



Minutes

Ordinary Meeting of Council

20 February

2020

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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. Kaye Crafter. Mrs. Robyn Stevens, Sgt. Dave Thirwell, Mr. Craig Manton and Mr. Lee Hunt	
Leave of Absence:	Nil	

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. PRESENTATIONS, PETITIONS, DEPUTATIONS

Craig Manton (Regional Manager Wheatbelt) along with colleague Lee Hunt (Project Manager) from Main Roads attended Council to provide an update on works currently being carried out on the Great Eastern Highway and also future works.

Mr Manton outline the works currently ongoing on the Great Eastern Highway noting some sections had been reworked by contractors, due to not reaching the specifications in the

contract, leaving the roadworks currently running a few weeks behind schedule at this stage. Mr Manton noted that there had been some traffic control issues, in that, although the time spent waiting at traffic light is capped at five minutes how many traffic lights could be installed was not specified, this issue will be taken on notice and considered in future contacts.

Mr. Hunt outlined the current plan for the works planned on the Walgoolan and Moorine Rock bridges. The final design for the realignment and widening of the bridges will be finished in June and will go to tender. Once it is known how much it will cost for these works to be carried out the remainder of the Federal Government funding of \$18 million will go towards works on bridges in Coates Gully. The work on Walgoolan and Moorine Rock bridges is to begin in December 2020/January 2021 and will take approximately 26 weeks to complete.

Following the presentation, Councillors were afforded the opportunity of raising issues with Mr. Manton regarding the Shires roads. Matter raised included the issue of stop signs on railway crossings that are no longer in use along the Great Eastern Highway and what actions should be taken in order to help gain more funding for works along the Great Eastern Highway.

Mr. Manton stated that the issue of stop signs on disused railway lines is beyond Main Roads control, it takes an Act of Parliament to close a railway line, and as such these railway crossings are not officially closed but in 'care and maintenance' mode, however, the issue has previously been taken up with ARC and the PTA. In regards to federal funding for the Great Eastern Highway it is thought that it would be better to keep the ball rolling with the question 'what is next' coming through.

It was also stressed that the situation with the traffic control along the ongoing works was causing great frustration and on occasions some dangerous driving, the traffic lights are also noted as not always being reliable. Mr. Manton again reassured Council that Main Roads were aware of the problems and are looking at how to remedy the situation moving forward.

Cr Della Bosca thanked Mr. Manton and Mr. Hunt for attending the meeting.

Craig Manton and Lee Hunt left the meeting at 4.20pm

Sgt. Dave Thirwell left the meeting at 4.20pm

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council, Thursday 19 December 2019

1/2020

Moved Cr Nolan/Seconded Cr Shaw

That the minutes from the Ordinary Council Meeting held on 19 December 2019 be confirmed as a true record of proceedings.

CARRIED (7/0)

7.2 Annual Electors Meeting, Tuesday 11 February 2020

2/2020

Moved Cr Cobden/Seconded Cr Rose

That the minutes from the Annual Electors Meeting held on 11 February 2020 be confirmed as a true record of proceedings.

CARRIED (7/0)

7.3 Yilgarn History Museum Advisory Committee Meeting, Wednesday 5 February 2020

3/2020

Moved Cr Shaw/Seconded Cr Close

That the minutes from the Yilgarn History Museum Committee meeting held on 5 February 2020 be received and the recommendations within be endorsed subject to the Museum Committee utilising the funds provided to the Museum Committee in Council's annual Budget allocation and being responsible for the engagement of a Yardman on a monthly basis.

CARRIED (7/0)

6.4 Wheatbelt Communities Inc. (WCI) Special General Meeting, Tuesday 17 December 2019

4/2020

Moved Cr Cobden/Seconded Cr Close

That the minutes from the WCI Special General Meeting held on the 17 December 2019 be received.

CARRIED (7/0)

7. DELEGATES' REPORTS

Cr Wayne Della Bosca announce the following:

- Attended the Mineral Resources Community Consultation Workshop-Mine Closure Plan on the 22 January 2020
- Attended the Shire of Yilgarn Australia Day celebrations on the 26 January 2020
- Attended the CEACA meeting on the 4 February 2020
- Attended the Annual Electors Meeting on the 11 February 2020
- Attended the Community Strategic Plan workshop on the 19 February 2020
- Attended the Audit Committee Meeting on the 20 February 2020

Cr Shaw announce the following:

- Attended the Annual Electors Meeting on the 11 February 2020
- Attended the Community Strategic Plan workshop on the 19 February 2020
- Attended the Audit Committee Meeting on the 20 February 2020

Cr Close announce the following:

- Attended the Mineral Resources Community Consultation Workshop-Mine Closure Plan on the 22 January 2020
- Attended the Shire of Yilgarn Australia Day celebrations on the 26 January 2020

Cr Cobden announced the following:

- Attended the Shire of Yilgarn Australia Day celebrations on the 26 January 2020
- Attended the Annual Electors Meeting on the 11 February 2020
- Attended the HAY committee meeting in February 2020
- Attended the LHAC meeting in February 2020
- Attended the Community Strategic Plan workshop on the 19 February 2020
- Attended the Audit Committee Meeting on the 20 February 2020

Cr Nolan Announce the following:

- Attended the Senior Citizens Christmas Luncheon on the 1 December 2019

Cr Rose announced the following:

- Attended the Yilgarn History Museum committee meeting on the 5 February 2020
- Attended the Mt Hampton Progress Association meeting in February 2020
- Attended the Annual Electors Meeting on the 11 February 2020
- Attended the Community Strategic Plan workshop on the 19 February 2020

Cr Guerini announced the following:

- Attended the Annual Electors Meeting on the 11 February 2020
- Attended the Community Strategic Plan workshop on the 19 February 2020

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Review of Delegations Register

File Reference	2.3.3.6
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Review of Delegations Register

Purpose of Report

To present to Council the annual review of the existing delegations to the Chief Executive Officer that is contained within the Shire of Yilgarn's Delegation Register.

Background

To assist in the effective administration of the Shire, Council has granted various delegations to the Chief Executive Officer. Delegations made under the *Local Government Act 1995* can only be made to the Chief Executive Officer or Council Committees. Where appropriate, the Chief Executive Officer can on-delegate to other Officers.

Delegations under other legislation are made directly to the officer concerned.

Council last reviewed the delegations register in February 2019.

Comment

The Chief Executive Officer has reviewed the current Delegations Register and recommends retention of all existing delegations.

Statutory Environment

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Strategic Implications

Nil

Policy Implications

Where a Policy exists for an activity/function that has been delegated, the Chief Executive Officer is to adhere to that Policy.

Financial Implications

Nil.

Officer Recommendation and Cr Decision

5/2020

Moved Cr Cobden/Seconded Cr Nolan

That Council, having reviewed the Delegations currently in force, approves the existing Delegations Draft document presented.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 2019 Annual Compliance Audit Return

File Reference	1.6.6.4
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments -	2019 Annual Compliance Audit Return

Purpose of Report

To present to Council the 2019 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be:-

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.

Comment

The 2019 CAR was presented to the Audit Committee at its meeting held on 20 February 2019 prior to the Council meeting for consideration.

The 2019 CAR contains 104 questions of which:-

- 56 were complied with
- 46 were not applicable to the Shire of Yilgarn during the year under review, and
- 2 were non-compliant

The 2 items recorded as being non-compliant relate to the Integrated Planning and Reporting sections of the CAR. Section 19DA(3) of the *Local Government (Administration) Regulations 1996* state the following:-

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

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) **develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.**

Whilst a Long Term Financial Plan (LTFP) was adopted by Council in 2013/2014 and went out to 2022/2023, it has not been updated during that time. The Executive Manager Corporate Services is currently reviewing the LTFP and this will be presented to Council for adoption as part of the 2020/2021 Budget.

In respect to the Workforce Plan (WP), mention of Council's workforce is made within the Corporate Plan however, it does not meet the necessary requirements and therefore, a new WP will be developed for presentation to Council in the near future.

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil.

Committee Recommendation and Council Decision

6/2020

Moved Cr Nolan/Seconded Cr Close

That Council adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2019 to 31 December 2019 noting the two areas of non-compliance in respect to the Integrated Planning and Reporting section of the CAR. In accepting the CAR and noting the proposed actions to meet compliance, Council authorises the Shire President and CEO to sign and submit the CAR to the Department of Local Government, Sport and Cultural Industries as required.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 New Council Policy – Continuing Professional Development of Elected Members

File Reference	2.3.3.2
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Policy

Purpose of Report

To present to Council for adoption, a new Policy on Continuing Professional Development of Elected Members in accordance with Section 5.128 of the *Local Government Act 1995*.

Background

The *Local Government Legislation Amendment Act 2019* was passed through Parliament on 5 July 2019.

The amendment act introduces significant amendments to the *Local Government Act 1995* which affect the governance of local governments in Western Australia.

Comment

As indicated below, Sections 5.126, 5.127 and 5.128 were introduced in the amendment act.

Section 5.128 requires Council to introduce a Policy for Continuing Professional Development of Elected Members and to ensure that Council complies, a draft Policy is presented to Council for inclusion in its Policy Manual.

Statutory Environment

5.126. Training for council members

- (1) Each council member must complete training in accordance with regulations.
- (2) Regulations may —
 - (a) prescribe a course of training; and
 - (b) prescribe the period within which training must be completed; and
 - (c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and
 - (d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

[Section 5.126 inserted: No. 16 of 2019 s. 61.]

5.127. Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

[Section 5.127 inserted: No. 16 of 2019 s. 61.]

5.128. Policy for continuing professional development

- (1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.

** Absolute majority required.*

- (2) A local government may amend* the policy.

** Absolute majority required.*

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.
- (5) A local government —
 - (a) must review the policy after each ordinary election; and
 - (b) may review the policy at any other time.

[Section 5.128 inserted: No. 16 of 2019 s. 61.]

Strategic Implications

Nil

Policy Implications

Introduction of new Policy for Continuing Professional Development of Elected Members.

Financial Implications

There will be financial considerations in respect to ongoing professional development and such costs will be included in future Budgets

Officer Recommendation and Council Decision

7/2020

Moved Cr Nolan/Seconded Cr Cobden

That Council adopts the attached newly developed Policy for "Continuing Professional Development of Elected Members" in accordance with the requirements of Section 5.128 of the Local Government 1995.

CARRIED BY ABSOLUTE MAJORITY (7/0)

POLICY:	CONTINUING PROFESSIONAL DEVELOPMENT OF COUNCIL MEMBERS
POLICY NO:	1.13
SECTION:	MEMBERS OF COUNCIL
LAST REVIEW DATE:	ADOPTED FEBRUARY 2020
DUE FOR REVISION:	SEPTEMBER 2020

1 General Purpose and Principles

- A. The Shire of Yilgarn is committed to the ongoing professional development of its Councillors through the process of ongoing professional development, education and improvement, with a view to enhancing Council performance and effectiveness for the benefit of the Shire of Yilgarn and its constituents.
- B. The aspirations of this policy is to support Councillors to be equipped with the knowledge, skills and understanding they need to discharge their responsibilities effectively having regard to sound local authority governance standards and regulatory requirements.
- C. In particular this policy, and its adoption is intended to respond to requirements of s.5.128 of the Local Government Act 1995 as amended ("Act").

2 Induction and Regulatory Prescribed Training

- A. The Shire of Yilgarn will implement induction procedures designed to allow new Council appointees to gain knowledge about the Shire of Yilgarn and the principles of Local Government so they may participate fully and actively in Council Meetings and decision making at the earliest opportunity following their appointment.
- B. Such induction procedures may relate to and assist Councillors to gain a better understanding of:
 - The Shire of Yilgarn's financial, strategic, operational, and risk management position;
 - Their rights, duties and responsibilities as Councillors;
 - The role of Councils committees;
 - The Shire of Yilgarn's culture and values;
 - Council and Committee meeting arrangements; and
 - Good practice protocols and constraints concerning interactions with other Councillors, the CEO, officers, staff, constituents and stakeholders.

- C. Without limiting the generality of 2(a) and (b) of this Policy, each Council member must also complete training in accordance with regulations prescribed under s.5.126 of the Act.
- D. In compliance with s.5.127 of the Act:
 - i. The Shire of Yilgarn must prepare a report for each financial year on the training completed by Council members in compliance with s.5.126 of the Act in the financial year; and
 - ii. The CEO must publish the report on the Shire of Yilgarn's official website within 1 month after the end of the financial year to which the report relates.

3 Evaluation/Review

The overall skills, knowledge and attributes of the Council as a whole (in the context of each member's Councillor responsibilities) should be periodically evaluated and reviewed to determine the curriculum, nature and form of ongoing professional development opportunities for Council members which are most likely to enhance Council performance and effectiveness and deliver value for money for the Shire of Yilgarn.

4 Professional Development

- A. Councillors should committee to undertaking continuing professional development to update and enhance their knowledge, skills and understandings to assist them in more effectively discharging their responsibilities as Councillors for the benefit of the Shire of Yilgarn as a whole.
- B. The professional development to be undertake by Councillors should be such that is most relevant to each Councillor individually have regard for their own existing level of knowledge, skills, experience, understanding and qualifications. However, due regard should be had by Councillors in the outcome of the periodic evaluation and review mentioned in paragraph 3 of this Policy, in deciding the professional development opportunities, which are most relevant to their needs, that they should undertake.
- C. The nature of the professional development to be undertake might relate to the matters referred to in paragraph 2(b) of this Policy including key developments and issues impacting the Shire of Yilgarn, local governments generally and the environment within which the local government operates, as well as developments in the regulatory environment and in governance practices.
- D. The Shire of Yilgarn commits to developing a regime by which Shire of Yilgarn funded opportunities for the professional development of its Councillors can be identified and made available to its Councillors. The Shire of Yilgarn should provide reasonable allowance in its budget for this purpose.

- E. Nothing in paragraph (d) implies that Councillors should not undertake relevant professional training at their own expense, or by way of co-contribution with the Shire of Yilgarn, as appropriate.

5 Oversight Committee

The Council may establish a Councillor Professional Development Committee with such terms of reference, member composition (which should include the President and at least 2 other Councillors) and procedures as may be determined by Council at the time of establishment, for the purposes of making recommendations to Council concerning:

- This Policy;
- Its review and amendments from time to time;
- The process and outcome of the evaluation and review mentioned in paragraph 3 of this Policy;
- Appropriate professional development, education and training opportunities for consideration by Councillors;
- Professional development, education and training opportunities to be funded by and/or made available to Councillors by the Shire of Yilgarn;
- Reporting in the terms of this Policy.

6 Councillor Disclosure of Professional Development undertaken

- A. The Shire of Yilgarn will keep a progressive record of all professional development, education and training undertaken by Councillors as may be reported to the CEO by Councillors.
- B. Councillors should promptly report in writing to the CEO any relevant professional development, education and training in terms of this Policy undertaken by them including:
- The substance, nature and learning outcomes from the same;
 - When, or the period over which, the same was undertaken;
 - In the case of any such professional development, education and training not fully funded by the Shire of Yilgarn, a statement to that effect.

And should ensure that all such reports for professional development, education and training undertaken by a Councillor during the financial year are provided to the CEO by the end of the relevant financial year.

7 Reporting by the Shire of Yilgarn

- A. In compliance with s.5.128 (4) the CEO must from time to time publish on the Shire of Yilgarn's official website the most recent version of this policy.

- B. Subject to prudential discretions vested in the Council on account of commercially or personally sensitive information, the Shire of Yilgarn should disclose on its website:
- When an evaluation and review under paragraph 3 of this Policy was last undertaken;
 - A high-level description of the outcome of the most recent such evaluation and review;
 - The amount allowed in the Shire of Yilgarn's annual budget for the purpose of this Policy and the amount actual expended therefor in the relevant financial year to which the budget relates;
 - A summary of the regime developed by the Shire of Yilgarn in terms of paragraph 4(d) of this Policy;
 - A summary of the professional development, education and training undertaken by each Councillor as reported to the CEO in the terms of paragraph 6(b) section of this Policy;
 - The composition and terms of reference of any committee established under paragraph 5 of this Policy.

8 Policy Review/Amendment

- A. This policy is to be reviewed and amended from time to time by the Council, including on recommendations of any committee established under paragraph 5 of this Policy (as applicable), including:
- to ensure compliance with any regulations made under s.5.128(3) of the Act;
 - after each ordinary election so as to comply with s.5.128(5) of the Act.
- B. To the extent to which this Policy may not strictly comply with any regulations made under s.5.128(3) of the Act, this Policy is deemed to be amended and read and constructed to the extent necessary so as to be in compliance with any such regulations.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-December 2019

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 December 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

8/2020

Moved Cr Shaw/Seconded Cr Close

That Council endorse the various Financial Reports as presented for the period ending 31 December 2019

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Financial Reports-January 2020

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 January 2020.

- 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

9/2020

Moved Cr Nolan/Seconded Cr Rose

That Council endorse the various Financial Reports as presented for the period ending 31 January 2020

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Accounts for Payment-December 2019

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.2

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40859 to 40870 totalling \$23,159.55, Municipal Fund-EFT Numbers 9518 to 9638 (eft 9639 cancelled) totalling \$984,514.31, Municipal Fund – Cheque Numbers 1572 to 1578 and 1585 to 1586 totalling \$191,091.92, Municipal Fund Direct Debit Numbers 14258.1 to 14288.11 totalling \$39,439.67, Trust Fund (Chq 402482 cancelled) 402483 to 402485 totalling \$1260 and Trust Fund – Cheque Numbers 6208 to 6210 (DPI Licensing), totalling \$40,623.90 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 Decision

10/2020

Moved Cr Cobden/Seconded Cr Rose

Municipal Fund – Cheque Numbers 40859 to 40870 totalling \$23,159.55, Municipal Fund- EFT Numbers 9518 to 9638 (eft 9639 cancelled) totalling \$984,514.31, Municipal Fund – Cheque Numbers 1572 to 1578 and 1585 to 1586 totalling \$191,091.92, Municipal Fund Direct Debit Numbers 14258.1 to 14288.11 totalling \$39,439.67, Trust Fund (Chq 402482 cancelled) 402483 to 402485 totalling \$1260 and Trust Fund – Cheque Numbers 6208 to 6210 (DPI Licensing), totalling \$40,623.90 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Accounts for Payment-January 2020

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.4

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40871 to 40875 totalling \$6,148.77, Municipal Fund-EFT Numbers 9640 to 9746 (eft 9747 cancelled) totalling \$440,588.02, Municipal Fund – Cheque Numbers 1579 to 1584 and 1587 to 1588 totalling \$172,686.21, Municipal Fund Direct Debit Numbers 14287.1 to 14335.11 totalling \$38,941.98, Trust Fund 402486 to 402491 totalling \$2870.85 and Trust Fund – Cheque Numbers 6211 to 6215 (DPI Licensing), totalling \$54,716.45 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 Decision

11/2020

Moved Cr Shaw/Seconded Cr Close

Municipal Fund – Cheque Numbers 40871 to 40875 totalling \$6,148.77, Municipal Fund-EFT Numbers 9640 to 9746 (eft 9747 cancelled) totalling \$440,588.02, Municipal Fund – Cheque Numbers 1579 to 1584 and 1587 to 1588 totalling \$172,686.21, Municipal Fund Direct Debit Numbers 14287.1 to 14335.11 totalling \$38,941.98, Trust Fund 402486 to 402491 totalling \$2870.85 and Trust Fund – Cheque Numbers 6211 to 6215 (DPI Licensing), totalling \$54,716.45 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 2019/2020 Budget Review

File Reference	8.2.5.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – 2019/2020 Budget Review

Purpose of Report

Council is requested to accept the 2019/2020 Budget Review and adopt the recommendations made within.

Background

Financial Management Regulation 33A – Review of Budget, requires a Local Government to review its annual budget between the 1st of January and the 31st of March in any given financial year. The outcome of this review is to be submitted to Council for consideration and adoption.

Comment

The budget review document, including budget amendment recommendations, for the 2019/2020 financial year is attached for Councils consideration

Statutory Environment

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

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

The presented review includes several budget amendments.

Committee Recommendation and Council Decision

12/2020

Moved Cr Rose/Seconded Cr Guerini

That Council adopts the budget review for the period 1st June 2019 to 31st January 2020 inclusive of the recommended budget amendments as indicated in Note 4 of the report.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.4 Reporting Office – Executive Manager Regulatory Services

9.4.1 Development Application – Service Station – 7 Antares Street, Southern Cross

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Traffic Management Plan

Purpose of Report

To consider a Development Application for the re-establishment of a service station at 7 Antares Street, Southern Cross.

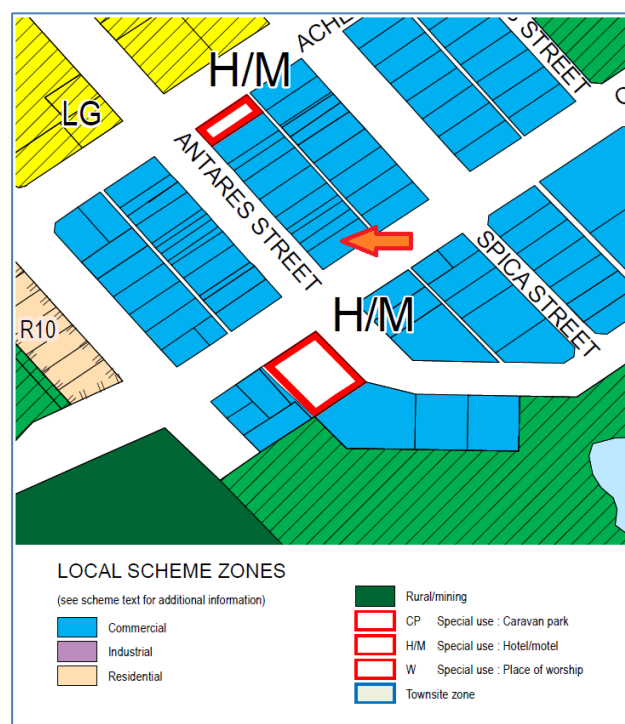
Background

The Shire is in receipt of a Development Application for 7 Antares Street, Southern Cross, seeking to re-establish a “Service Station” use.

The site at 7 Antares Street, Southern Cross was historically a service station, however has been out of operation for some years.

The proponents seek to undertake the sale of petrol from existing in-ground tanks, diesel from a new above ground tank, and takeaway and convenience foods.

The Shire of Yilgarn Town Planning Scheme 2 (TPS2), classes the site as commercial:



The TPS2 states the purpose of the Commercial zone is:

The Commercial Zone is to be used for retail shopping, sales, hotels, offices, professional suites, restaurants and other business oriented uses. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the commercial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

The Zoning Table, as per Section 3.2 of the TPS2, indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

The Zoning Table, for Commercially zoned properties, deems a "Service Station" as being an "AA" use. The definition of a "Service Station" as per the TPS2, means *"any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking."*

An "AA" means that the use is not permitted unless the Council has granted planning approval.

Whilst the site has historically been in operation as a service station, Section 7.4.1 of the TPS2 states *"When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme."*

As a Service Station use is not a permitted use for commercial sites, and as the property has not been in operation as a service station for over 6 months, then the proponents are required to submit a Development Application to seek approval to again operate the property as a Service Station.

A Traffic Impact Assessment, which includes proposed layout plans is attached.

Council have the following options in relation to this application:

1. Deem the proposal **fits** with the purpose of the commercial zone and is considered to be an integral part of the commercial environment with Council satisfied that the proposal will benefit the community and not result in being a nuisance, and therefore deems the proposal **permitted**;
2. Require public notice be given for a period of 21 days, prior to making a determination;
3. Deem the proposal to **not fit** with the purpose of the commercial zone, in that Council is not satisfied it will be an integral part of the commercial environment and not satisfied that the proposal will benefit the community and may result in being a nuisance, and deem the proposal in **not permitted**.

Comment

DEVELOPMENT TABLE

The TPS2 "Development Table" defines the required setbacks, plot ratios and landscaping for commercial and industrial development. The relevant requirements for "Service Station" as per the table are shown below:

Use Class	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Car Parking Bays
	Front	Rear	Sides			
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.

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

Setbacks

As the Development Application is only seeking approval for the use of the property as a Service Station, and the current setbacks remain unchanged, then Councillors are not required to make a determination on the existing setbacks.

Plot Ratio

Council have the discretion to approve any plot ratio (which is the amount of open space versus built environment), and with the only additional structure proposed to be installed being the diesel tank, it is deemed sufficient plot ratio will exist.

Landscaping

The proponent intends to "beautify" the existing garden bed at the street frontage and install planter boxes, which will satisfy the landscaping requirements.

Car Bays

Vehicular repairs have not been included in this application, and as such, car parking bays are only required for each employee, with ample space to cater for this.

TRAFFIC MANAGEMENT

The applicants initial traffic management plan was submitted to Main Roads WA in September 2019, with a number of iterations of the plan produced over the next few months, Main Roads WA have provided the following response to the most recent version of the "Traffic Impact Assessment" submitted by Eagle Petroleum on the 5th February 2020, which is attached:

From the information provided the new fuel service station is for light traffic only and is expected to have peak hourly vehicle movements of 25 vehicles per hour. The existing volumes of traffic on Great Eastern Highway and Bullfinch Road (Antares Street) are 1400 veh/day and 200 veh/day respectively. The traffic generated by the development is not expected to have an adverse impact on the Main Roads network.

It is noted that the service vehicles for the development will be RAV 1 / As of right vehicles (19m in length or less) and that these will access the development after normal business hours. The Shire of Yilgarn have specified a route for these vehicles to access the property and have confirmed that the Shire is happy to permit these larger vehicles using the business district of Southern Cross. Vehicles larger than 19m long will not be permitted to use the services station and this will be managed through signage and line marking in the facility.

Main Roads acknowledges that this development is stage one of possible future development with Eagle Petroleum owning the adjacent blocks to the rear of the facility.

Main Roads is therefore prepared to support this development application with the following condition:

- The proposed signs (size and design) to prevent large vehicles using the development be submitted to Main Roads for approval of content and location prior to installation.*

As Councillors will know, the site preparations and customisations have been in place for some months, and with no negative public feedback received, it is the reporting officer's opinion that the public do not object to the development and public consultation is not required.

As such, it is recommended that the development be approved, with the following conditions:

1. The proprietors, staff and contractors of the Service Station are to comply with the endorsed Traffic Impact Assessment at all times, in particular, in relation to re-fuelling access and maintenance of ground directional arrows;
2. The proposed signs (size and design), preventing large vehicles using the development, is to be submitted to Main Roads WA for approval of content and location prior to installation;
3. Vehicular servicing, is not to occur at the premises, unless further approval is sought from Council;
4. In the event traffic management becomes an issue during operation of the premises, the proprietors are to comply with any directions issued by either Main Roads WA or the Shire of Yilgarn, in relation to traffic management;
5. Any damage to Shire of Yilgarn or Main Roads WA infrastructure, including kerbing and pavements, obviously caused as a result of vehicles accessing or servicing the premises, is to be made good by the proprietor; or costs incurred by the Shire of Yilgarn or Main Roads WA as a result of this damage, is to be reimbursed by the proprietor;
6. The applicants and proprietors must comply with all relevant legislative requirements and seek all relevant licences, if any, from all relevant regulatory bodies in relation to their premises and operations; and
7. The proponents are to ensure adequate bunds and spill protection facilities/equipment are in place at all times to ensure no pollution events occur.

Statutory Environment

Planning and Development Act 2005
Town Planning Scheme 2

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

13/2020

Moved Cr Guerini/Seconded Cr Nolan

That Council, approve the re-establishment of a petrol filling station at 7 Antares Street, Southern Cross, on the following conditions:

- 1. The proprietors, staff and contractors of the Service Station are to comply with the endorsed Traffic Impact Assessment at all times, in particular, in relation to re-fuelling access and maintenance of ground directional arrows;*
- 2. The proposed signs (size and design), preventing large vehicles using the development, is to be submitted to Main Roads WA for approval of content and location prior to installation;*
- 3. Vehicular servicing, is not to occur at the premises, unless further approval is sought from Council;*
- 4. In the event traffic management becomes an issue during operation of the premises, the proprietors are to comply with any directions issued by either Main Roads WA or the Shire of Yilgarn, in relation to traffic management;*
- 5. Any damage to Shire of Yilgarn or Main Roads WA infrastructure, including kerbing and pavements, obviously caused as a result of vehicles accessing or servicing the premises, is to be made good by the proprietor; or costs incurred by the Shire of Yilgarn or Main Roads WA as a result of this damage, is to be reimbursed by the proprietor;*

- 6. The applicants and proprietors must comply with all relevant legislative requirements and seek all relevant licences, if any, from all relevant regulatory bodies in relation to their premises and operations; and*
- 7. The proponents are to ensure adequate bunds and spill protection facilities/equipment are in place at all times to ensure no pollution events occur.*

CARRIED (7/0)

9.4 Officers Report – Manager Regulatory Services

9.4.2 Development Application – 18 Arcturus Street, Southern Cross

File Reference	3.1.7.5
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Layout plan

Purpose of Report

To make a determination on an application to seek a reduced setback for ancillary buildings on an “Industrial – Light” property.

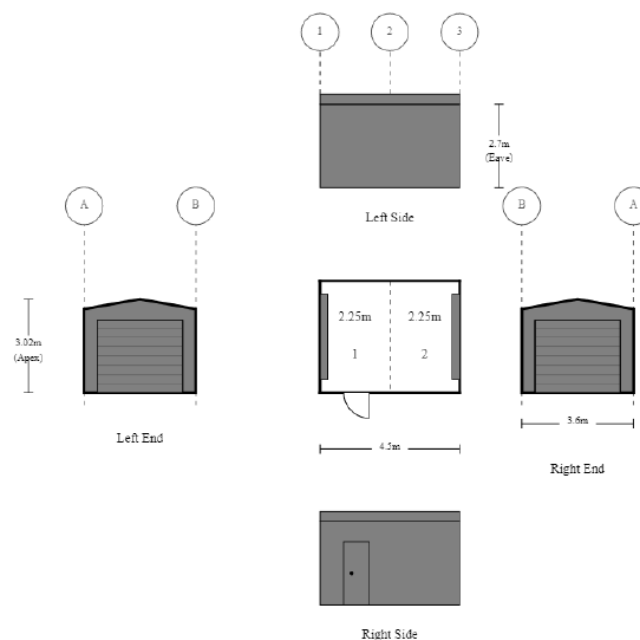
Background

The owners of 18 Arcturus Street, Southern Cross (the property) have lodged a building application for a 4.5 by 3.6 metre shed, which seeks a reduced rear setback of 0.23 metres from the boundary.

Previous Council reports have deemed the property to be “Industry – Light”, of which is still applicable, and as such, the proposed shed is deemed ancillary to the main use class.

The required rear setback for “Industry – Light” is 7.5 metres, however Council are able to approve a reduced setback.

Attached is the proposed layout plan and the shed dimensions are shown below:



Comment

The property backs onto a right of way, however access is gained via the western side and front boundaries.

Due to the right of way, there is no adjoining rear neighbour, and as such, the proposed location of the shed will have no impact on neighbouring properties.

It is the reporting officer opinion, that the proposed shed, which is only 16.2 square metres, will have no aesthetic or nuisance impacts, and as such, it is recommended Council grant approval for the reduced rear setback of 0.23 metres from the rear boundary.

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; &
- Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

Building Services Fee

Officer Recommendation and Council Decision

14/2020

Move Cr Nolan/Seconded Cr Cobden

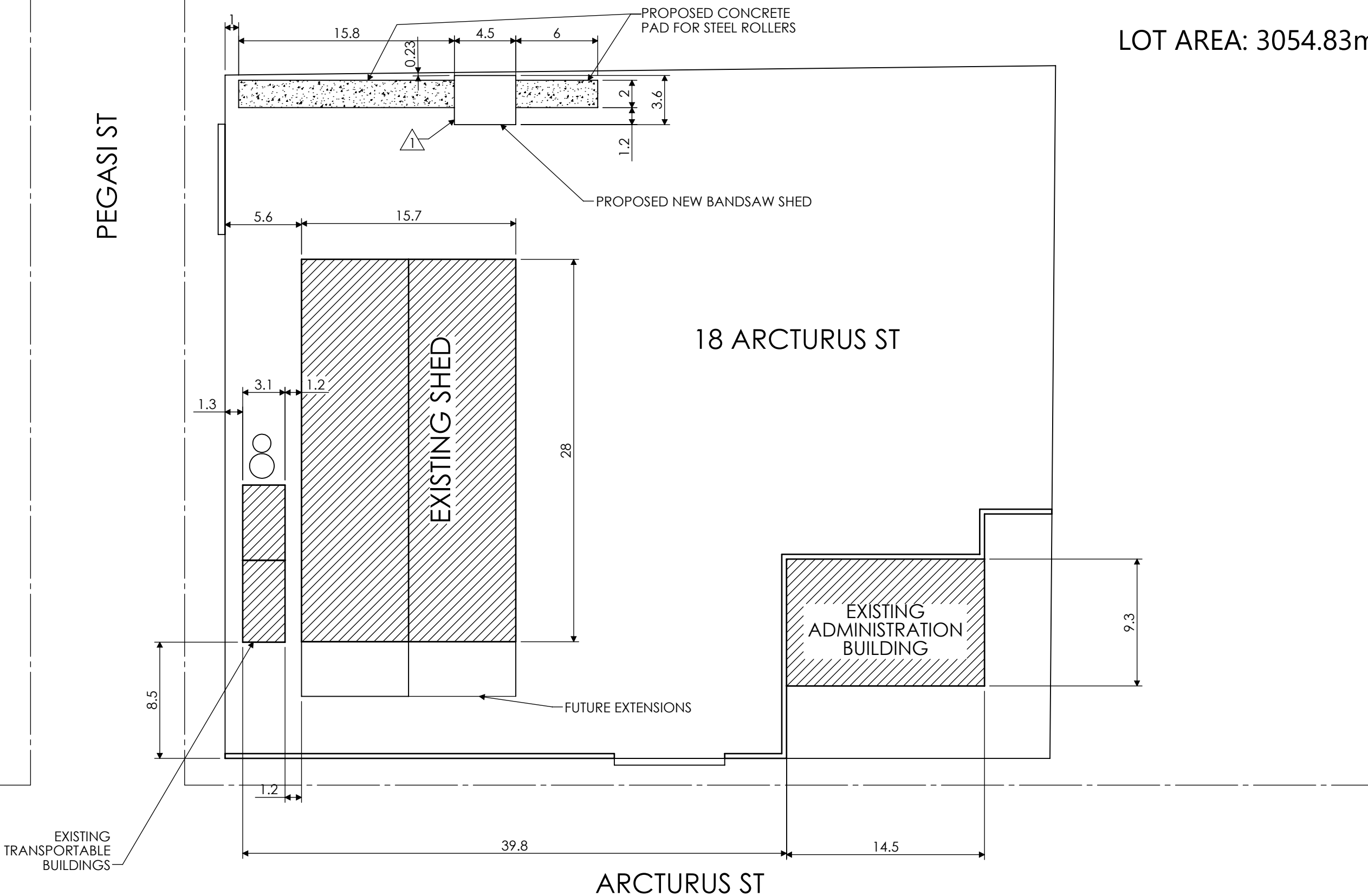
That Council, endorse the installation of a 4.5 by 3.6 metre shed on 18 Arcturus Street, Southern Cross, noting a rear setback of 0.23 metres to the rear boundary.

CARRIED (7/0)

Advice Notes

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

LOT AREA: 3054.83m²



FABRICATION NOTES:

1. ALL WELDS TO BE 6mm CFW OR FULL STRENGTH BUTT WELDS U.N.O.
2. ALL SHARP EDGES, SURFACE & ROLLING FLAWS TO BE CLEANED.
3. ALL STOP-STARTS ON WELDS TO BE BLENDED.
4. ALL MEASUREMENTS TO BE WITHIN $\pm 1\text{mm}$ TOLERANCE.
5. ALL HOLE CENTRES TO BE WITHIN $\pm 1\text{mm}$ TOLERANCE.



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EXPRESSLY DETERMINED IN
WRITING BY HAVCON
ENGINEERING.

REVISIONS					
REV.	DESCRIPTION	DRN	CHK	APP	DATE
0	ISSUED FOR CONSTRUCTION	DM			24/04/2019
1	BANDSAW SHED ADDED	DM			10/02/2020

TITLE: HAVCON ENGINEERING
LAYOUT DETAILS
18 ARCTURUS ST, SOUTHERN CROSS WA

DWG NO: SOUTHERN CROSS LAYOUT - YARD LAYOUT

A3

WEIGHT: 37.93

SCALE:1:300 @ A3



SHEET 1 OF 27

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

15/2020

Moved Cr Cobden/Seconded Cr Guerini

That the meeting be closed to the public in accordance with the Local Government Act 1995 section 5.23 (2) (a)

CARRIED (7/0)

13 Officers Report – Chief Executive Officer

13.1 Appointment of Executive Manager Regulatory Services

File Reference	1.1.1.19
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the appointment of Mr Grayson Hindmarsh as Executive Manager Regulatory Services.

Background

Following the resignation of Mr Nic Warren as Executive Manager Regulatory Services, the CEO undertook a recruitment process for the above position in January 2020.

Comment

As indicated in the Council Briefing Session Agenda, 3 applicants were interviewed for the position and following this process, the preferred applicant was offered the position but after negotiations declined to accept the position. This necessitated the CEO to defer to the

second most preferred applicant, being Mr Hindmarsh, who has been appointed to the position based on a 3 year Contract of Employment.

In accordance with Section 5.37(2) of the *Local Government Act 1995*, and as the Executive Manager for Regulatory Services is a senior employee of the Shire of Yilgarn, Council is duly informed of this appointment.

Statutory Environment

Local Government Act 1995

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

16/2020

Moved Cr Close/Seconded Cr Shaw

That Council endorses the actions of the CEO in the appointment of Mr Grayson Hindmarsh as Executive Manager Regulatory Services based on a 3 year performance based Contract of Employment commencing on Monday, 23 March 2020. Council acknowledges the appointment in accordance with Section 5.37 of the Local Government Act 1995 as a senior employee of the Shire of Yilgarn.

CARRIED (7/0)

17/2020

Move Cr Guerini/Seconded Cr Close

That the meeting be opened to the public.

CARRIED (7/0)

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.13pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 20th February 2020, are confirmed on Thursday, 19th March 2020 as a true and correct record of the February Ordinary Meeting of Council.

Wayne Della Bosca
SHIRE PRESIDENT