



Minutes

*Ordinary Meeting of
Council*

*August
2016*

MINUTES
ORDINARY MEETING OF COUNCIL
Thursday 18th August 2016

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1. OFFICIAL OPENING

The Presiding Member declared the meeting open at 4 pm

2. RECORD OF ATTENDANCE

PRESENT

Presiding Member President-Cr O Truran

Members Deputy President- Cr W Della Bosca
Cr J Della Bosca
Cr D Pasini

Council Officers J Bingham, Deputy Chief Executive Officer
R Bosenberg, Executive Manager
Infrastructure
N Warren, Manager Regulatory Services
J Gemund, Manager Community Services
L Della Bosca, Minute Taker

Apologies: B Jones, Chief Executive Officer
Cr B Close
Cr P Nolan

Leave of Absence: Cr K Chrisp

Observers: Nil

3. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 21st July 2016

80/2016

Moved Cr W Della Bosca/Seconded Cr D Pasini

That the minutes from the Ordinary Council Meeting held on the 21st July 2016 be confirmed as a true record of proceedings

Voting Requirements: Simple Majority

Carried (4/0)

5.2 Ordinary Council Meeting Thursday 21st July 2016 Action Sheet

81/2016

Moved Cr D Pasini/Seconded Cr J Della Bosca

That the Action Sheet for the Council Meeting held on Thursday 21st July 2016 be received

Voting Requirements: Simple Majority

Carried (4/0)

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6. ANNOUNCEMENTS BY THE PRESIDNG MEMBER AND COUNCILLORS

Cr O Truran announced the following

1. Attended the CRC open-end day on the 27th July
2. On the 2nd August attended the Mayors and Presidents forum on Gift Interpretation
3. Attended Local Government Convention from the 3rd-5th August
4. Welfare Evacuation Centre Training in Merredin on the 10th August
5. Meeting with the CEO on the 16th August
6. Attended the tours of the Caravan Park and new Depot building on the 18th August

Cr J Della Bosca announced the following

1. Attended the Colts windup on the 4th August
2. Attended the St John Ambulance AGM on the 16th August

Cr W Della Bosca announced the following

1. On the 22nd July attended the Bush Fire Risk Management meeting
2. Attended Local Government Convention from the 3rd to 5th August
3. The new Moorine Rock fire truck arrived on the 8th August
4. Attended the Bowls committee meeting on the 10th August
5. Toured the Caravan Park and new Depot Building on the 18th August

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Submission to:	Ordinary Council Meeting – Thursday, 18 th August 2016
Agenda Reference:	7.1
Subject:	CEACA Inc – Commitment of Funding for Stage Two
File Reference:	
Author:	Brian Jones – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Friday 12 th August 2016

Background:

The Central East Aged Care Alliance (CEACA) is a partnership of eleven Wheatbelt Shires (Bruce Rock, Kellerberrin, Koorda, Merredin, Mt Marshall, Mukinbudin, Nungarin, Trayning, Westonia, Wyalkatchem and Yilgarn) formed in 2012 and formalised as an Incorporated Association in mid-2015.

CEACA has the purpose of capturing economic benefit in the Wheatbelt by providing older people with the necessary services and infrastructure to remain living in their community of interest. CEACA's key area of activity is in the provision of appropriate housing options and public infrastructure that meets the needs of seniors.

CEACA has formulated a staged 6 year program to construct 187 Independent Living Units (ILUs) across those eleven Shires to address market failure to meet increasing demand for age appropriate accommodation and services.

In Stage 1 of the project, CEACA was successful in obtaining funding of \$2,075,800 from Royalties for Regions' Southern Investment Initiative, managed by the Shire of Merredin on CEACA's behalf, for the land assembly and servicing of 54 lots across the eleven Shires for the construction of ILU's. Work on Stage 1 has commenced with a Project Manager appointed to progress the works.

CEACA has since been successful in obtaining a further \$19,986,439 in funding from Royalties for Regions' Growing our South program, which will again be managed by the Shire of Merredin on CEACA's behalf. The funding is for the preparation and servicing of 21 lots for construction of ILUs by June 2019, and the construction of 75 ILUs by June 2020 across the eleven Shires.

One of the conditions of receiving Progress Payment 1 in the Financial Assistance Agreement (FAA) for Stage 2 is a minuted commitment from each CEACA Council verifying their financial commitment of \$20,000 per constructed ILU.

The purpose of this agenda item is therefore to comply with that condition.

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Comment:

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

A contribution of \$20,000 per constructed ILU is required. For the Shire of Yilgarn this totals \$40,000 for two ILUs over the term of the project.

As mentioned above, the timing for when the funding will be required cannot be known at this time.

Recommendation

That Council:

- ✓ commit to an allocation of \$20,000 per independent living unit constructed in Southern Cross as part of CEACA Incorporated's Stage 2 project, being a total commitment of \$40,000,
- ✓ allocate the \$40,000 from the Building Reserve Fund into the Municipal Fund, when the funds are required.

Voting Requirements Absolute Majority

82/2016

Moved Cr W Della Bosca/Seconded Cr D Pasini

That Council:

- ✓ *commit to an allocation of \$20,000 per independent living unit constructed in Southern Cross as part of CEACA Incorporated's Stage 2 project, being a total commitment of \$40,000,*
- ✓ *allocate the \$40,000 from the Building Reserve Fund into the Municipal Fund, when the funds are required.*

Carried (4/0)

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Submission to:	Ordinary Meeting of Council – Thursday 18 th August 2016
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report	Friday 12th August 2016

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 July, 2016:

- 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.

During the 2012/2013 audit it was noted by the Shire's Auditors that the own source revenue was below acceptable. Council asked for the ratio to be monitored and is therefore included as part of this report.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31st July, 2016.

Voting Requirements Simple Majority

83/2016

Moved Cr W Della Bosca/Seconded Cr J Della Bosca

That Council endorse the various Financial Reports as presented for the period ending 31st July, 2016.

Carried (4/0)

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Submission to:	Ordinary Meeting of Council – Thursday 18 th August 2016
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report	Friday 12 th August 2016

Background:

Municipal Fund – Cheque Numbers 40202 to 40215 totalling \$17,004.36, Municipal Fund-EFT Numbers 5199 to 5251 totalling \$323,564.31, Municipal Fund – Cheque Numbers 1282 to 1286 totalling \$175,395.43, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402191 to 402209 totalling \$22,556.89 and Trust Fund – Cheque Numbers 6015 to 6020 (DPI Licensing), totalling \$46,905.5 are presented for endorsement as per the submitted list.

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

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Recommendation

Municipal Fund – Cheque Numbers 40202 to 40215 totalling \$17,004.36 , Municipal Fund-EFT Numbers 5199 to 5251 totalling \$323,564.31, Municipal Fund – Cheque Numbers 1282 to 1286 totalling \$175,395.43, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402191 to 402209 totalling \$22,556.89 and Trust Fund – Cheque Numbers 6015 to 6020 (DPI Licensing), totalling \$46,905.50 are presented for endorsement as per the submitted list.

Voting Requirements Simple Majority

83/2016

Moved Cr D Pasini/Seconded Cr W Della Bosca

Municipal Fund – Cheque Numbers 40202 to 40215 totalling \$17,004.36 , Municipal Fund-EFT Numbers 5199 to 5251 totalling \$323,564.31, Municipal Fund – Cheque Numbers 1282 to 1286 totalling \$175,395.43, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402191 to 402209 totalling \$22,556.89 and Trust Fund – Cheque Numbers 6015 to 6020 (DPI Licensing), totalling \$46,905.50 are presented for endorsement as per the submitted list.

Carried (4/0)

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Submission to:	Ordinary Meeting of Council – Thursday, 18 th August 2016
Agenda Reference:	10.1
Subject:	Planning Application – Co-operative Bulk Handling Limited – Open Bulkhead – Dulyalbin Grain Receival Site - Lot 101 Moorine South Road, Dulyalbin
File Reference:	3.1.3.2
Author:	Nic Warren – Manager Regulatory Services
Disclosure of Interest:	Nil
Date of Report:	5 August 2016

Background:

Cooperative Bulk Handling (CBH) has made application, seeking planning approval to install an additional open bulkhead for grain storage, located at Lot 101, Moorine South Road, Dulyalbin.

The bulkhead will measure 260 metres by 35 metres, will be serviced by a dog stacker system and will have new road-ways installed for traffic flow.

The new bulkhead will be in addition to an already existing open bulkhead and 2 closed storage facilities on the site.

CBH have sited current 2015 harvest grain still stored onsite and the positive outlook for the current crop as the reasons for requiring additional storage.

Comment:

Lot 101 Moorine South Road is zoned Rural/Mining under the Town Planning Scheme 2 (TPS2), with the proposed development deemed to be “Industry - Rural”

“Industry – Rural” is defined as *“An industry handling, treating, processing or packaging primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.”*

Under the TPS2, “Industry - Rural” is an AA use for Rural/Mining zones, which means the use is not permitted unless Council has granted planning approval.

As per Section 41 (1) of the Building Regulations 2012, the development is not required to obtain a building permit from the Shire, being the permit authority, as it is located outside of the townsite.

There are no setback issues pertaining to the proposal.

Statutory Environment

Shire of Yilgarn Town Planning Scheme 2;
Building Act 2011 and Building Regulations 2012.

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Strategic Implications

Shire of Yilgarn Strategic Community Plan

- 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

Recommendation:

That Council approve the addition of an open bulkhead for grain storage by Cooperative Bulk Handling Limited at Lot 101 Moorine South Road, Dulyalbin;

Voting Requirements Simple Majority

84/2016

Cr W Della Bosca/Seconded Cr J Della Bosca

That Council approve the addition of an open bulkhead for grain storage by Cooperative Bulk Handling Limited at Lot 101 Moorine South Road, Dulyalbin;

Carried (4/0)

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Submission to:	Ordinary Meeting of Council – 18 August 2016
Agenda Reference:	10.2
Subject:	Itinerant Food Vendors Licence Application – Information Bay – 1 Pollux Street, Southern Cross
File Reference:	
Author:	Nic Warren – Manager Regulatory Services
Disclosure of Interest:	Nil
Date of Report:	11 August 2016

Background:

An application for an Itinerant Food Vendors Licence has been received by the Shire, from the operators of the Southern Cross Motel, requesting to sell sandwiches, cakes, savouries, coffee and cold drinks.

The food will predominantly be produced at the motel kitchen or sourced from other registered suppliers.

The applicant has identified the information bay, east of the caravan park, as the desired location (map attached).

Trading times requested are from 7:00am to 2:00pm Monday to Friday.

The vehicle, whilst not yet fabricated, is proposed to be a food grade trailer fitted out in compliance with the Food Act 2008, and must be inspected and passed by the Manager of Regulatory Services prior to operation if approved for trading.

If approved the food business will either be a subsidiary of the current food business registration for the Southern Cross Motel, or will be registered as a new food business, as per the Food Act 2008. New Food Businesses Registrations carry a \$50 notification fee.

The application for Licence as Itinerant Food Vendor carried a \$180 application fee, and if approved for trading, a renewal application due annually carries the same fee.

The Shire of Yilgarn Health Locals Laws 1997 Part 8 Section 120 states:

- (1) An itinerant food vendor shall not offer for sale or sell food unless he or she-*
 - a) is the holder of an itinerant food vendor's license issued by the Council under this section; and*
 - b) complies with any conditions to which the license is subject.*
- (2) An application for an itinerant food vendor's license shall be-*
 - a) made by the proprietor or, where there is more than one proprietor, by each proprietor;*
 - b) made in the form prescribed in Schedule 1; and*
 - c) forwarded to the Chief Executive Officer together with the fee prescribed in Schedule 15.*
- (3) An application for a license under this section shall be determined by the Council which may approve the application, with or without conditions, or reject the application.*

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(4) Where Council approves, with or without conditions, an application under this section, a food vendor's license-

- a) signed by the Environmental Health Officer; and*
- b) in the form of Schedule 2, shall be issued by the Council.*

(5) A license issued under this section shall be valid until 30 June next following the date of issue of the license by Council.

Comment:

The proposed location is less than 1km from the townsite where there are already six (6) businesses that provide similar goods. These businesses are required to pay rates on the land they operate from, however, the only fee payable for itinerant food vendors is \$180 per annum.

The location is in a 60km/h zone and the information bay is designed to allow for vehicles to enter and exit safely, so speed and traffic issues shouldn't be an issue.

The land is not vested to the Shire, as such; approval would need to be sought from the land owners prior to a licence being granted.

Whilst the Shires Strategic Community Plan does require Council to "Support initiatives progressed by the local business community", it must make a determination as to whether this initiative will be to the detriment of current business within the Southern Cross townsite.

Statutory Environment

Shire of Yilgarn Health Local Laws 1997; and Food Act 2008.

Strategic Implications

Shire of Yilgarn Strategic Community Plan

- Goal: A prosperous future for our community
- Outcome: Businesses in the Shire remain competitive and viable
- Strategy: Support initiatives progressed by the local business community

Policy Implications

Nil

Financial Implications

Application fee of \$180, and due annually if approved.

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Recommendation:

That council does not approve the Application for Itinerant Food Vendors Licence, due to the possible impact on current permanent food businesses within the townsite.

Should Council reject the Shires recommendation and votes to approve the application, the following conditions should be imposed:

- **Written correspondence from relevant landowners detailing they approve for the applicant to trade on their land;**
- **Public Liability Insurance indemnifying the Shire to a level no less than \$10,000,000 be obtained and copies forwarded to the Shire.**
- **Business to be registered under the Food Act 2008;**
- **Food trailer to be inspected and approved by Manager Regulatory Services prior to operation;**
- **The Shire reserves the right to cancel or amend the licence as it sees fit, should safety or nuisance issues arise during operation;**
- **Vendor to be responsible for any rubbish and litter within the vicinity, irrespective of whether or not it was deposited by themselves.**

Voting Requirements Simple Majority

85/2016

Moved Cr D Pasini/Seconded Cr O Truran

That council does not approve the Application for Itinerant Food Vendors Licence, due to the possible impact on current permanent food businesses within the town site.

Carried (3/1)

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Submission to:	Ordinary Council Meeting – Thursday, 18 th August 2016
Agenda Reference:	11.1
Subject:	CSRFF application Mt Hampton tennis court resurfacing
File Reference:	1.3.8.5 / 8.2.6.16
Author:	Jenny Gemund-Manager Community Services
Disclosure of Interest:	Nil
Date of Report:	Friday, 12 th August 2016

Background:

The Shire has been approached by the Mt Hampton Tennis Club regarding possible support for the resurfacing of the Mt Hampton synthetic tennis courts. The courts surface is over 25 years old and is in need of replacement.

Contact has been made with the Department of Sports and Recreation (DSR) about possible Community Sporting and Recreation Facilities Fund (CSRFF) funding.

The purpose of the CSRFF is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

All projects are assessed by Department of Sports and Recreation (DSR) on the following principles:

- Project justification.
- Planned approach.
- Community consultation.
- Management planning.
- Access and opportunity.
- Design.
- Financial viability.
- Coordination.
- Potential to increase physical activity.
- Sustainability.

DSR requests that Council place a priority and rating on all applications within its municipality. The ratings are to be assessed on the following criteria:

- Well planned and needed by the municipality (high)
- Well planned and needed by the applicant (medium/high)
- Needed by the municipality but more planning required (medium)
- Needed by the applicant but more planning required (medium/low)
- Idea has merit, but more planning required (medium/low); and
- Not recommended

Comment:

The project will be managed and all funds administered by the Shire of Yilgarn. No tenders have to be called as the total project total cost is under \$150,000.

Statutory Environment

Nil

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Policy Implications

STRATEGIC COMMUNITY PLAN

Aligns with Strategic Community Plan to “*continue to provide and maintain high quality community infrastructure (recreation centre, oval, lawn bowls, tennis facilities, swimming pool, library, community centre, public halls).*”

Financial Implications

Council has previously agreed to contribute towards this project and \$15,000 has been included in Council’s 2016/17 budget.

The project expenditure budget is based on the following figures (excluding GST):

Mt Hampton Tennis Club cash contribution	\$12,890
Mt Hampton volunteer labour & donated material	\$ 2,723
Shire of Yilgarn	\$15,610
CSRFF Grant	<u>\$15,600</u>
Total	\$46,823

Recommendation

That Council:

- Agree that the CSRFF application for the Mt Hampton Tennis court resurfacing project be ranked as the number one project and be rated as HIGH (well planned and needed by the municipality).
- Confirm that the Shire of Yilgarn will contribute \$15,610 in cash towards the costs of the project.

Voting Requirements Simple Majority

86/2016

Moved Cr W Della Bosca/Seconded Cr D Pasini

That Council:

- *Agree that the CSRFF application for the Mt Hampton Tennis court resurfacing project be ranked as the number one project and be rated as HIGH (well planned and needed by the municipality).*
- *Confirm that the Shire of Yilgarn will contribute \$15,610 in cash towards the costs of the project.*

Carried (3/1)

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12 INFORMATION BOOK ITEMS

- The school councillors from Southern Cross district High School have asked for time to discuss the proposed Jumping Pillow and will meet with the CEO and MRS again on Thursday.
- Cr W Della Bosca wished to point out that the DFES changes arising from the inquiry into the Waroona bush fire will affect the service.

13 NOTICE FOR MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

14 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

15 CONFIDENTIAL ITEMS

16 CLOSURE OF MEETING

As there was no further business to discuss, the Shire President declared the meeting closed at **4.40pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 18th August 2016, were confirmed on Thursday, 15th September 2016 as a true and correct record of the August Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT