartplan of Reserve 28308</b>

#### Purpose of Report

To consider a request from the Department of Planning Lands and Heritage (DPLH) to take over control of the Reserve 28308 in Koolyanobbing.

#### Background

The Shire is in receipt of correspondence from the DPLH, advising that the Public Transport Authority (PTA) vested Reserve 28308, located throughout the Koolyanobbing townsite, is no longer required by the PTA, and they have applied to relinquish control of the Reserve.

The DPLH, have sought Council's comments on the Shire of Yilgarn taking over control of the Reserve.

The correspondence and various maps and plans, as per DPLH correspondence, have been attached for Councillors perusal.

#### Comment

The sites are townsite zoned lots, scattered throughout the Koolyanobbing townsite. It is the opinion of the Executive Manager Regulatory Services that the Shire of Yilgarn has no use for these lots, and as such, should decline to have any interest in the Reserve.

#### Statutory Environment

Nil

#### Strategic Implications

Nil

#### Policy Implications

Nil

### Financial Implications

Nil

### Officer Recommendation and Council Decision

**151/2019**

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

***That Council endorse advising the Department of Planning Lands and Heritage that the Shire of Yilgarn declines any interest in Reserve 28308.***

**CARRIED (6/0)**



**Department of Planning,  
Lands and Heritage**

Our ref: 02291-1965, Case 1901368  
Enquiries: Carol Bowyer ph 65518062

Mr Peter Clarke  
Chief Executive Officer  
Shire of Yilgarn  
PO Box 86  
SOUTHERN CROSS WA 6426

Via Email (Only): [yilgarn@yilgarn.wa.gov.au](mailto:yilgarn@yilgarn.wa.gov.au)

Dear Mr Clarke

**Relinquishment of Responsibility for Reserve 28308**

The Department of Planning, Lands and Heritage (DPLH) has received a proposal from the Public Transport Authority (PTA) to relinquish responsibility for 12 lots within the Shire of Yilgarn. The land, known as Reserve 28308 being lots 8, 16, 31, 42, 64, 69, 88, 90, 113, 115, 117 and 118 on Deposited Plan 209513 (attached). The lots are marked in red on the attached smart plan and aerial photograph.

The land was reserved in 1966 for Railway Housing. Westrail employees, other government agencies and various mining companies used the houses on the reserve until they were eventually demolished or transported to other sites.

In 1993, a Cabinet Decision was made to clear buildings of the town site for Portman Mining and after the Koolyanobbing railway barracks were demolished in 2003, the PTA has not had any interest in the land since.

A mining tenement (M77/990-1) for Cliffs Asia Pacific Iron Ore Pty Ltd currently exists over the Koolyanobbing town site that includes Reserve 28308. The mining tenement will expire in June 2024.

DPLH would like to know if the Shire of Yilgarn is interested in considering an interest in the aforementioned land? It would be most appreciated if you could respond at your earliest convenience.

For further enquiries, please contact Ms Carol Bowyer, Department of Planning, Lands and Heritage on telephone (08) 6551 8062.

Yours sincerely

Carol Bowyer  
Project Officer  
Land Management South – Goldfields Esperance Wheatbelt

22 August 2019

Att: Aerial Photograph  
Deposited Plan  
Smart Plan



## Legend

Townsites

## Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuiry.

Reserve 28308

**DPLH BUSINESS USE ONLY**

Internal Spatial Viewer



0 0.11 0.2 Kilometres

1: 4,514

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

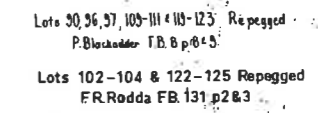
Date produced:

19-Jun-2019

LANDGATE USE ONLY. COPY OF ORIGINAL DP-205513 NOT TO SCALE

INCLUDES PART OF LOG 1425.  
SUPERSEDES PART OF QP 8605.

DIMENSIONS IN METRES



**CERTIFICATE**

I hereby certify that this survey was performed by me personally  
or under my personal supervision, instruction and field check,  
in strict accordance with the Licensed Surveyors' Code of  
Professional Regulations, 1961.

Licensed Surveyor.

Date: 9-5-68

Amount returned \$          

or returned from ASHCO. INC. O.P. 5609

Date of Marking 12-24-1964 Page 1 of 1

Field Book No. 124 Page 185

SCALE 1" = 40' CHAINS TO AN INC.

Public Plan No. 167300

Plan Drawn D. WHELAN Date 12-1-68

Accuracy STAFF Pinned

Calculation Book No. REBELLION PL. 74-75

Change data           

Angular class SEE SPEC/DULE

Area           

Computed from T.S.           

Surveys Located           

Enclosure           

Original was passed           

Date 9-5-68 Registered at Plans and Surveys

SURVEY APPROVED BY           

AS AUTHORIZED BY THE CHAIRMAN SURVEYOR GENERAL  
DATE 12-1-68

On Standard Plan:           

On Public Plan 167300 IS 7-67

On Completion           

Crown Error Proposed           

**ORIGINAL PLAN No. 9513**

Registered           

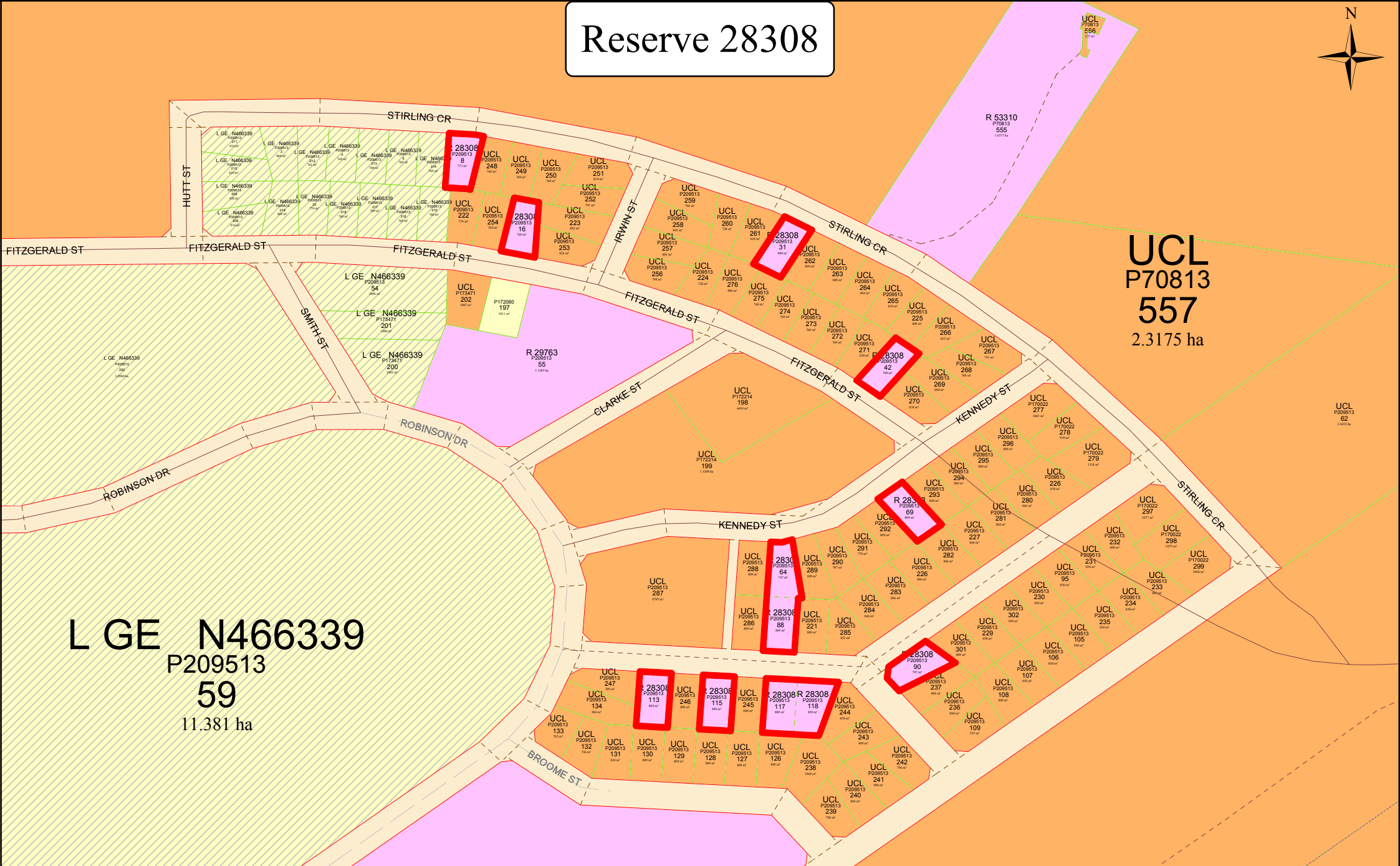
Page 1

LOT# 9-13, 15-17 REVESTED (Doc. H 801767)  
LOT# 74B-254 ALLOCATED (Doc. 97829 / 1999-5) DE

3 21-27, 29, 31, 33, 35, 37  
 LOT#000 34-71-22-21 REVISITED (Doc. H 459030)  
 LOT#000 35-71-22-21 ALLOCATED (Doc. 3085 / PHS v2 pg 21a) 27

3 27-31, 33-37, 39-41  
 LOT#000 36-71-22-21 REVISITED (Doc. H 459031)  
 27-31-21  
 LOT#000 37-27-21 ALLOCATED (Doc. 3085 / PHS v2 pg 21a) 27

# Reserve 28308



**L GE N466339**  
**P209513**  
**59**  
 11.381 ha

**UCL**  
**P70813**  
**557**  
 2.3175 ha

Scale : 1:3000 (Geographical)  
 MGA : SW=740954.1E,6587764.9N Zone 50 / NE=741859.9E,6588385.4N Zone 50  
 Lat/Long : 119°31'07.816", -30°49'07.673" / 119°31'41.346", -30°48'46.874" H 184mm by W 297mm

Printed : 15:27 Wed 19/Jun/2019  
 © Western Australian Land Information Authority 2019

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.4 Softfall Playground Surface – Tennis Bowls

<b>File Reference</b>	<b>2.4.1.20</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

To endorse an overspend from the budgeted amount for softfall surface replacement at the Tennis/Bowls playground.

#### Background

The current softfall surface at the Tennis/Bowls playground is in a state of disrepair, with sections now separating and lifting, creating trip hazards for users of the playground.

A budgeted amount of \$50,000 was endorsed through the 2019/2020 budget setting process, with the amount based on previous works with a percentage increase.

Quotes have now been sought, with the following prices obtained, being higher than originally thought.

Mismatch Workshop has quoted \$1,000.00 inc GST for the removal of the existing softfall

Astro Synthetic Surfaces quoted \$59,427.50 inc GST for the install of EPDM softfall with a 5 year warranty.

Retech Rubber quoted \$58,344.00 inc GST for the install of EPDM softfall with a 12 month warranty.

#### Comment

Whilst quoted slightly higher, the 5 year warranty provided by Astro Synthetic Surfaces is deemed the best overall value and it is proposed to engage them to undertake the work.

As such, Council endorsement to engage Mismatch Workshop to remove the existing softfall and Astro Synthetic Surfaces to install the new EPDM softfall surface, with an overall cost to the Shire of Yilgarn at \$60,427.50 is sought. Noting it is higher than the originally budgeted \$50,000.

The works are essential, as the current softfall poses a hazard to user in its current state, and these proposed works will also bring the playground up to current Australian Standards, which have changed since the playground was installed.

### Statutory Environment

Nil

### Strategic Implications

#### Goal

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

#### Outcome

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

#### Strategy

Continue to provide and maintain high quality community infrastructure (recreation centre, oval, bowls, tennis facilities, swimming pool, library, community centre, halls)

### Policy Implications

Nil

### Financial Implications

\$60,427.50 allocated to Yilgarn Bowls & Tennis Club - Land & Buildings Capital

### Officer Recommendation and Council Decision

**152/2019**

***Moved Cr Guerini/Seconded Cr Shaw***

***That Council, endorse engaging Mismatch Workshop to remove the existing softfall and Astro Synthetic Surfaces to install the new EPDM softfall surface, with an overall cost to the Shire of Yilgarn at \$60,427.50. Noting it is higher than the originally budgeted \$50,000.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.5 Sports Complex Roof Replacement – Stage 2

<b>File Reference</b>	<b>6.6.6.4</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

To endorse a variation to the tendered price for Stage 2 of the Sports Complex roof replacement project.

#### Background

At the November 2018 Council meeting, Councillors voted to award the tender for the replacement of the asbestos roof at the Southern Cross Sports Complex to Top Gun Roofing.

The project was split into two stages, to work in with budget constraints at the time, with Stage 1 being the lower roof, undertaken in 2018/2019.

Stage 2 is now proposed to be undertaken, being the upper roof and fascia.

The originally tendered price from Top Gun Roofing for Stage 2 was \$287,320 including GST. Top Gun have advised that due to price increases in materials, they have had to increase the price tendered to \$291,858.00 including GST, an increase of \$4,538 or 1.6%.

#### Comment

The requirements for variations to tendered prices was discussed with the Shire of Yilgarn auditors, AMD, in July of this year during their visit. Their advice was that recalling tenders was not required, and that Council endorsement of the variation was sufficient.

Sufficient funds have been included in the 2019/2020 budget to cover the variation.

#### Statutory Environment

Nil

#### Strategic Implications

##### Goal

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

### **Outcome**

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

### **Strategy**

Continue to provide and maintain high quality community infrastructure (recreation centre, oval, bowls, tennis facilities, swimming pool, library, community centre, halls)

### **Policy Implications**

Nil

### **Financial Implications**

\$291,858.00 including GST from the 2019/2020 endorsed budget

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

**153/2019**

***Moved Cr Close/Seconded Cr Shaw***

***That Council, endorse the variation request from Top Gun Roofing for Stage 2 of the Sports Complex Roof Replacement project, noting the price to undertake the works is \$291,858.00 including GST, including a \$4,538.00 increase from the originally awarded tendered price.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

**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**

The Shire President advised that a Late Item had been circulated to Councillors by the Executive Manager Regulatory Services.

**154/2019**

***Moved Cr Guerini/Seconded Cr Shaw***

***That Council accepts the Late Item being presented for consideration.***

**CARRIED (6/0)**

## 12.1 LATE ITEM - Reporting Officer– Executive Manager Regulatory Services

### 12.1.1 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>Layout Plan and House Plan</b>

#### Purpose of Report

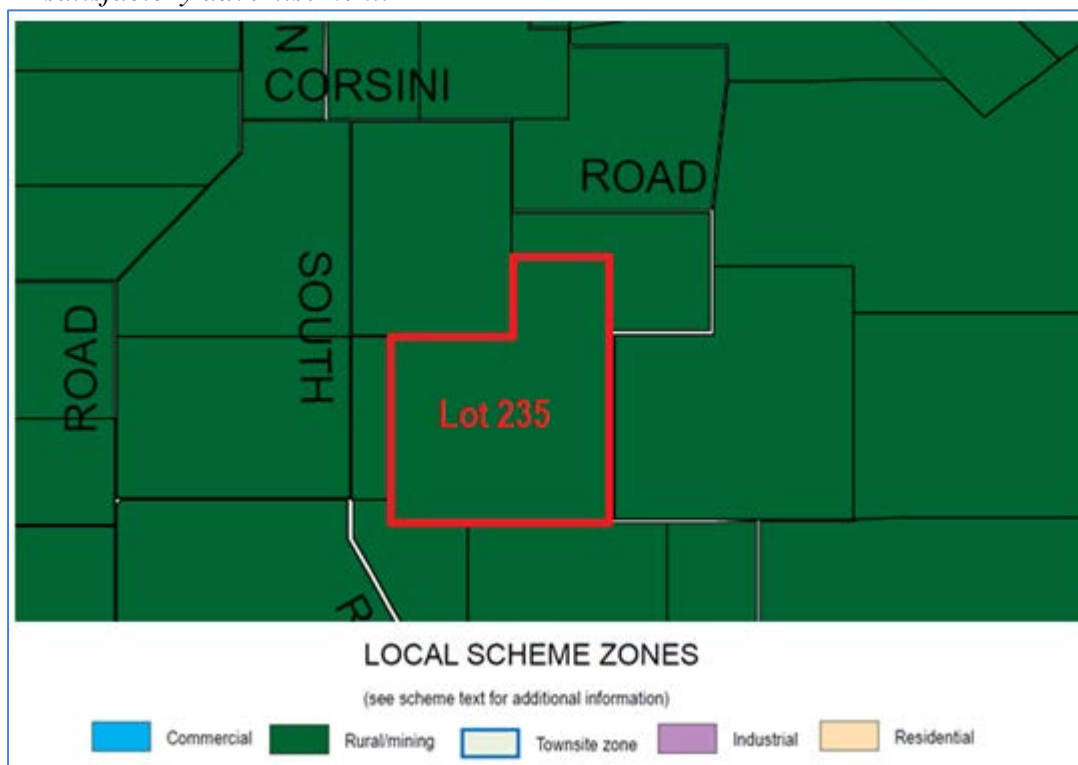
To consider a Development Application for the installation of a second dwelling on Lot 235 Bodallin South Road, Bodallin, being a transportable dwelling.

#### Background

The Shire is in receipt of a Development Application for the installation of a second residential dwelling on Lot 235 Bodallin South Road, Bodallin. 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 Bodallin South 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**

**155/2019**

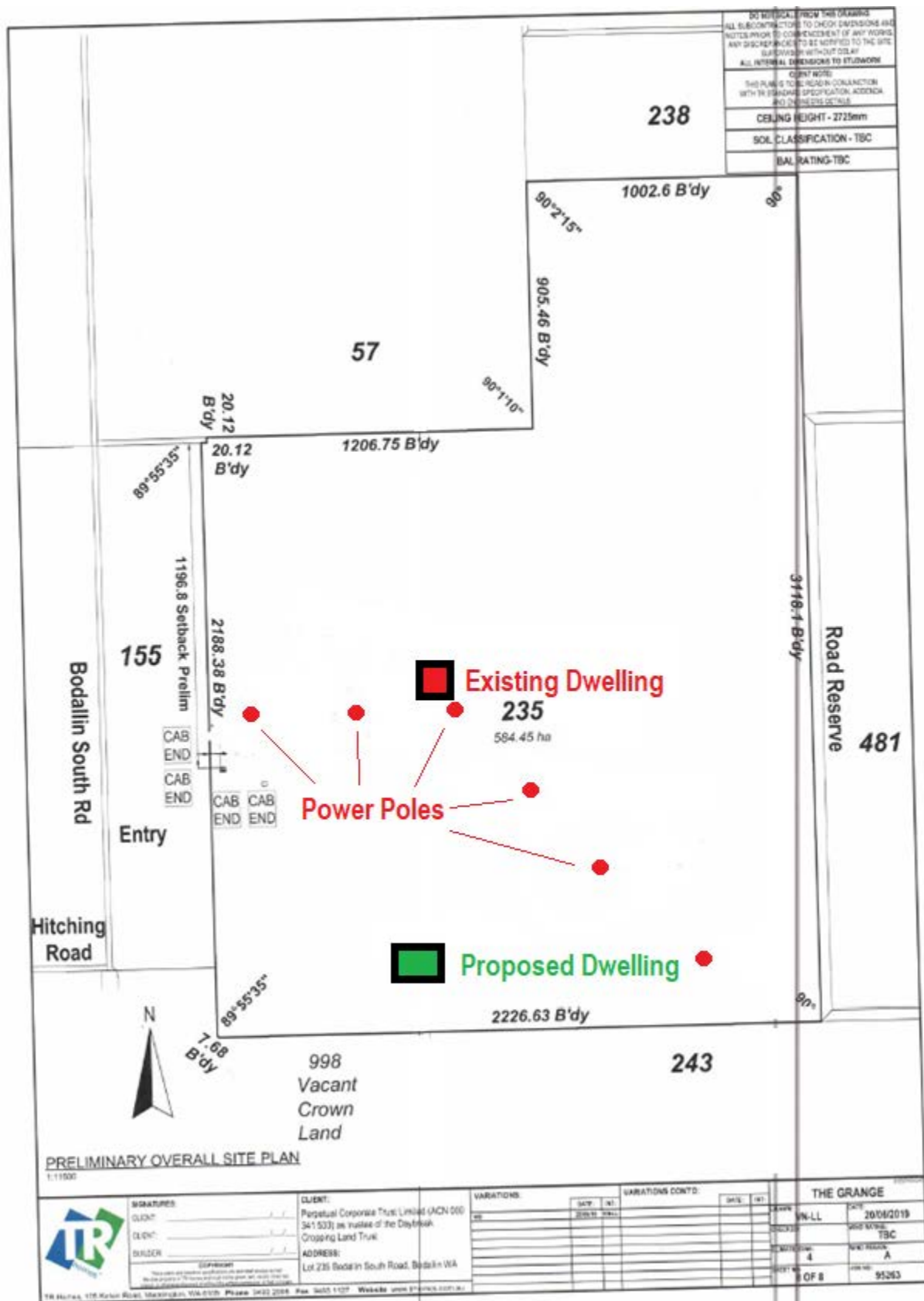
***Moved Cr Shaw/Seconded Cr Close***

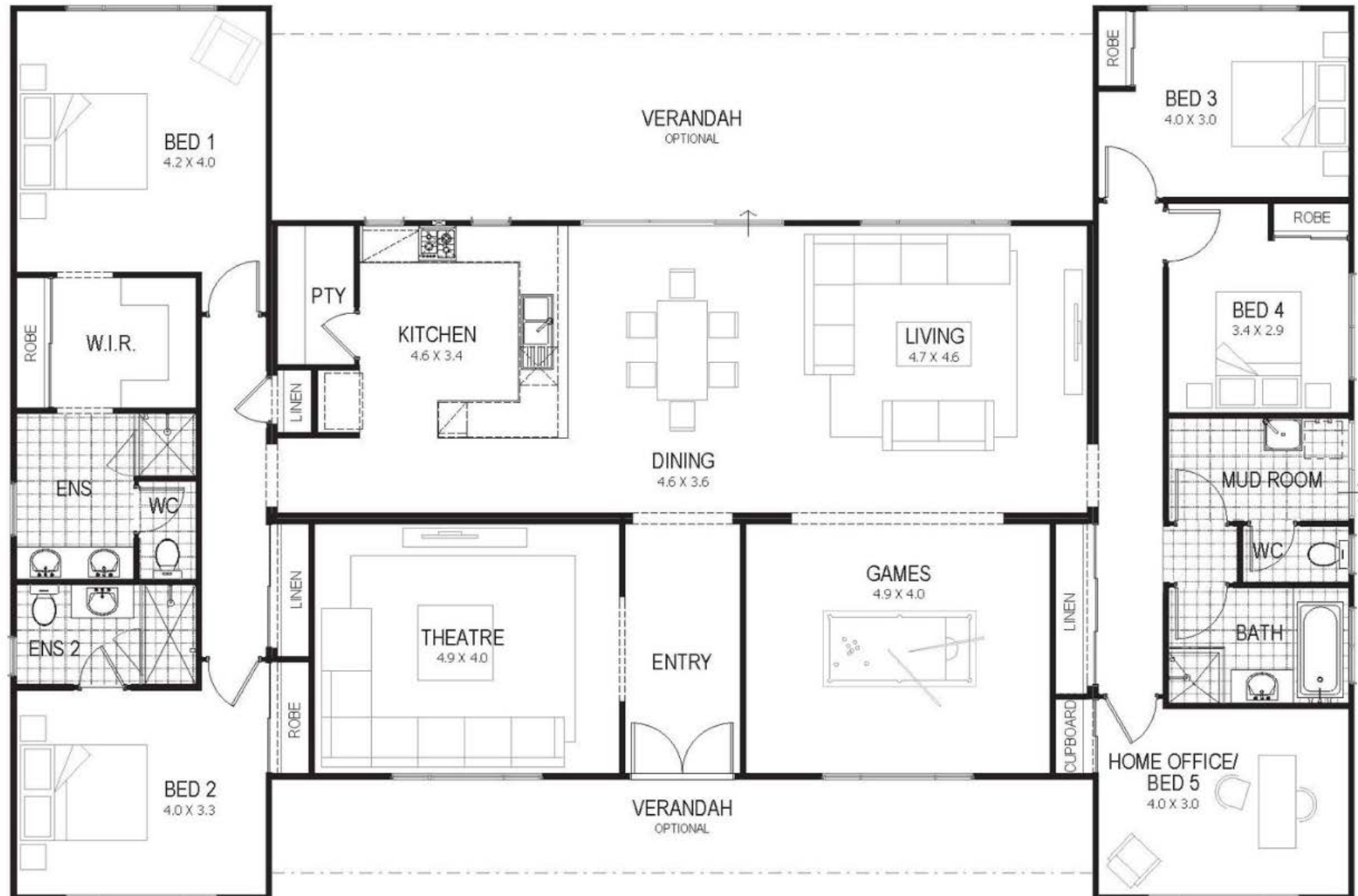
***That Council, approve the installation of a single transportable dwelling, as per the supplied plans, on Lot 235 Bodallin South Road, Bodallin.***

***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 (6/0)**





## 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

### CONFIDENTIAL ITEM

156/2019

*Moved CR Della Bosca/Seconded Cr Guerini*

*That the meeting be closed to members of the public in accordance with section 5.23(2)(b) of the Local Government Act 1995*

**CARRIED (6/0)**

Robert Bosenberg (EMI), Cameron Watson (EMCS), Nic Warren (EMRS), Laura Della Bosca (Minute Taker) and Neil Grant-Williams vacated The Chambers at 4.58pm

The CEO declared an Interest in the following Item and made the appropriate declaration in writing as it pertained to his Annual Performance Appraisal. The CEO remained in the Chamber to discuss future KPA's and in considerations that there were no increases sought in respect to his overall remuneration package.

## 13.1 Officers Report – Chief Executive Officer

### 13.1 CEO Performance Appraisal - Report

<b>File Reference</b>	<b>1.1.10.129</b>
<b>Disclosure of Interest</b>	<b>CEO – In Relation to Contract of Employment</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Report on Outcome of Appraisal Process</b>

### Purpose of Report

To present to Council the report on the outcome of the CEO Annual Performance Appraisal conducted on Thursday, 15 August 2019.

### Background

Prior to the August 2019 Ordinary meeting, Council undertook the Annual Performance Appraisal of the CEO.

As per Staff Policy Manual – Policy 7.15 “Relating to CEO Performance Review”, the CEO prepared a Review Report for consideration by Council for assessment by individual Councillors and Council as a whole.

In accordance with the above Policy, once the Appraisal process has been completed, the Policy states the following:-

*"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".*

#### **Comment**

The Shire President has now prepared the CEO Appraisal Report in accordance with Council Policy 7.15. As per Section 5 of the Report, new goals for the 2019/2020 period have been set to which the CEO has confirmed agreement in respect to same.

#### **Statutory Environment**

*Local Government Act 1995 and CEO Contract of Employment.*

#### **Strategic Implications**

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

#### **Policy Implications**

Staff Policy Manual – Policy 7.15 "Relating to CEO Performance Review".

#### **Financial Implications**

Nil

#### **Officer Recommendation and Council Resolution**

**157/2019**

**Moved Cr Close/Seconded Cr Guerini**

***That Council endorses the CEO Annual Appraisal Report detailing the outcomes of the Annual CEO Performance Appraisal conducted on Thursday, 15 August 2019.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

**OUT OF COMMITTEE**

**158/2019**

**Moved Cr Shaw/Seconded Cr Guerini**

***That the meeting be opened to members of the public***

**CARRIED (6/0)**

## 14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.05pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 19<sup>th</sup> September 2019, are confirmed on Thursday, 17<sup>th</sup> October 2019 as a true and correct record of the September Ordinary Meeting of Council.

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