



# *Minutes*

## *Ordinary Meeting of Council*

*19<sup>th</sup> December  
2019*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

## 3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose 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:	Mrs. Kay Crafter, Mr. Ron Burro and Mrs. Robin Stevens	
Leave of Absence:	Nil	

## 4. DECLARATION OF INTEREST

Cr Shaw provided a written Impartiality Declaration of Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in regards to discussion that took place during item 13.

## 5. PUBLIC QUESTION TIME

Mrs. Kay Crafter attended Public Question time and posed a question to Council enquiring if they could do anything about the current issues some people in the community are having with the local supermarket.

Currently, Mrs. Crafter reported, after enquiring if there is going to be fresh produce delivered to the supermarket over the Christmas period she was informed there was not going to be a delivery from the 18<sup>th</sup> December 2019 to 6<sup>th</sup> January 2020.



Mrs. Crafter feels this is quite a large amount of time to not receive fresh produce in town especially for those who are unable to travel further for groceries.

*The Shire President advised that whilst Council is sympathetic to the issue there is nothing the Shire can do about the situation as the business is privately owned.*

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday 21 November 2019

**206/2019**

***Moved Cr Cobden/Seconded Cr Rose***

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

**CARRIED (7/0)**

### 6.2 Audit Committee Meeting, Thursday 19 December 2019

**207/2019**

***Moved Cr Nolan/Seconded Cr Rose***

***That the minutes from the Audit Committee Meeting held on 19 December 2019 be confirmed as a true record of proceedings and the recommendations within be endorsed***

**CARRIED (7/0)**

### 6.3 Central East Aged Care Alliance (CEACA), Annual General Meeting, 12 November 2019

Central East Aged Care Alliance (CEACA), Management Committee Meeting, 12 November 2019

Great Eastern Country Zone (GECZ) Meeting, 28 November 2019

Wheatbelt East Regional Organisation of Councils (WEROC) Meeting, 28 November 2019

**208/2019**

***Moved Cr Cobden/Seconded Cr Shaw***

***That the minutes from the CEACA Annual General Meeting and the Management Committee Meeting held on the 12 November 2019, the GECZ Meeting held on the 28 November 2019 and the WEROC Meeting held on the 28 November be received.***

**CARRIED (7/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

### **Covalent Lithium**

Prior to the commencement of the Council meeting, at 3pm, Covalent Lithium representatives, Mr Mark Fones (CEO), Ms Anthea Pate (Manager Environment and Approvals) and Mr Tim Gilbert (GM Mt Holland) provided a briefing on the development of Covalent's Mt. Holland Lithium Mine Project to Councillors, Executive staff and two members of the public (Mrs Kaye Crafter and Mrs Robin Stevens).

### **Eastern Wheatbelt Biosecurity Group**

Mr. Ron Burro attended Council to give a brief update on the Eastern Wheatbelt Biosecurity Group funding. Currently the group is funded via Royalties for Regions and also levies on any property over 20ha. It is reported that the Royalties for Regions funding is going to cease in the 2019/2020 financial year which at the moment is not going to affect the group due to an adequate financial rollover from the previous year but it is unknown how the group will proceed going forward, one thought is that land 20ha and under may have to start being levied. Mr Burro advised that this would ultimately be a Council decision.

Mr. Burro then gave a brief account of the recent bushfires in the Shire, he then thanked Council for their time.

## 8. DELEGATES' REPORTS

Cr Rose announce the following:

- Attended the Museum committee meeting on the 4<sup>th</sup> December 2019
- Attended the Moorine Rock Christmas concert on the 14<sup>th</sup> December 2019

Cr Nolan announce the following:

- Attended the Agcare meeting on the 13<sup>th</sup> December 2019

Cr Cobden announce the following:

- Attended the Local Health advisory Committee meeting.
- Attended the St Joseph's Christmas concert on the 7<sup>th</sup> December 2019
- Attended the Southern Cross District High School Christmas concert on the 17<sup>th</sup> December 2019

Cr Close announce the following:

- Attended the Minjar Community meeting on the 26<sup>th</sup> November 2019
- Attended the GECZ meeting on the 28<sup>th</sup> November 2019
- Attended the Seniors Christmas Luncheon on the 1<sup>st</sup> December 2019

Cr Della Bosca announce the following:

- Attended the GECZ meeting on the 28<sup>th</sup> November 2019
- Attended the WEROC meeting on the 28<sup>th</sup> November 2019
- Attended the WEROC teleconference on the 17<sup>th</sup> December 2019
- Attended the Seniors Christmas Luncheon on the 1<sup>st</sup> December 2019
- Attended the St Joseph's Christmas concert on the 7<sup>th</sup> December 2019
- Attended the Southern Cross District High School Christmas concert on the 17<sup>th</sup> December 2019

Cr Shaw announce the following

- Attended the District Health advisory Committee meeting on the 3<sup>rd</sup> December 2019

## 9. OFFICERS REPORTS

### 9.1 Officers Report – Chief Executive Officer

#### 9.1.1 Central East Aged Care Alliance (CEACA) – Lease Agreement Lots 5 and 6 Antares Street, Southern Cross

<b>File Reference</b>	<b>1.3.3.18</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Lease Agreement</b>

#### Purpose of Report

To present to Council for endorsement, the signing and sealing of the Lease Agreement between the Shire of Yilgarn and CEACA for the Independent Living Units located on proposed Strata Lots 5 and 6 Antares Street, Southern Cross.

#### Background

Since the inception of CEACA, and following its success in obtaining Government funding to construct the 71 Independent Living Units in the 11 CEACA Member Local Governments, it has always been under the premise that participating Shires would relinquish control of the land and buildings and transfer the ownership of the Units to CEACA.

As the Shire of Yilgarn is still in the process of creating separate Strata Surveyed Lots on Lot 1 Antares Street, Southern Cross, it was necessary in the interim for a Lease Agreement to be prepared between the Shire of Yilgarn and CEACA in order that the Units could be rented once Certificate of Completion had been achieved.

#### Comment

On Thursday, 5 December 2019, CEACA was advised that Certificates of Completion had been received for the two Units in Southern Cross, which then necessitated CEACA instructing its Lawyers to prepare a Lease Agreement with the Shire of Yilgarn to expediate tenancy of the Units. The Shires of Koorda, Mukinbudin and Yilgarn were required to enter into such Agreements as they were still awaiting Landgate in actioning the Strata Surveys.

To assist CEACA in expediting potential for the 2 Units in Southern Cross being tenanted, the Shire President and CEO signed the Lease Agreement in accordance with Council's Delegation Register, LGA13, and Council Policy 1.4.

Whilst Council's Delegation Register refers to land disposed of pursuant to Section 3.58 of the *Local Government Act 1995*, to which the Lease and subsequent disposal of the land would apply, it is apparent that this section of the *Act* has yet to be complied with and it is the intention of staff to progress this matter in due course. This anomaly is due to commitments

by Council in previous years in relation to the CEACA Units and associated Grant Agreements with the State Government under its Royalties for Regions funding program.

## **Statutory Environment**

### ***Local Government Act 1995***

#### ***9.49A. Execution of documents***

*(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

## **Strategic Implications**

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

## **Policy Implications**

### ***Council Delegation Register LGA13 - Executing and Affixing of Common Seal to Documents***

- 1.0 Council delegate its authority and power to the President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:
  - 1.1 Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended).
  - 1.2 Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended).
  - 1.3 In respect of leases of land and licence to occupy municipal property where approved by the Council.
  - 1.4 In respect of leases for the purchase of plant and equipment approved by the Council.
  - 1.5 In respect of borrowings approved by the Council.
  - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
  - 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that the Council's interests have been satisfied.
  - 1.8 In respect of contracts of employment approved by the Council.

- 1.9 In respect of agreements required for funding of Council works and services considered with the resolution of the Council or requiring renewal of the agreement for funding currently provided.
- 1.10 In respect of the final adoption of local laws by the Council.

Subject to-

- (a) Meeting the requirements detailed in Councils Policy on Use of the Shire Common Seal; and
- (b) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal.

### ***Council Policy 1.4 – Use of Council’s Common Seal***

#### **OBJECTIVE:**

The policy sets out the wording to apply to the use of the Common Seal.

#### **POLICY:**

The President and CEO have delegated authority to execute and affix the Common Seal to documents (Delegation LGA13)

#### **PROCESS:**

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording:-

“The Common Seal of the Shire of Yilgarn was hereto affixed by authority of Council.”

Shire President

Chief Executive Officer

(Noting that the Deputy Shire President and Executive Manager Corporate Services can proxy in the absence of the respective principal person)

2. For use on ceremonial occasions (i.e.: Certificates of Appreciation, etc.) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire’s behalf.

### Financial Implications

Nil

### Council Recommendation and Council Decision

**209/2019**

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

***That Council endorses the actions of the Shire President and CEO in signing and affixing the Shire of Yilgarn's Common Seal to the Lease Agreement between the Shire of Yilgarn and the Central East Aged Care Alliance Inc. to expedite the tenanting of the two (2) Independent Living Units on Lots 5 and 6 of Lot 1 Antares Street, Southern Cross.***

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Central East Aged Care Alliance (CEACA)

<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>Nil</b>

#### Purpose of Report

To present to Council for determination, the Shire of Yilgarn's continuing involvement with CEACA as it progresses the next phases of the VERSO Report following the completion of the construction of 71 Aged Independent Living Units in the 11 participating Wheatbelt Local Governments.

#### Background

During a Wheatbelt forum Aged Care was discussed and as a result eleven (11) Local Governments, Wheatbelt Development Commission and Regional Development Australia agreed to form an alliance with the view to provide a needs study and solutions to the issues surrounding Aged Care within the Central Wheatbelt with each Council contributing \$5,000 to undertake this work.

Out of this alliance a report was compiled to identify solutions for the gaps and issues pertaining to the region being the Central East Aged Care Regional Solutions as listed below;

#### **CENTRAL EAST AGED CARE REGIONAL SOLUTION/S (CEACRS)**

*Developed by Wheatbelt Development Commission*

Aged Care was identified as a regional priority for Local Governments in a series of Wheatbelt forums for the development of the Towards a Wheatbelt Infrastructure Plan (2010/11/12). As a result of the regional forums, the Wheatbelt Development Commission (WDC) has been working closely with Regional Development Australia: Wheatbelt (RDAW), and 11 Wheatbelt Local Governments who committed to working towards improving aged care services, infrastructure and governance structures in their respective areas.

The 11 LGAs, the WDC and RDAW formed an alliance in February 2012 known as the Central East Aged Care Alliance, to address the issues affecting Aged Care in the Central Eastern Wheatbelt. Recognising the importance of undertaking this planning from a community perspective, each LGA invested \$5,000 towards the project. This was supplemented by cash and in-kind support from WDC and in kind support from RDAW.

In March 2012 RDAW advertised a tender to employ a consultant to undertake the Central East Aged Care Regional Solution/s (CEACRS) project. Melbourne based consulting firm Verso was awarded the tender and commenced work on the project in April 2012.

### **WHO'S INVOLVED IN THE CENTRAL EAST AGED CARE ALLIANCE (CEACA)?**

The CEACA is a partnership between the 11 LGAs which consist of the Shires of Bruce Rock, Kellerberrin, Koorda, Merredin, Mount Marshall, Mukinbudin, Nungarin, Yilgarn, Trayning, Westonia, Wyalkatchem, the WDC and RDAW.

After the scope of the project had been finalised by the CEACA, it was agreed that several other key stakeholders should be invited to attend future meetings as observers. These included:

- Southern Inland Health Initiative - Tim Shackleton – Community Engagement Officer
- Medicare Local - Michelle McClure – Wheatbelt Area Manager
- Western Australia Country Health Services Wheatbelt - Caroline Langston – Regional Director.

### **THE PROCESS**

The Wheatbelt Central East Aged Care Regional Solution/s (CEACRS) has been a proactive process that aimed to:

1. Identify aged care service, accommodation and governance models for a highly disbursed regional/rural population setting;
2. Build on the assets that exist in communities;
3. Provide solutions that guide sound investment in SIHI, especially Stream 2b Primary Health Care Program, Stream 3 – Primary Health Demonstration Site Program, and Stream 6 – Residential Aged and Dementia Investment Program
4. Identify services that enable locals to age 'in place' as outlined in the new National Aged Care Package Reform.

The Alliance adopted eight guiding principles for the CEACRS:

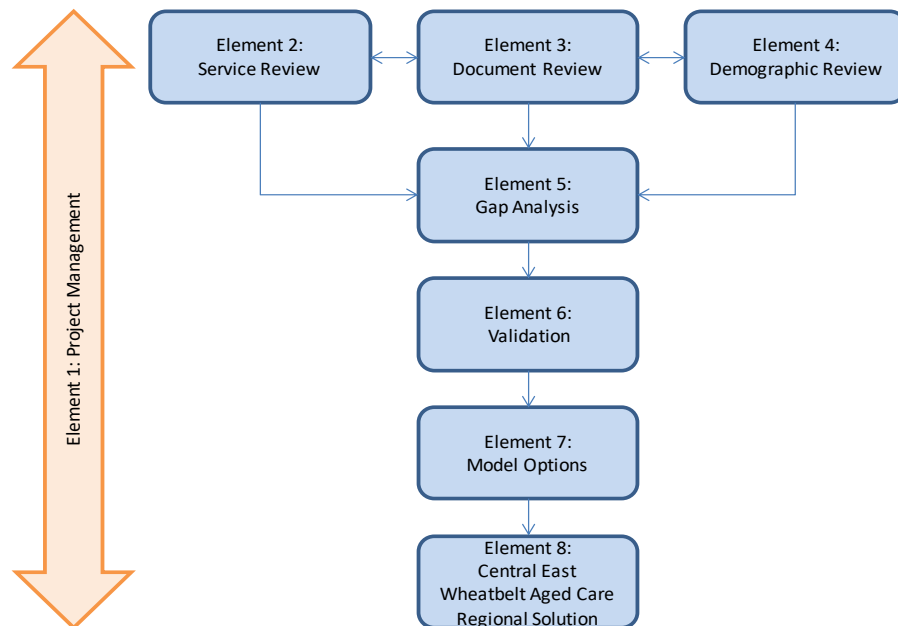
- Principal 1- The Importance of Place
- Principal 2- Community Life
- Principal 3- Community sense of ownership
- Principal 4- Focus on the Person
- Principal 5- Choice
- Principal 6- Equitable access
- Principal 7- Practicality
- Principal 8- Viability

These principals were a key focus while developing the CEACRS and undertaking the following elements of the project:



**Figure 1:**

The planning process has heavily involved each community with sharing of existing local publications and documentation as well as clarification of desktop analysis compared to



actual service delivery. A total of 14 community consultations were conducted across the 11 LGA's involved in the CEACA, involving nearly 200 participants.

Forming part of the gap analysis and validation elements of the project, the community consultations provided the opportunity to validate Verso's statistical findings at a ground level. Members of the community, health and aged care providers as well as Shire representatives were invited to attend the sessions.

With the completion of elements 2-6 each LGA has been provided with a Needs Study report specific to their individual Shire as well as a Central East Needs Study for the sub region. The Needs Studies include demographic characteristics of the CEACA LGAs, the emerging policy context, the findings from community forums and consultations, aged care services levels, planning & analysis of aged care levels and aged care solutions from literature collected.

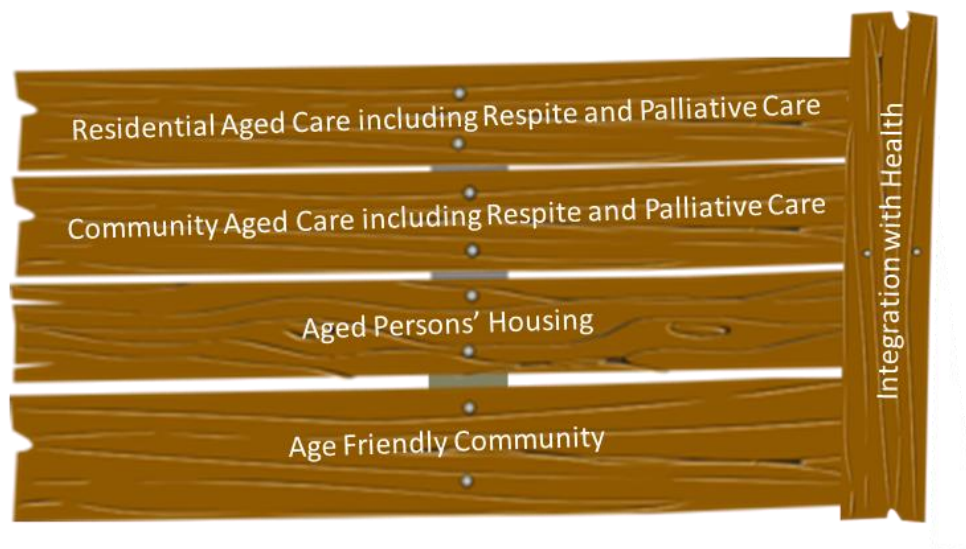
The final element, element 8, saw the development of the Central East Aged Care Regional Solution/s Report which outlines the context of the project, the findings and implications, the recommendations and action plan.

## RECOMMENDATIONS

The Central East Aged Care Regional Solution provides a clear direction to develop and implement infrastructure and service level solutions to address the urgent need for aged care accommodation, services and facilities in the Central Eastern Wheatbelt

The Model (Figure 2) consists of the following elements required to deliver an integrated solution:

**Figure 2**



Aged Friendly Community is the main responsibility of LGAs in auditing and ensuring their community has addressed all the elements required to achieve an Aged Friendly Community. This includes making sure structures and services are accessible to and inclusive of older people with varying needs and capabilities such as;

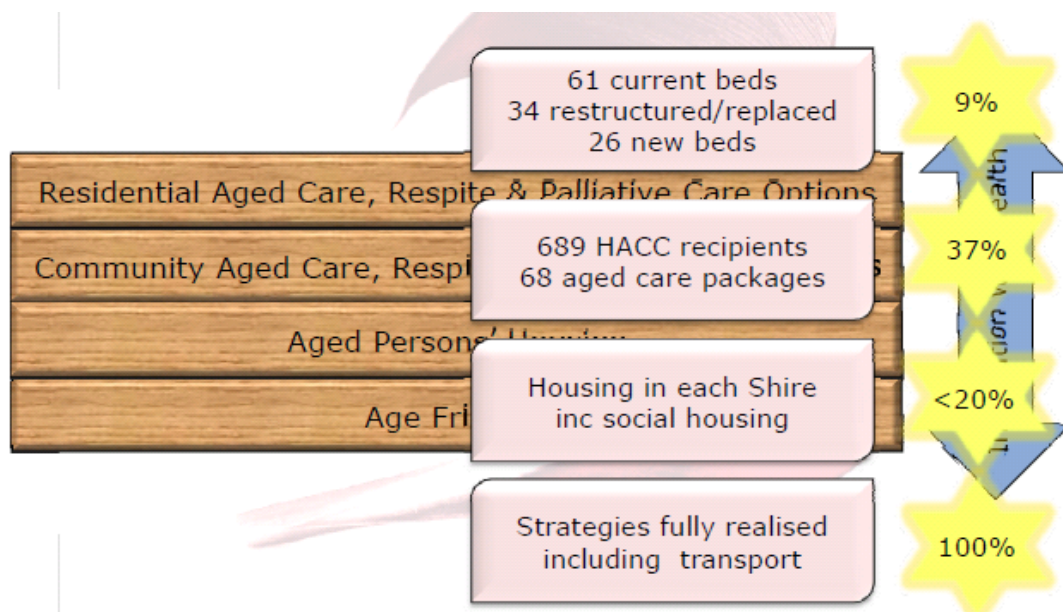
- Walking and Cycling Routes
- Streets
- Local Destinations
- Open Space
- Public and Other Transport
- Supporting Infrastructure
- Fostering Community Spirit
- Strategy

Aged Persons' Housing is seen as a coordinated responsibility of the CEACA, LGAs and potential housing providers to see how current stock meets requirements, the development of a coordinated approach to common development, ownership, design and integration. However, land and capital needs are seen as a primary concern for LGAs, with the possible assistance of funding from peak bodies.

Community Aged Care including Respite and Palliative Care has been identified as the responsibility of health care funders and providers such as Department of Health and Ageing (DoHA), WA Country Health Service (WACHS), HACC and other Aged Care providers. Community Aged Care is a relatively new concept to communities in the Central East but is one that will become more prominent in the future with policy changes around the sector. This element is seen as a longer term project and not something that will be addressed in the short term; however it will require a strong advocacy role from the CEACA and LGAs. Residential Aged Care including Respite and Palliative Care has also been considered as a longer term strategy, with the main responsibility residing with DoHA, WACHS and other Aged Care providers. Again, this element will require a strong advocacy role from the CEACA and LGAs.

Figure 2 presents a clear picture of the strategies and the importance they will play in communities in relation to the rate older community members will be impacted, if the CEACRS is implemented correctly.

The pale boxes identify current and future needs, and the yellow stars indicate the percentage of population over 75 years impacted by this element of the model.



### WHERE TO FROM HERE?

Step 1: It has been recommended that the Central East Aged Care Alliance continue to operate to ensure the successful implementation of the Central East Aged Care Regional Solution/s.

Step 2: All Shire Councils of the Central East Aged Care Alliance to formally adopt the CEACRS and Needs Studies relating to the sub region and their individual Shires.

Step 3: The boards of WDC and RDAW formally accept the reports.

Step 4: The CEACA sends the reports to the following stakeholders and requests a formal response. DoHA, WACHS, HACC, Department of Housing

Step 5: WDC and RDAW coordinate responses from the above key stakeholders on behalf of the CEACA.

Step 6: The CEACRS is publicly released with a launch, political presentations to all parties and awareness of the report recommendations through such things as presentations at conferences.

### **RECOMMENDATIONS FOR LOCAL GOVERNMENTS**

1. That the six steps for adoption and implementation of the two CEACA Reports be endorsed; and specifically:
2. That Council adopt the CEAC Needs Study and Central East Wheatbelt Aged Support and Care Regional Solution/s Reports.
3. Each of the CEACA Councils make provision of up to \$5000 in their 2013/14 budgets to fund ongoing advocacy and research in order to implement the recommendations of the CEACRS Report.
4. That endorsement of the Report is sought from the respective ROC's with a view to seeking funding to implement the recommendations of the CEACS Report on a regional basis.

### **Comment**

The CEACA Councils adopted the recommendations listed above and worked together to progress the Aged Persons Housing platform as this was seen the easiest platform that Local Government had the capacity to influence.

CEACA is now in a position wherein it has completed the construction of seventy one (71) units within the eleven (11) Councils being located at;

Locality	Local Government	Number of Units
Bruce Rock	Bruce Rock	8
Kellerberrin	Kellerberrin	13
Koorda	Koorda	4

Merredin	Merredin	27
Bencubbin	Mount Marshall	1
Beacon	Mount Marshall	2
Nungarin	Nungarin	2
Mukinbudin	Mukinbudin	4
Kununoppin	Trayning	2
Westonia	Westonia	2
Wyalkatchem	Wyalkatchem	4
Yilgarn	Yilgarn	2
TOTAL	TOTAL	71

In the construction of new Independent Living Units and retaining/attracting aged members to our communities there are additional requirements on the community to ensure these members are cared for appropriately. This may include Community Care Packages, access to transport, hospital, doctor and ambulance services and possibly Residential Care all of which are platforms of the VERSO report that haven't been researched nor explored for improvement by CEACA.

It has been requested by CEACA that each individual Council as a member review the VERSO report to familiarise themselves with the recommendations.

From the report and the abovementioned information consider Councils appetite to progress researching/actioning the platforms of the report through the CEACA or if Council want to progress this individually through their own communities and Councils.

It is always viewed by both State and Federal Governments that a Regional solution is always seen in a positive light rather than individual peace meal approaches, however this is a decision of each Council.

### Financial Implications

Should Council's wish to progress with the continuation of CEACA researching and progressing the other platforms and solutions through the VERSO report it is suggested in the first year to leave the current \$20,000 levy as is.

This is to ensure funds are available to undertake work and progress forward, however should the funds exceed the requirements going forward the opportunity is then to review this and possible reduce the fee going forward.

Should member Councils not wish to progress the VERSO report there is no figure provided as an Annual Fee for being a member of CEACA at this point in time. This discussion will take place after Council have reviewed this item and made a definite position on where they see themselves progressing.

### Policy Implications

Nil

### Statutory Environment

#### Local Government Act 1995 (as amended)

#### 6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
  - (a) the expenditure by the local government;
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.
- [Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Social Strategy – High quality and well maintained Aged Care facilities.

### Officer Recommendation

*That Council commits to CEACA's progression of the VERSO report to review;*

- i. Community Care Packages*
- ii. Transport*
- iii. Residential Aged Care*

**OR**

*That Council declines the opportunity to progress the VERSO report however remains a member of CEACA.*

**OR**

*That Council declines the opportunity to progress the VERSO report and wishes to withdraw from CEACA.*



## Council Decision

**210/2019**

***Moved Cr Close/Seconded Cr Cobden***

***That Council commits to CEACA's progression of the VERSO report to review;***

- iv. Community Care Packages***
- v. Transport***
- vi. Residential Aged Care***

***Subject to Council's annual financial contribution to the operations of CEACA remaining at \$20,000 and that CEACA undertakes a review of the VERSO Report to ascertain its current relevance in respect to the provision of the above services***

**CARRIED BY ABSOLUTE MAJORITY (6/1)**

**\*Cr Nolan voted against the decision**



## 9.1 Reporting Officer – Chief Executive Officer

### 9.1.3 Shire of Yilgarn Freedom of Information Statement

<b>File Reference</b>	<b>1.4.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Draft Freedom of Information Statement</b>

#### Purpose of Report

To present to Council for the adoption the Shire of Yilgarn Freedom of Information Statement as required by *Freedom of Information Act 1992*.

#### Background

In accordance with Section 96 of the *Freedom of Information Act 1992*, an agency, as defined in the *Act*, must produce an Information Statement and review it annually.

#### Comment

A review of the Shire's previous Information Statement has been undertaken and the new document is presented to Council for adoption. The Statement covers all the necessary requirements under the *Act* to ensure that Council is compliant in this regard.

#### Statutory Environment

#### 96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —
  - (a) within 12 months after the commencement of this Act; and
  - (b) at subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

In this Act, unless the contrary intention appears —

**agency** means —

- (a) a Minister; or
- (b) a public body or office,

and the **agency** means the agency to which an access application or application for amendment of personal information has been made or to which such an application has been transferred or partly transferred;

**public body or office** means —

- (a) a department of the Public Service; or
  - (b) an organization specified in column 2 of Schedule 2 to the *Public Sector Management Act 1994*; or
  - (c) the Police Force of Western Australia; or
  - (d) a local government, regional local government or regional subsidiary; or**
  - (e) a body or office that is established for a public purpose under a written law; or
  - (f) a body or office that is established by the Governor or a Minister; or
  - (g) any other body or office that is declared by the regulations to be a public body or office being —
    - (i) a body or office established under a written law; or
    - (ii) a corporation or association over which control can be exercised by the State, a Minister, a body referred to in paragraph (a), (b), (e), (f) or (g)(i), or the holder of an office referred to in paragraph (f) or (g)(i);
- or
- (h) a contractor or subcontractor;

#### Strategic Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil.

#### Officer Recommendation and Council Decision

**211/2019**

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

***That Council adopts the Shire of Yilgarn Freedom of Information Statement as presented in accordance with Section 96 of the Freedom of Information Act 1992.***

**CARRIED (7/0)**

## 9.1 Reporting Officer – Chief Executive Officer

### 9.1.4 Mineral Resources – Proposed Emu Fence Road Upgrade

<b>File Reference</b>	<b>6.1.1.046</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Map</b>

#### Purpose of Report

To present to Council for consideration, a request by Mineral Resources (MRL) to upgrade the Emu Fence Road to support road train haulage and development of the Parker Range – Mount Caudan Iron Ore Deposit.

#### Background

On Friday, 29 November 2019 the CEO, Executive Manager Infrastructure and Executive Manager Regulatory Services met with Mr David Geraghty, Executive General Manager of Mineral Resources, to discuss potential routes for the haulage of ore from the proposed Mt Caudan Iron Ore Deposit to Koolyanobbing.

At the above meeting Mr Geraghty outlined the proposed route, indicating that MRL were also proposing to upgrade and seal the Emu Fence Road from Mt Caudan.

Staff also advised Mr Geraghty to submit a written request to Council in relation to the proposal in order that the matter could be formally presented to Council for consideration.

#### Comment

Mr Geraghty has since written to Council advising that MRL wishes to formally commence negotiations with Council to upgrade the Emu Fence Road, so that an economic, safe and substantial haulage operation can be agreed and developed to support the opening of a new iron ore operation south of Marvel Loch. Mr Geraghty advises that MRL appreciates there will need to be a commercial discussion around the new infrastructure, protocols around its use, as MRL understands and respects that they will not be the only user of the road.

Mr Geraghty advises that Main Roads WA, Water Corporation have both given their support to the proposed traffic route (with upgrades), rather than using the lower RAV rating, and existing RAV routes from Parker Range to Koolyanobbing.

The section of the Emu Fence Road, from Parkers Range to the Great Eastern Highway, is not the only roads in question associated with the haulage of ore from the mine site to Koolyanobbing, the following roads would also have to be considered as part of the route and upgraded accordingly:-

- Parkers Range Road – Deviation to existing road around mine site;
- Emu Fence Road (northern section) - from Great Eastern Highway to Koolyanobbing Road;
- Koolyanobbing Road - from intersecting point of Emu Fence Road to Koolyanobbing mine site.

As this proposal will require significant commercial negotiations with MRL, it is suggested that a meeting of Council's Road Committee be convened initially to discuss the proposal with staff and if necessary, meet with MRL representatives to further progress the proposal.

Council's Roads Committee consists of Crs Close, Guerini and Nolan together with the Executive Manager Infrastructure and CEO.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

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

#### **Policy Implications**

##### ***Policy No.5.2 – Heavy Haulage on Local Roads***

The CEO may approve the operation of Extra Mass Vehicles and Road Trains on the following conditions:

##### **Minimum Road Requirements**

Road Pavement (running surface) width :	9.00 metres (includes roadside shoulders)
Road Pavement Thickness :	150 mm (imported/in-situ)
Crossfall :	4.0 %
Radii at junctions/intersections :	20 m

##### **Administration**

The approval from Main Roads WA shall be carried within the vehicle at all times and is to be made available to any authorised Council officer on request.

Council may withdraw its approval/support if excessive wear or damage occurs on the approved route.

### **Heavy Vehicle Cost Recovery**

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

### **Vehicle Specifications**

The vehicle shall comply with all laws, regulations and limits imposed by relevant authorities.

### **Financial Implications**

Nil at this stage.

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

**212/2019**

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

***That Council:***

- 1. Endorses in-principle the proposal by Mineral Resources Limited to upgrade and seal the Emu Fence Road for the transportation of ore from the proposed Mt. Caudan mine site to its Koolyanobbing Operations;***
- 2. Convenes a meeting of Council's Roads Committee to further discuss the whole transportation network being duly considered, and that the Committee reports back to Council on the outcomes prior to formal negotiations commencing with Mineral Resources Limited.***

**CARRIED (7/0)**



**Distance from Great Eastern Highway  
To Koolyanobbing Road  
approx. 39 kilometres**







**Haulage Route will  
also entail approx.  
14 kilometres of**

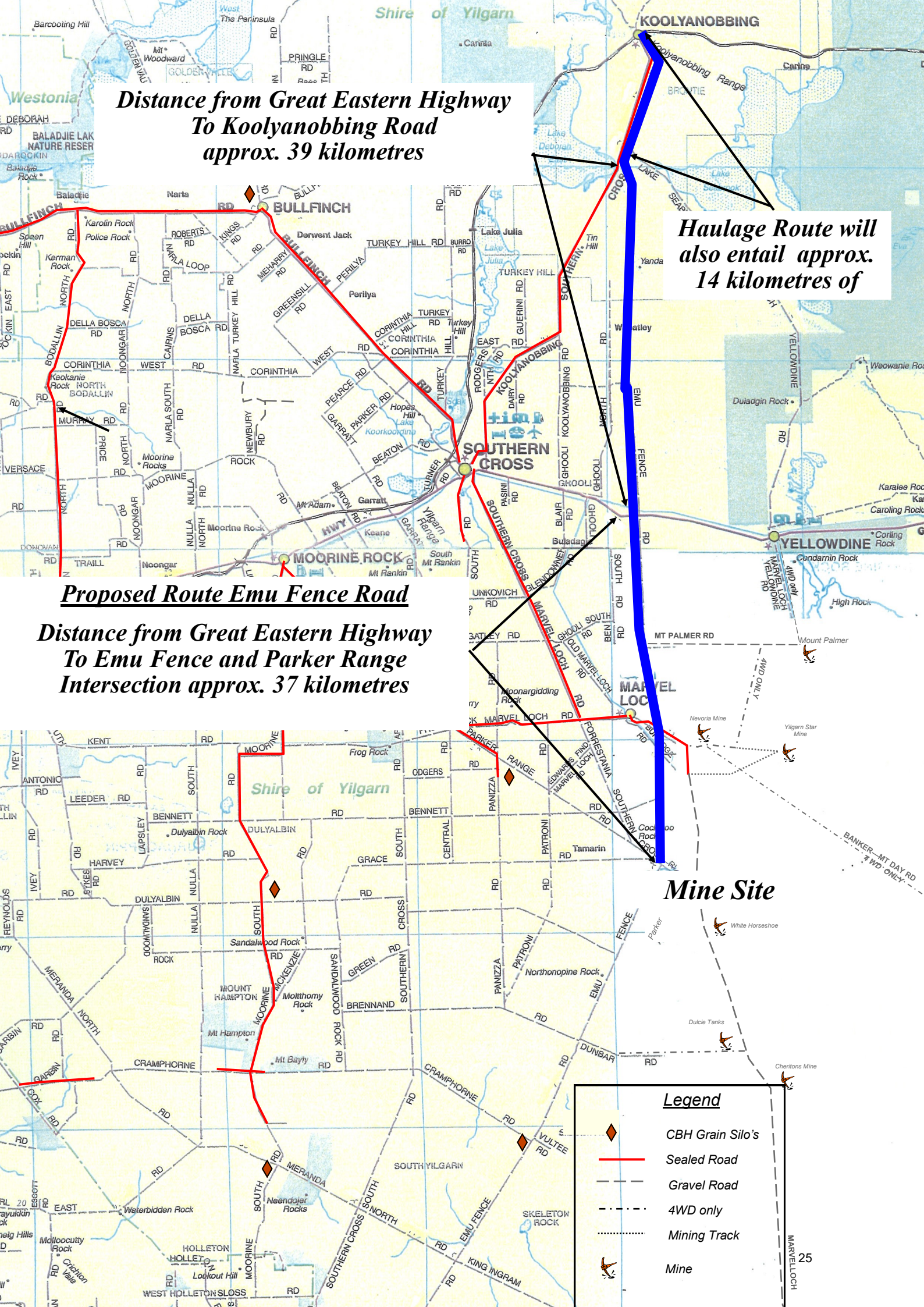
**Proposed Route Emu Fence Road**

**Distance from Great Eastern Highway  
To Emu Fence and Parker Range  
Intersection approx. 37 kilometres**

**Mine Site**

**Legend**

-  CBH Grain Silo's
-  Sealed Road
-  Gravel Road
-  4WD only
-  Mining Track
-  Mine





## 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 30<sup>th</sup> November 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

**213/2019**

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

***That Council endorse the various Financial Reports as presented for the period ending 30<sup>th</sup> November 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 40846 to 40858 totalling \$23,260.55, Municipal Fund-EFT Numbers 9406 to 9517 totalling \$842,537.05, Municipal Fund – Cheque Numbers 1563 to 1571 totalling \$199,575.73, Municipal Fund Direct Debit Numbers 14138.1 to 14191.11 totalling \$40,363.82, Trust Fund 402475 to 402481 totalling \$10,339.70 and Trust Fund – Cheque Numbers 6203 to 6207 (DPI Licensing), totalling \$25,657.85 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 another Fund.

#### Financial Implications

Drawdown of Bank funds

**Officer Recommendation and Council Denison**

**214/2019**

***Moved Cr Shaw/Seconded Cr Cobden***

***Municipal Fund – Cheque Numbers 40846 to 40858 totalling \$23,260.55, Municipal Fund- EFT Numbers 9406 to 9517 totalling \$842,537.05, Municipal Fund – Cheque Numbers 1563 to 1571 totalling \$199,575.73, Municipal Fund Direct Debit Numbers 14138.1 to 14191.11 totalling \$40,363.82, Trust Fund 402475 to 402481 totalling \$10,339.70 and Trust Fund – Cheque Numbers 6203 to 6207 (DPI Licensing), totalling \$25,657.85 are presented for endorsement as per the submitted list.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Budget Amendment – Bodallin South Rd Commodity Route Funding

<b>File Reference</b>	<b>8.2.5.3</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

This report seeks Councils approval for expenditure from its municipal fund for an additional purpose.

#### Background

Council has received funding under the Department of Regional Development's (DRD) Local Government Commodity Freight Routes Fund (CFRF) totalling \$487,849. These funds are intended for works on the Bodallin South Rd, the intended works are to reconstruct and seal to a surface width of 7 metres for a length of 2.2 km's.

When the 2019/2020 budget was adopted, these funds were allocated for disbursement by Main Roads in the 2020/2021 financial year, however notice has been received indicating that should Council want to bring forward these works, the disbursement can occur in the current financial year.

#### Comment

The intended grant funded works are a direct continuation of works scheduled in the current year which are funded through the Roads to Recoveries program (R2R). The R2R funded works which are currently underway are from SLK 4.9 to 6.0 on the Bodallin South Road and the approved CFRF funded works are from SLK 2.7 to 4.9.

The Executive Manager Infrastructure has recommended accepting the offer of early payment of part of the CFRF grant and undertaking the works in the current financial year. This will make significant savings in the mobilisation and demobilisation of plant, equipment and manpower as the works crew can just continue on with the works currently under way.

The Executive Manager Infrastructure recommends expending \$406,367 of the allocated grant funds in the current financial year with the remaining \$81,482 being expended in the 2020/2021 financial year.

It should be noted that the grant fully funds the approved works and as such will have a nil effect on the budget bottom line.

## 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.*

The recommendation that follows is consistent with the legislative requirements.

## Strategic Implications

### Strategic Goal

A Prosperous Future for our community.

### Strategic Outcome

Safety and quality of transport networks are maintained and improved.

### Strategy

Continue to maintain and upgrade our road network.

## Policy Implications

There are no policy implications as a result of this report

## Financial Implications

The cost of the proposed road works is fully funded by the income from the CFRF grant.

**Officer Recommendation and Council Decision**

**215/2019**

**Move Cr Close/Seconded Cr Guerini**

**That Council approves the following unbudgeted expenditure:**

**Schedule: 12 – Transport**

**Program: Infrastructure Construction**

<i>General Ledger</i>	<i>Job</i>	<i>Description</i>	
<b>E12102</b>	<b>CRF01</b>	<b>CRF – Bodallin South Rd – Construct to 7m Seal – SLK 2.7 – 4.9</b>	
		<i>Expenditure Type</i>	<i>Expenditure Value \$</i>
		<b>Wages</b>	<b>70,546</b>
		<b>Public Works Overheads</b>	<b>67,019</b>
		<b>Plant Operation Cost</b>	<b>71,664</b>
		<b>Plant Depreciation Cost</b>	<b>53,833</b>
		<b>Contractors &amp; Materials</b>	<b>37,154</b>
			<b>406,367</b>

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 2018/19 Audit & Management Report

<b>File Reference</b>	<b>8.2.3.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Attachment 1 – 2018/2019 Annual Report including the Annual Financial Report incorporating the Independent Auditor's Report.</b>

#### Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor's Report for the year ending 2018/2019.

#### Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

#### Comment

The Annual Report for the financial year ending 30 June 2019 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, 14 days local public notice of this meeting is to be given.

#### Statutory Environment

Local Government Act 1995 –

#### 5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO; and

[(c), (d) *deleted*]

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
  - (f) the financial report for the financial year; and
  - (g) such information as may be prescribed in relation to the payments made to employees; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
  - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
    - (i) the number of complaints recorded in the register of complaints; and
    - (ii) how the recorded complaints were dealt with; and
    - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

*[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]*

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

*\* Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

*[Section 5.54 amended by No. 49 of 2004 s. 49.]*

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

#### **5.55A. Publication of annual reports**

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

*[Section 5.55A inserted by No. 5 of 2017 s. 8.]*

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

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

### Policy Implications

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

### Financial Implications

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

### Committee Recommendation and Council Decision

**216/2019**

***Moved Cr Cobden/Seconded Cr Shaw***

***That Council:***

- 1. accept the Annual Report for 2018/2019 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2019; and***
- 2. conducts the 2018/19 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on Tuesday 11<sup>th</sup> February 2020 commencing at 6.00 pm.***

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



## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.1 Clearing Permit – Yilgarn Iron Pty Ltd

<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>	<ul style="list-style-type: none"> <li>- Correspondence from Department of Mines, Industry Regulation and Safety</li> <li>- Photomap</li> <li>- Natmap</li> </ul>

#### Purpose of Report

To endorse comments to the Department of Mines, Industry Regulation and Safety, regarding the issuing of a clearing permit for Yilgarn Iron Pty Ltd at the OHP Stockyard Expansion 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 Yilgarn Iron Pty Ltd at the OHP Stockyard Expansion Project, located on Mining Leases 77/607 and 77/611.

The applicants are seeking to clear 30.4 hectares of land on their lease for mineral production and associated activities. The land to be cleared is located approximately 1.5 kilometres East of Koolyanobbing town site.

#### 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**

**217/2019**

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

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

***The Shire of Yilgarn holds no objections to the issuing of clearing permit CPS 8720/1 to Yilgarn Iron Pty Ltd for the OHP Stockyard Expansion Project on Mining Leases 77/607 and 77/611.***

**CARRIED (7/0)**



Chief Executive Officer  
Shire of Yilgarn  
[ceo@yilgarn.wa.gov.au](mailto:ceo@yilgarn.wa.gov.au)

Dear Sir/Madam

**Application to Clear Native Vegetation under the *Environmental Protection Act 1986***

The Department of Mines, Industry, Regulation and Safety has received the following application for permit to clear native vegetation under the *Environmental Protection Act 1986* (the Act):

<b>Applicant Name:</b>	Yilgarn Iron Pty Ltd – OHP Stockyard Expansion Project
<b>Permit Type:</b>	Area Permit
<b>Tenements:</b>	Mining Leases 77/607, 77/611
<b>Purpose:</b>	Mineral Production and Associated Activities
<b>Area (ha):</b>	30.4 ha
<b>Shire:</b>	Shire of Yilgarn
<b>Clearing Permit System (CPS) No:</b>	8720/1

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

Attached are maps indicating the area proposed to clear. Please forward your submission to the above address within 21 days from **Monday, 2 December 2019**, quoting CPS 8720/1.

If you have any queries regarding this matter, please contact Lesley Polomka in the Department's Resource and Environmental Division at the address above, for further information.

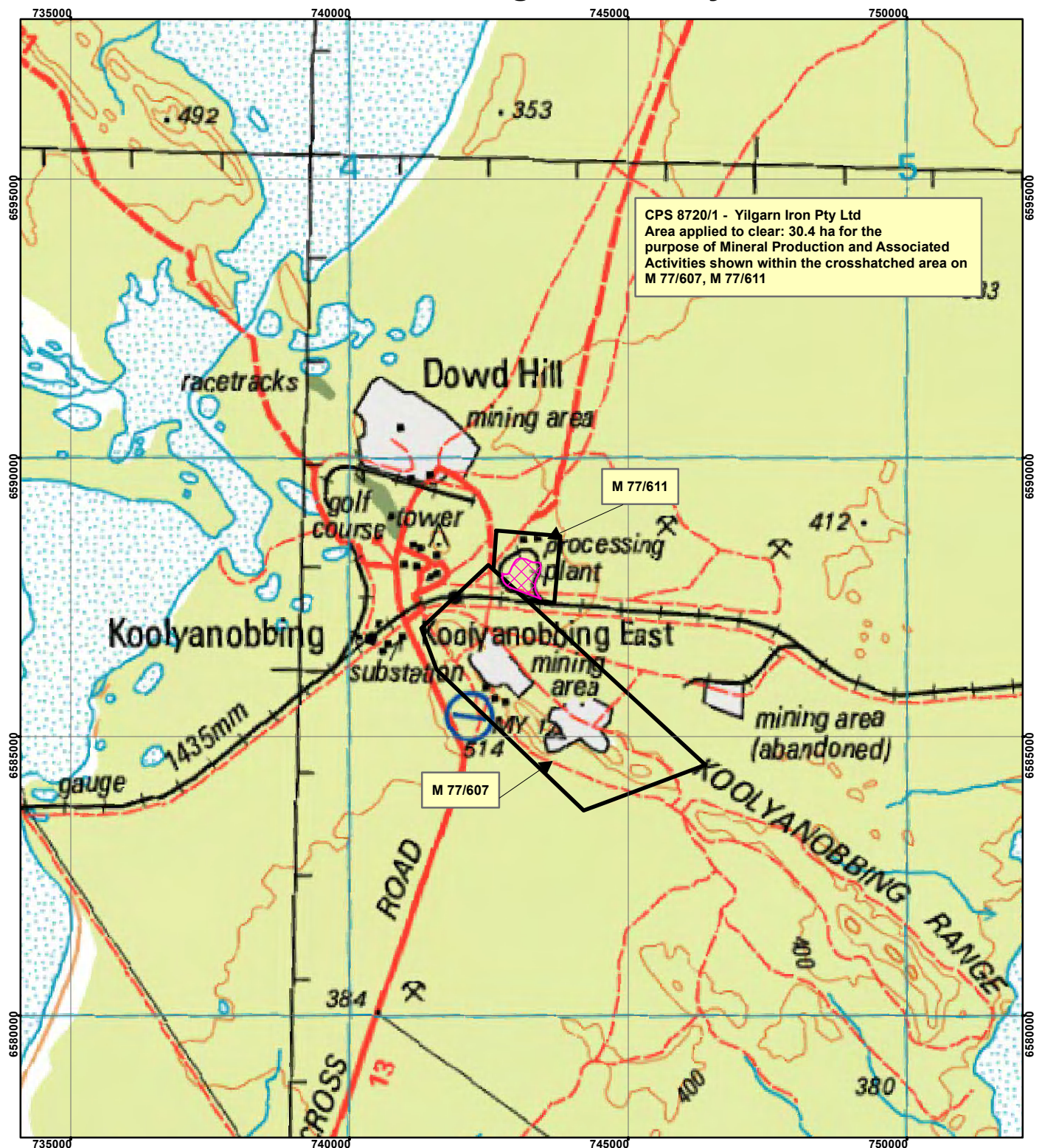
Yours sincerely

*Daniel Endacott*

Daniel Endacott  
General Manager Environmental Compliance  
Resource and Environmental Compliance Division



29 November 2019

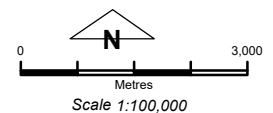
# CPS 8720/1 - Yilgarn Iron Pty Ltd



CPS 8720/1 - Yilgarn Iron Pty Ltd  
 Area applied to clear: 30.4 ha for the  
 purpose of Mineral Production and Associated  
 Activities shown within the crosshatched area on  
 M 77/607, M 77/611

## Legend

-  Clearing Instruments
-  Mining Tenements



Geocentric Datum Australia 1994

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

..... Date .....

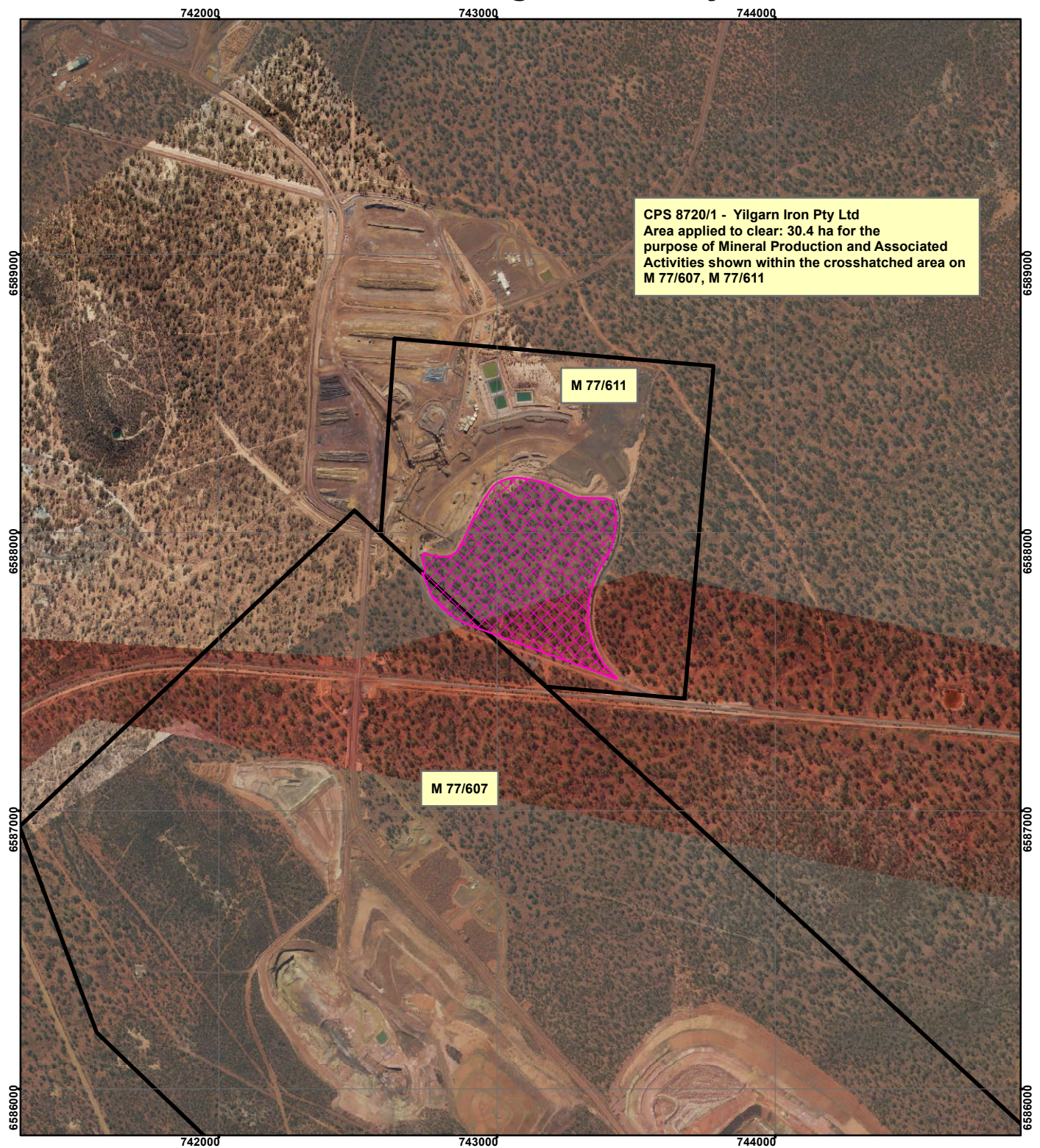
Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

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





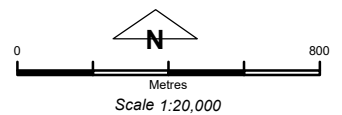


# CPS 8720/1 - Yilgarn Iron Pty Ltd



## Legend

-  Clearing Instruments
-  Mining Tenements



Geocentric Datum Australia 1994

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

..... Date .....

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

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





## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 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>Absolute Majority</b>
<b>Attachments</b>	<b>Market Rental Valuation Report</b>

#### Purpose of Report

To consider submissions for the proposed lease of portions of 11 Antares Street, Southern Cross and endorse unbudgeted maintenance expenditure.

#### Background

The Shire is in receipt of two requests to lease separate commercial portions of 11 Antares Street, Southern Cross

At the September 2019 Council meeting the following was resolved:

**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)**

The Shire has undertaken to have the property valued by Griffin Valuation Advisory, with the proposed commercial rental value provided as \$25/square metre/annum. The valuation is attached.

The premises is divided into four separate sections as follows and as shown on the attached plan:

Section	Size (Metres Squared)	Market Value Per Annum	Market Value Per Week
A	61.9	\$1547.50	\$29.76
B	35.17	\$879.25	\$16.91
C	46.64	\$1166.00	\$22.42
D	49.43	\$1235.75	\$23.76

The Shire has received two submissions, proposing to lease separate portions of 11 Antares Street, Southern Cross.

1. Ms S. Ciabbari has submitted a proposal to lease Section A, for use as a Massage and Beauty premises for the annum sum of \$1547.50. Ms Ciabbari has also proposed to undertake some maintenance of Section A, with painting and ceiling panel replacement, estimated to be \$2,320 of value at no cost to the Shire.
2. Ms E Boso, as Secretary/ Treasurer of the Anglican Op Shop has submitted a proposal to lease Sections C and D to operate the opportunity shop from, at the valued rate of \$46.19/week. The submission seeks a long term lease period, and suggest a five year lease with an option to extend.

Under Section 3.58 of the Local Government Act 1995, prior to a Local Government disposing of an asset, it must give two weeks public notice of the intent to dispose, and must consider any submissions received.

To ensure minimal delays to the prospective tenants, it is suggested that if Council endorse the proposed lease submissions, then public advertising can be undertaken, and in the event of no objections being received, the matter will not be required to be returned to Council, and lease agreements can be entered into with the approved parties.

In the event a valid objection is received, then the matter will be required to be returned to Council for a final determination after the notice period.

### **Maintenance Required**

As per Council Resolution 149/2019, funds for the property valuation were taken from the \$26,000 originally budgeted in 2019/2020 for engineering and design consultants. The valuation cost \$2,400 ex GST, leaving \$23,600 in the budget.

As select Councillors will know from the walk though undertaken some months ago, the premises requires significant maintenance to be undertaken prior to occupancy, which includes the following jobs, with quotes/estimations included:

- Repair of the roof - \$26,000
- Repair/replace sections of damaged ceiling panels - \$7000
- Replace water damaged flooring – \$15,000
- Replace air conditioning - \$12,500
- TOTAL - \$60,500

It is proposed to use the remaining \$23,600, originally budgeted for engineering and design consultants, on the maintenance required at 11 Antares, with the difference to be drawn from the Building Reserve fund, which currently holds \$679,390. The difference is expected to be approximately \$36,900.

#### Comment

As Council has already voted favourably for leasing portions of 11 Antares Street, given the Shire has now received submissions, it is recommended that the lease proposals are endorsed, allowing the disposal to be advertised, and pending any objections, approval delegated to Executive staff to enter into agreements with the proposed tenants, for the proposed lease amounts.

It is proposed to offer lease terms of 12 months and 5 years respectively. Electricity will be paid for by the individual tenants as there are split meters, however due to there being one water meter for the premises, it is proposed for the Shire to cover the water use and service charges, however this will be monitored for misuse.

The premises is zoned commercial, so both uses are a permitted use.

The maintenance is deemed necessary, and would be required to be undertaken for any type of use, whether by the Shire or private operators, as such, it is recommended Council endorses use of Building reserve funds to undertake the work, to commence engaging contractors immediately.

It is deemed a good opportunity to bring some vibrancy to the Eastern side of Antares Street, whilst also supporting business within Southern Cross.

#### 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

Proposed income of \$3,949.25 per annum

Use of \$23,400 currently budgeted for Engineering and Design Consultants, to be used on upgrades to 11 Antares Street.

Unbudgeted upgrade expenses of \$36,900, to be taken from the Building Reserve.

### Officer Recommendation and Council Decision

**218/2019**

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

***That Council endorse leasing Portion A of 11 Antares Street, Southern Cross to Ms S Ciabbari, for the purpose of massage and beauty therapies, for a rate of \$1547.50 per annum, on a 12 monthly lease.***

***And***

***That Council endorse leasing Portion C and D of 11 Antares street, Southern Cross, to the Anglican Op Shop, for the purpose of opportunity shop sales, for a rate of \$2401.75 per annum, on a five (5) yearly lease.***

***And***

***Council endorse advertising the proposed disposal of property, as per Section 3.58 of the Local Government Act 1995, and in the event of no objections received, endorse Executive staff drafting and signing lease agreements as per the above terms.***

***And***

***Council endorse use of \$23,400 currently budgeted for Engineering and Design Consultants, and \$36,900, to be taken from the Building Reserve, to undertake upgrades to 11 Antares street, to allow occupation of premises.***

**CARRIED BY ABSOLUTE MAJORITY (6/1)**

**\*Cr Nolan vote against the decision**

**10 APPLICATION FOR LEAVE OF ABSENCE**

Nil

**11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS**

**CONFIDENTIAL ITEM**

**219/2019**

*Moved Cr Nolan Seconded Cr Shaw*

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

**CARRIED (7/0)**

Mrs. Kay Crafter and Mrs Robin Stevens left the meeting at 5pm

**12 Reporting Officer– Executive Manager Regulatory Services**

**12.1 CONFIDENTIAL – Southern Cross Aquatic Centre Redevelopment**

<b>File Reference</b>	<b>6.6.6.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

**MEETING OPENED TO PUBLIC**

**219/2019**

*Moved Cr Close/Seconded Cr Guerini*

*That the meeting be opened to the public*

**CARRIED (7/0)**

## 12 Reporting Officer– Executive Manager Regulatory Services

### 12.1 CONFIDENTIAL – Southern Cross Aquatic Centre Redevelopment

<b>File Reference</b>	<b>6.6.6.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Council Decision

**220/2019**

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

***That Council note the tender submissions received for the Southern Cross Aquatic Centre redevelopment, pending assessment and selection of a preferred tendered; and***

***Note that due to the expected costs of the redevelopment being in the vicinity of \$5,600,000 Council endorse seeking a loan from the Department of Treasury for the amount of \$1,000,000; to be repaid over ten years, to fund the Southern Cross Aquatic Centre redevelopment; and***

***Council endorse the inclusion of a \$1,000,000 loan from the Department of Treasury in the 2020/2021 annual budget; and***

***Endorse the use of general revenue via the 2020/2021 annual budget to provide a \$200,000 project contingency.***

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

#### **REASON FOR ALTERATION TO RECOMMENDATION**

Council identified other Reserve Funds, namely the Building Reserve and Youth Development Reserve, that could contribute \$500,000 to the project (\$400,000 and \$100,000 respectively), with these funds reducing the loan amount and repayment terms which was better outcome for Council financially in the long term. Council indicated that the transfer of \$500,000 could be undertaken in the adoption process of the 2020/2021 Budget.

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

Cr Nolan and Cr Rose advised that they wished to raise some matters with Council as the presentation by Covalent Lithium at 3.00pm prevented the normal Briefing/Discussion Session prior to the Council meeting.

The Shire President afforded Crs Nolan and Rose to raise the following matters:-

#### **GENERAL PRACTITIONER**

*Cr Shaw provided a written Impartiality Declaration of Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in regards to discussion that took place regarding this matter as it related to her employment as an employee of the Southern Cross and Merredin Hospitals.*

Cr Nolan reported members of the community had approached him regarding the availability of the Doctor. It is claimed that on occasions the Doctor has been unavailable at the Surgery when he should have been available.

*The CEO advised there is a formal Agreement in place which dictates the number of days in which the Surgery should be operating and based on the concerns passed onto Cr Nolan, staff will raise this matter with the GP.*

#### **YILGARN HISTORY MUSEUM**

Cr Rose raised a request from the Yilgarn History Museum Advisory Committee regarding gold souvenir coins. The Museum committee requested that the Shire of Yilgarn purchase these gold coins which will have an image pressed onto them relating to the Shire of Yilgarn to then be sold at the Museum at various other places of business in the Shire, the coins are intended for sale to tourist as souvenirs.

*The CEO replied that management would bring the request to the budget review or 2020/2021 Budget depending upon costs to produce the souvenir coins.*

## 13 Late Item - Reporting Officer– Executive Manager Regulatory Services

### 13.1 Southern Cross Aquatic Centre Redevelopment Tenders

<b>File Reference</b>	<b>6.6.6.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Confidential-Donovan Payne Assessment of Tenders</b>

#### Purpose of Report

To accept the tender assessment for the redevelopment of the Southern Cross Aquatic Centre Redevelopment, and endorse award of the project to the preferred tenderer.

#### Background

Tender submissions were sought for the Southern Cross Aquatic Centre redevelopment by Donovan Payne Architects, who were engaged to undertake design and project management of the facility redevelopment (See resolution 75/2019).

Tenders were sought up until 3:00pm on the 9<sup>th</sup> December 2019. The following persons were present for the opening of tenders:

- Shire of Yilgarn - Chief Executive Officer, Peter Clarke;
- Shire of Yilgarn - Executive Manager Regulatory Services, Nic Warren;
- Donovan Payne Architects - Director, Carl Payne; &
- Director - Acorp Constructions – Tim Mathews - Observer

The following submissions for the whole of the work under contract, comprising the construction, commissioning and completion of the new Southern Cross Aquatic Centre and surrounds, as per the tender documentation were received:

Acorp Construction:	\$5,606,980 ex gst
Cooper & Oxley:	\$5,515,500 ex gst
Pindan:	\$5,569,170 ex gst
Safeway:	\$6,974,549 gst not listed

Donovan Payne, as per their contractual agreement, have undertaken an assessment of the submitted tenders, based on the following criteria:

- conformity with Tender Documents;
- any proposed alternatives;
- alternative construction period proposed by the Tenderer;
- tenderer's current commitments;
- tenderer's previous performance;
- demonstrated aquatic construction capability and experience
- demonstrated filtration, disinfection and hydraulic experience
- industrial relations and safety records.

Donovan Payne's assessment is attached for Councillors perusal.

## Comment

Whilst Councillors are encouraged to read the assessment document provided by Donovan Payne, the following items are drawn to Councillors attention:

1. All tenderers conformed with tender documents;
2. No proposed alternatives where provided;
3. Programme periods ranged from 36 to 52 weeks;
4. Acorp and Cooper & Oxley are considered to be within the reasonable contract period, which is both within Shire's timeframes and deemed to be sufficient time to complete project;
5. All four tenderers have undertaken work with Donovan Payne and are deemed suitable to complete the project;

Donovan Payne have provided the following recommendation:

*Cooper & Oxley are currently offering the lowest tender price. Acorp has indicated – informally – that their price can reduce with an adjustment in their sub-contract selections. In our view, both of these contractors offer the Shire very good prospects for a thorough and professional outcome. Both focus on local knowledge; experience and sourcing of sub-contractors.*

*Based on the current content of both tenders; and taking all matters into account, it is our view that given the Shire's tight programme; and the stated desire to make an immediate appointment, Cooper & Oxley would probably represent the least overall project risk.*

Donovan Payne's credentials in the pool redevelopment space has already been assessed as being adequate, as per the award of tender T14-2018/2019 - Southern Cross Aquatic Centre Design Tender (see resolution 75/2019).

As such, it is the Reporting Officers recommendation that the tender assessment submitted by Donovan Payne be accepted by Council; and the preferred tenderer being Cooper & Oxley, be awarded the project, at a cost of \$5,515,500.

## Statutory Environment

### **Local Government Act 1995**

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

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

##### **3.57. Tenders for providing goods or services**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

## 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

A cost of \$5,515,500 to be expended during the 2019/2020 and 2020/2021 financial budgets.

#### Officer Recommendation and Council Decision

**221/2019**

***Moved Cr Guerini/Seconded Cr Cobden***

***That Council accept the tender assessment submitted by Donovan Payne; and***

***Council award the contract for the whole of the work under contract, comprising the construction, commissioning and completion of the new Southern Cross Aquatic Centre and surrounds, as per the tender documentation, titled SXAC: Tender 0119 to Cooper & Oxley, at a cost of \$5,515,500.***

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

#### 14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.24pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 19<sup>th</sup> December 2019, are confirmed on Thursday, 20<sup>th</sup> February 2020 as a true and correct record of the November Ordinary Meeting of Council.

**Wayne Della Bosca**  
**SHIRE PRESIDENT**