



Minutes

*Ordinary Meeting of
Council*

September

2016

MINUTES
ORDINARY MEETING OF COUNCIL
Thursday 15th September 2016

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1. OFFICIAL OPENING

The Presiding Member declared the meeting open at 4:00pm

2. RECORD OF ATTENDANCE

PRESENT

Presiding Member President-Cr O Truran

Members Deputy President- Cr W Della Bosca
Cr B Close
Cr J Della Bosca
Cr P Nolan
Cr D Pasini
Cr K Chrisp-*arrived 4.15pm*

Council Officers B Jones, Chief Executive Officer
J Bingham, Deputy Chief Executive Officer
N Warren, Manager Regulatory Services
L Della Bosca, Minute Taker

Apologies: R Bosenberg, Executive Manager Infrastructure

Leave of Absence: Nil

Observers: John Phillips

3. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 18th August 2016

87/2016

Moved Cr W Della Bosca/Seconded Cr Pasini

That the minutes of the Ordinary Council Meeting held on the 18th August 2016 be confirmed as a true record of proceedings with one amendment being Cr Nolan to be listed as an apology.

Voting Requirements: Simple Majority

Carried (6/0)

5.2 Ordinary Council Meeting Thursday 18th August 2016 Action Sheet

88/2016

Moved Cr Pasini/Seconded Cr J Della Bosca

That the Action Sheet for the Council Meeting held on Thursday 18th August 2016 be received

Voting Requirements: Simple Majority

Carried (6/0)

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6. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr Truran announced the following

- The Healthy Wheatbelt meeting scheduled for the 30th August was cancelled.
- An apology was put in for the WEROC meeting on the 31st August.
- An apology was put in for the GECZ meeting on the 1st September
- Attended the Southern Cross Ag Show on the 3rd September
- Thanks were given to the CEO and Cr W Della Bosca for attending the CEACA in place of herself on the 7th September.
- Attended the YSSSA SPORTS carnival on the 9th September.
- On the 10th September attended the Southern Cross Football Club windup.
- Attended the Mineral Recourses information session on the 13th September.

Cr W Della Bosca announced the following

- Attended the CBH Meeting on the 30th August
- Attended the Southern Cross Ag Show on the 3rd September.
- On the 7th September attended CEACA with the CEO
- Attended the Mineral Recourses information session on the 13th September.
- On the 14th September attended the LAG meeting, Brad Auld is now the Chairman.
- There are two new fire trucks being delivered, one for South Yilgarn and one for Moorine Rock. The original Moorine Rock vehicle is being transferred to Bodallin. Bodallin is due for a new light truck to be delivered around March 2018.

Cr Pasini announced that he attended the Southern Cross Football Club wind up on the 10th September and the Mineral Resources information session on the 13th September.

Cr Nolan announced that he attended the Southern Cross Ag Show on the 3rd September and the Mineral Resources session on the 13th September.

Cr Close attended the Southern Cross Ag Show on the 3rd September and the Southern Cross Football Club windup on the 10th September.

Cr J Della Bosca announced that she attended the Southern Cross Football Club windup on the 10th September, the Life is Sweet, diabetes information session at the CRC on the 13th September and the Mineral Resources information session on the 13th September.

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Ordinary Council Meeting – Thursday, 15th September 2016

| | |
|--------------------------------|---------------------------------------|
| Agenda Reference: | 7.1 |
| Subject: | Review of Council Policies |
| File Reference: | 2.3.3.2 |
| Author: | Brian Jones – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachments: | See attachments 7.1 |

Background:

Council last reviewed the Council Policies at the ordinary Council meeting held on 18 June 2015 whereat the following resolution was adopted:

That Council:

Receive and endorse the various policies contained in the current Policy Manual for the coming financial year (2015/16).

It is presumed from this resolution that no changes were adopted from the Policies that were in place and adopted by Council in July 2014.

All Councillors were provided with a hard copy of Council Policies at the Elected Member Induction held on 20 October 2015.

Comment:

Following a review of the Council Policies by the executive staff a revised and updated Policy Manual has been prepared for Council consideration which incorporates the following recommended changes:

New Policies:

The following new draft policies have been included for Council consideration:

4.9 Mining Tenements

Recommended changes

Where required, Policies have been amended to reflect current staff titles following the recent changes to the organisational structure and to reflect changes in state and federal government departments. These have not been listed separately and do not affect the intent of any of the Policies.

1.4 Use of Council's Common Seal

As this is included in the Delegations Register the tracked changes are recommended

1.5 Elected Members Entitlements

As this is to govern elected members entitlements reference to staff and/or officers should be removed. Also need to remove the Information Technology section as this is now covered by the I-Pad Policy 1-10.

Please see tracked changes recommended.

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- 1.10 Councillor I-Pad Policy
When Cr Guerini's term expired in October 2015 Council advised that the Policy of Council was to allow Councillors to keep their I-Pads if they had served a full four year term. Policy 1.10, section 2.8 therefore needs to be amended to read "Councillors who complete a full four year term with Council can keep their allocated I-Pad free of charge, Councillors who have not served a full four year term have the opportunity to purchase their I-Pads at a nominal fee".
- 2.2 Bushfire Infringement Notices Remove
Policy not required as covered by Delegation BFIRE01
- 2.3 Burning Times Remove
Policy not required as covered by Delegation BFIRE03
- 3.5 Purchasing and Tendering Policy
The local government (functions and general) regulations were amended in September 2015 to increase the amount over which tenders are required to be called from \$100,000 to \$150,000. It is recommended this Policy be amended to reflect this change and to increase the limit where written quotations are required from \$10,000 to \$15,000.
- 3.6 Signing of Cheques
The Policy has been amended to include the electronic authorisation of payments.
- 3.10 Rates and Charges Recovery Policy
Recommended that the third paragraph be removed as the CEO has delegated authority. A new section has been added to replace the "sewerage charges" section at the end of the policy.
- 4.3 Yilgarn Town Planning Scheme – "SA" Advertising Remove
Policy not required as covered by Delegation PLAN01
- 4.4 Advertising & Directional Signs
Policy has been amended to incorporate changes to Main Roads WA Guidelines and delegated authority to control roadside signs.
- 4.6 Swimming Pool Usage
Recommended that the Policy be substantially amended to reflect numerous changes in current operations including that there is no active Yilgarn Amateur Swimming Club and Swim School. Revised Policy is attached for Council consideration.
- 5.4 Road Building Material – Gravel
This Policy has been amended to ensure consistency. The line "monetary compensation is to be determined at this time is inconsistent with the "Compensation" section and has been removed.

It is also recommended that the compensation paid be increased from 65c a cubic metre to 80c a cubic metre.

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- 5.5 Traffic Intersection Management Plan
Recommended that section 6 be amended by increasing from 100 metres to 250 metres.
- 5.6 Roadside Memorials
Remove “deletion of” from the second dot point.
- 6.1 Council Table and Chairs Remove
Not required as a Council Policy, it is an administrative procedure.
- 6.3 Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities
Recommended that two paragraphs as tracked be removed to reflect the current operating situation.
- 6.4 Smoke Free Policy Remove
Recommended that the Policy be removed as it is not required as is governed by State legislation
- 6.5 Complaints Handling
Recommended that this Policy be replaced by the draft Policy included. This has been recommended by the Public Sector Commission who advised that they were of the view that our Complaints Handling Policy was inadequate.

Statutory Environment

2.7. Role of council

(1) The council —

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

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

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

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

(b) determine the local government’s policies.

Policy Implications

This report deals with changes to Council’s Policy Manual

Financial Implications

Nil

Recommendation

That Council endorse the changes to the Policy Manual, as presented

Voting Requirements Simple Majority

89/2016

Moved Cr J Della Bosca/Seconded Cr Nolan

That policy number 1.7 is deleted and the changes to the Policy Manual, as presented, are endorsed.

Carried (6/0)

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| | |
|--------------------------------|--|
| Submission to: | Ordinary Council Meeting – Thursday, 15 th September 2016 |
| Agenda Reference: | 7.2 |
| Subject: | Local Laws |
| File Reference: | 2.3.2.11 |
| Author: | Brian Jones – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachments: | See attachments 7.2 |

Background:

Council has allocated funds in the current Budget to undertake a review of the Shires Local Laws. A review of Local Laws is required at least every eight years (see s3.16 below).

The Yilgarn Shire Council has the current local laws, according to the Department of Local Government:

| | |
|--|--------------------------|
| Buildings | Gazette Date: 22/02/1935 |
| Fencing | Gazette Date: 19/08/1983 |
| Straying Stock | Gazette Date: 11/09/1931 |
| Cattle Poundage Fees | Gazette Date: 22/11/1935 |
| Parking | Gazette Date: 27/05/1938 |
| Prevention of Damage to Streets - Draft Model By-Law No. 15 | Gazette Date: 10/11/1970 |
| Old Refrigerators & Cabinets - Draft Model By-Law No. 8 | Gazette Date: 10/11/1970 |
| Vehicle Wrecking - Draft Model By-Law No. 17 | Gazette Date: 10/11/1970 |
| Cemetery - Southern Cross | Gazette Date: 14/03/1980 |
| Rubbish Clearing & Removal of | Gazette Date: 06/03/1992 |
| Trading In Public Places | Gazette Date: 20/03/1992 |
| Standing Orders | Gazette Date: 30/07/1997 |
| Dogs | Gazette Date: 30/07/1997 |
| Swimming Pool Complex – Management of the Yilgarn | Gazette Date: 30/07/1997 |
| Health | Gazette Date: 01/09/1997 |
| Signs, Hoardings and Billpostings | Gazette Date: 22/07/1971 |

The most recent review of local laws was conducted in 2007. Following that review Council resolved to repeal the following by-laws as they were obsolete and defunct; Buildings; Old Refrigerators & Cabinets; Parking; Prevention of Damage to Streets; Signs, Hoardings & Billpostings; Straying Stock; Vehicle Wrecking. A copy of the Council report and minutes for February and April 2007 meetings are attached.

There is no record of the repeal local law being prepared and gazetted and accordingly these local laws remain in force.

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Comment:

Council subscribes to the WALGA Local Laws service. WALGA has prepared the following pro forma local laws which would be relevant to our requirements, a copy of each is provided as a separate document:

- ✓ Cemeteries Local Law
- ✓ Local Government Property Local Law
- ✓ Fencing Local Law
- ✓ Dogs Local Law
- ✓ Public Places and Local Government Property Local Law
- ✓ Bush Fire Brigades Local Law
- ✓ Meeting Procedures (Standing Orders) Local Law
- ✓ Urban Environment and Nuisance Local Law
- ✓ Activities in Thoroughfares and Public Places and Trading Local Law

The following course of action is recommended in order to progress the review of local laws:

1. The Buildings, Old Refrigerators & Cabinets, Parking; Prevention of Damage to Streets, Signs, Hoardings & Billpostings, Straying Stock and Vehicle Wrecking Local Laws be repealed as previously agreed to by Council in 2007.
2. A Council workshop be held following the October ordinary Council meeting to review WALGA's pro forma local laws as listed above to determine their suitability for our needs.

At the workshop Council will need to consider the following recommended course of action in regards to the remaining current local laws (those not repealed in 1 above):

| | |
|-------------------------------|---|
| Fencing | Does Council wish to retain this local law or repeal it and replace with the pro forma Fencing Local Law? |
| Cattle Poundage Fees | Recommended that this local law be repealed as obsolete and defunct. |
| Cemetery - Southern Cross | Does Council wish to retain this local law or repeal it and replace with the pro forma Cemeteries Local Law? |
| Rubbish Clearing & Removal of | A copy of this local law has not been located. It is recommended that it be repealed as this by-law was made under the previous local government act and is now obsolete. Council has power under the local government act to require owners to clear and remove rubbish and other materials. |
| Trading In Public Places | Does Council wish to retain this local law or repeal it and replace with the pro forma Activities in Thoroughfares and Public Places and Trading Local Law? |

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| | |
|---|--|
| Standing Orders | Does Council wish to retain this local law or repeal it and replace with the pro forma Meeting Procedures (Standing Orders) Local Law? |
| Dogs | Does Council wish to retain this local law or repeal it and replace with the pro forma Dogs Local Law? |
| Swimming Pool Complex – Management of the Yilgarn | Does Council wish to retain this local law or repeal it and replace with the relevant sections of the pro forma Local Government Property Local Law? |
| Health | It is recommended that the Health Local Law be replaced with a new local law related to the new Health Act which was recently passed. It will take some time for the new Health Act to be fully implemented and pro forma local laws to be prepared. |

Summary

As the Fencing (1983), Cattle Poundage Fees (1935), Cemeteries (1980), Rubbish Clearing & Removal of (1992) and Trading in Public Places (1992), are all by-laws made under the previous local government act it is recommended they are all repealed.

If Council supports this then we need to review the Standing Orders (1997), Dogs (1997) and Swimming Pool (1997) local laws to determine if we wish to retain these or replace with the WALGA pro forma local laws. A copy of these local laws is attached.

3. Following the recommended workshop in October 2016 a report will be presented to the November Council meeting to formally adopt the course of action agreed to and to commence the public advertising requirements.

Statutory Environment

Following are the relevant sections of the Local Government Act:

Division 2 — Legislative functions of local governments

Subdivision 1 — Local laws made under this Act

3.5. Legislative power of local governments

(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act. (2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.

(3) The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.

(4A) Nothing in the Building Act 2011 prevents a local government from making local laws under this Act about building work, demolition work, a standard for the construction or demolition of buildings or incidental structures, or the use and maintenance of, and

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requirements in relation to, existing buildings or incidental structures, as those terms are defined in section 3 of that Act.

(4) Regulations may set out —

(a) matters about which, or purposes for which, local laws are not to be made; or
(b) kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.

(5) Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).

3.6. Places outside district

(1) If the Governor's approval has been first obtained, a local government may make a local law under this Act that applies outside its district.

(2) A local government cannot, under subsection (1), make a local law that applies to (a) a part of the State that is in the district of another local government; or

(b) a part of the State to which a local law made by another local government concerning the same subject matter applies under this section.

(3) The Governor may revoke any approval given under subsection (1) and, after that revocation, a local law made under the approval ceases to apply to the part of the State for which the approval was given.

(4) The Minister is to cause notice of any revocation under subsection (3) to be published in the Gazette.

3.7. Inconsistency with written laws

A local law made under this Act is inoperative to the extent that it is inconsistent with this Act or any other written law.

3.8. Local laws may adopt codes etc.

(1) A local law made under this Act may adopt the text of —

(a) any model local law, or amendment to it, published under section 3.9; or

(b) a local law of any other local government; or

(c) any code, rules, specifications, or standard issued by Standards Australia or by such other body as is specified in the local law.

(2) The text may be adopted —

(a) wholly or in part; or

(b) as modified by the local law; or

(c) as it exists at a particular date or, except if the text of a model local law is being adopted, as amended from time to time.

(3) The adoption may be direct, by reference made in the local law, or indirect, by reference made in any text that is itself directly or indirectly adopted.

3.9. Model local laws

(1) The Governor may cause to be prepared and published in the Gazette model local laws the provisions of which a local law made under this Act may adopt by reference, with or without modifications.

(2) Model local laws have no effect except to the extent that they are adopted.

(3) The Governor may, by notice published in the Gazette, amend a model local law published under this section.

(4) An amendment of a model local law does not affect any local law that adopted the model local law before the amendment but the amendment may be adopted by a further local law.

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3.10. Creating offences and prescribing penalties

- (1) A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.
- (2) If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.
- (3) The local law may provide for the imposition of a minimum penalty for the offence.
- (4) The level of the penalty may be related to —
 - (a) the circumstances or extent of the offence;
 - (b) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.
- (5) deleted
- (6) A local law made under this Act may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.

Subdivision 2 — Local laws made under any Act

3.11. Subdivision applies to local laws made under any Act

This Subdivision applies to local laws made under this Act and the procedure for making them and, unless a contrary intention appears in that other Act, to local laws made under any other Act, and the procedure for making them.

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed. * Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

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(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give Statewide public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.

* Absolute majority required.

3.17. Governor may amend or repeal local laws

(1) The Governor may make local laws to amend the text of, or repeal, a local law.

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(2) Subsection (1) does not include the power to amend a local law to include in it any provision that bears no reasonable relationship to the local law as in force before the amendment.

(3) The Minister is to give a local government notice in writing of any local law that the Governor makes to amend the text of, or repeal, any of the local government's local laws.

(4) Section 5.94 applies as if a local law made under this section by the Governor were a local law made by the local government in accordance with section 3.12.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council

Receive this report on Shire of Yilgarn Local Laws, as presented, and agree to conduct a Council workshop following the conclusion of the October 2016 Council meeting to review the Shire's Local Laws and the WALGA pro forma local laws.

Voting Requirements Simple Majority

90/2016

Moved Cr W Della Bosca/Seconded Cr Nolan

Receive this report on Shire of Yilgarn Local Laws, as presented, and agree to conduct a Council workshop following the conclusion of the October 2016 Council meeting to review the Shire's Local Laws and the WALGA pro forma local laws.

Carried (6/0)

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| Submission to: | Ordinary Council Meeting – Thursday, 15 th September 2016 |
| Agenda Reference: | 7.3 |
| Subject: | Redevelopment of Southern Cross Swimming Pool |
| File Reference: | 4.1.7.12 |
| Author: | Brian Jones – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachments: | Nil |

Background:

Council has been supportive of the need to redevelop the Southern Cross Swimming Pool for a period of time. Most notably the Shire of Yilgarn Corporate Business Plan adopted by Council in June 2013 included:

Upgrade the Southern Cross Swimming Pool and include additional infrastructure to enhance the social and recreational benefits to the community (changerooms, shade etc), including hydrotherapy pool.

This project included an allocation of \$580,000 in 2014/15 plus \$1.2m in 2015/16, total \$1.78m, in the Corporate Business Plan adopted by Council.

In June 2015 the then Manager Environmental Health & Building Services provided a report to Council to progress the project and recommended:

That Council agree that the existing buildings are demolished after the 2015/16 swimming season ends at the end of March 2016 and is replaced with either new on-site built building(s) or that transportable buildings are purchased and installed, and that funds are made available to commence this work in the 2015/16 financial year in order that the new facility will be ready in time to open in November 2016.

Council did not support this recommendation and subsequently passed the following resolution:

*That Council:
Require a motion that an audit report be carried out of the complete swimming pool area outlining necessary work and include associated costing.*

Council included an amount of \$50,000.00 in the 2015/2016 Budget for the purpose of “design for new office/kiosk/first aid/changeroom building”.

Council has again allocated \$50,000 in the 2016/17 Budget for the purpose of “design for new office/kiosk/first aid/changeroom building” plus \$300,000 towards the planned refurbishment.

The purpose of this report is to determine how best to progress this project.

Comment:

Council has confirmed its support for the refurbishment of the Southern Cross Swimming Pool, as detailed above. The next stage is to determine the scope of the redevelopment. Once

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this has been determined consultants can be engaged to design and cost the project and funding applications can be prepared.

Council is aware that the current buildings (office/kiosk/first aid/changeroom) are beyond refurbishment and will need to be demolished and replaced. Council has also been advised that the best option for the pool bowl is to tile which would cost approximately \$650,000. The current coating of the pool bowl has passed its useful life and the pool is leaking water.

A minimum refurbishment would therefore include the demolishing of the current office/kiosk/first aid/changeroom building and replacing with new and to tile the pool bowls.

Council may also wish to consider other associated facilities including hydrotherapy pool and gymnasium.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Cr Chrisp entered the meeting

Recommendation

That Council:

Option One

Agree that the preferred course of action is a minimum refurbishment of the Southern Cross Swimming Pool, being the demolition of the current office/kiosk/first aid/changeroom building and replacing with new facilities and to tile the pool bowls and request the CEO to engage appropriate consultants to prepare plans and costings for presentation to Council.

Option Two

Agree to appoint a working group to visit recently upgraded aquatic facilities and explore options for the upgrade of the aquatic facilities in Southern Cross that will best meet the long term needs of the community.

Voting Requirements Simple Majority

91/2016

Moved Cr Nolan/Seconded Cr W Della Bosca

Agree to appoint a working group to visit recently upgraded aquatic facilities and explore options for the upgrade of the aquatic facilities in Southern Cross that will best meet the long term needs of the community.

Carried (7/0)

MINUTES
ORDINARY MEETING OF COUNCIL
Thursday 15th September 2016

| | |
|--------------------------------|--|
| Submission to: | Ordinary Council Meeting – Thursday, 15 th September 2016 |
| Agenda Reference: | 7.4 |
| Subject: | Moorine Rock Hall |
| File Reference: | 1.3.2.4 |
| Author: | Brian Jones – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachments: | Picture of Moorine Rock Hall |

Background:

The Moorine Rock Hall is an asbestos and iron clad hall on timber footings with timber floors, located on McInnes Street Moorine Rock.

Comment:

Council has previously discussed the future of the Moorine Rock Hall and its possible demolition for the following reasons:

- The Hall is not fit for purpose in its current condition
- No funds are likely to be allocated by Council to upgrade the Hall
- The Moorine Rock community now utilise the Moorine Rock Tennis Club facilities for social events.
- The Hall incurs annual costs including pest treatment, Water Corporation, Synergy and service of fire prevention equipment.

It is recommended that the Shire forward correspondence to Moorine Rock residents advising that Council is considering the demolition of the Moorine Rock Hall to ascertain their support for this action.

Should the Moorine Rock residents not be opposed then the Shire proceed with the demolition and clearing of the site.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Current cost of the Moorine Rock Hall is approximately \$1,000 per annum. No quotes have been obtained for the demolition.

Recommendation

That Council agree to forward correspondence to Moorine Rock residents advising that Council is considering the demolition of the Moorine Rock Hall and to proceed with the demolition and clearing of the site if no objections are received.

Voting Requirements Simple Majority

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92/2016

Moved CR J Della Bosca/Seconded Cr Chrisp

That Council agree to forward correspondence to Moorine Rock residents advising that Council is considering the demolition of the Moorine Rock Hall and to proceed with the demolition and clearing of the site if no objections are received.

Carries (7/0)

MINUTES
ORDINARY MEETING OF COUNCIL
Thursday 15th September 2016

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|--------------------------------|--|
| Submission to: | Ordinary Council Meeting – Thursday, 15 th September 2016 |
| Agenda Reference: | 7.5 |
| Subject: | Proposed three year funding agreement with Yilgarn Motoring Enthusiasts Inc |
| File Reference: | 1.3.9.21 |
| Author: | Brian Jones - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachments: | Nil |

Background:

Council has previously agreed to provide a financial donation of \$3,000 plus in-kind support to the Yilgarn Motoring Enthusiasts Inc for the holding of the annual Southern Cross Car & Bike Show, with the most recent Council resolution being at the Ordinary Council Meeting held on Thursday 21 July 2016.

The purpose of this report is to recommend that Council offers a three year funding agreement to the Yilgarn Motoring Enthusiasts Inc in accordance with previous Council support. This will provide funding assurance for the planning of future events and remove the need for a Council report being presented to Council each year.

Comment:

Council has provided financial and in kind support towards the Car & Bike Show since the inaugural event was held in 2013.

By agreeing to offer a three year funding agreement to the Yilgarn Motoring Enthusiasts Inc plus in-kind support (waiving the hire fees for the recreation centre facilities, marking the oval, allowing camping on the oval and netball courts and supplying extra rubbish bins) the Council is demonstrating its commitment to the clubs future events and eliminates any doubt regarding Shire support.

The agreement will be structured so that the Council support is only provided for this particular event and will be reviewed and renegotiated after the 2019 Car & Bike Show.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

A \$3,000 cash donation to be included within the 2017/18, 2018/19 and 2019/20.

Recommendation

That Council authorises the Chief Executive Officer to enter into a three year funding agreement between the Shire of Yilgarn and the Yilgarn Motoring Enthusiast Inc to provide a financial donation of \$3,000 and in-kind support to the 2017, 2018 and 2019 Southern Cross Car & Bike Show.

Voting Requirements Simple Majority

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93/2016

Moved Cr Chrisp/Seconded Cr Pasini

That Council authorises the Chief Executive Officer to enter into a three year funding agreement between the Shire of Yilgarn and the Yilgarn Motoring Enthusiast Inc to provide a financial donation of \$3,000 and in-kind support to the 2017, 2018 and 2019 Southern Cross Car & Bike Show.

Carried (6/1)

MINUTES
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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Thursday 18 th September 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 | Thursday 8 th September 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 August, 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 August, 2016.

Voting Requirements Simple Majority

94/2016

Moved Cr Close/Seconded Cr Nolan

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

Carried (7/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Thursday 15 th September 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 | Thursday 8 th September 2016 |

Background:

Municipal Fund – Cheque Numbers 40217 to 40233 totalling \$55,251.20, Municipal Fund-EFT Numbers 5252 to 55384 totalling \$440,989.03, Municipal Fund – Cheque Numbers 1287 to 1292 totalling \$172,343.15, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402210 to 402216 totalling \$4,950.57 and Trust Fund – Cheque Numbers 6021 to 6024 (DPI Licensing), totalling \$29,742.95 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 40217 to 40233 totalling \$55,251.20 , Municipal Fund-EFT Numbers 5252 to 55384 totalling \$440,989.03, Municipal Fund – Cheque Numbers 1287 to 1292 totalling \$172,343.15, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402210 to 402216 totalling \$4,950.57 and Trust Fund – Cheque Numbers 6021 to 6024 (DPI Licensing), totalling \$29,742.95 are presented for endorsement as per the submitted list.

Voting Requirements Simple Majority

95/2016

Moved Cr Nolan/Seconded Cr W Della Bosca

Municipal Fund – Cheque Numbers 40217 to 40233 totalling \$55,251.20 , Municipal Fund- EFT Numbers 5252 to 55384 totalling \$440,989.03, Municipal Fund – Cheque Numbers 1287 to 1292 totalling \$172,343.15, Municipal Fund Direct Debit Numbers 10926.1 to 10927.12 totalling \$38,286.7, Trust Fund 402210 to 402216 totalling \$4,950.57 and Trust Fund – Cheque Numbers 6021 to 6024 (DPI Licensing), totalling \$29,742.95 are presented for endorsement as per the submitted list.

Carried (7/0)

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| Submission to: | Ordinary Meeting of Council – 15 September 2016 |
| Agenda Reference: | 10.1 |
| Subject: | Application to Keep More Than Two Dogs – 110 Antares St, Southern Cross |
| File Reference: | 5.2.1.8 |
| Author: | Nic Warren – Manager Regulatory Services |
| Disclosure of Interest: | Nil |
| Date of Report: | 29 August 2016 |
| Attachments: | Nil |

Background:

The owner of 110 Antares St, Southern Cross, has made application to keep more than two (2) dogs at the above mentioned property. The application is to keep three (3) dogs at the property.

The Shire of Yilgarn Local Laws Relating to Dogs 1997 Part V Section 14 states:

A person wishing to keep more than two but not greater than six dogs on any premises shall apply for an exemption for those premises under the provision of Section 26(3) of the Dog Act 1976. The Council may grant an exemption in respect of the those premises but any such exemption –

- a) May be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- b) Shall not operate to authorise the keeping of more than six (6) dogs on those premises; and*
- c) May be revoked or varied at any time.*

Due to a previous administration error, all three dogs have been registered at the property, however the registrations lapsed on the 31 October 2015.

The dogs applied for are:

| Breed | Sex | Colour | Name | Age | Microchip No |
|--------------|------------|---------------|-------------|------------|---------------------|
| Poodle X | Male | White | Sludge | 10 | 956000000788016 |
| Shitzu | Female | White | Matilda | 9 | 9410000018651287 |
| Poodle X | Male | Caramel | Guiseppe | 7 | 9410000018651286 |

Comment:

The applicant has advised that all three dogs are much loved members of the family who have resided and have been previously registered at the property for the entirety of their lives, excluding the current lapse in registration.

The dogs are all small dogs, and for the several years they have all resided at the property there have been no complaints on file.

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All dogs are micro-chipped and the owner was trying to re-register the animals when the previous administrative error was noticed.

Statutory Environment

Dog Act 1976 & Shire of Yilgarn Local Laws Relating to Dogs 1997.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation:

That Council grants an exemption to the applicant for keeping three (3) dogs at 110 Antares Street, Southern Cross on the following conditions:

- 1. All three dogs must be registered and registration maintained for the life of the animals;**
- 2. Exemption is only valid for the current three dogs housed at the property, as listed on the application;**
- 3. Upon the passing of one of the dogs the exemption shall become invalid and the applicant will only be able to keep up to two (2) dogs at the property.**
- 4. The exemption is only valid at 110 Antares Street, Southern Cross**
- 5. The exemption may be amended or revoked at any time.**

Voting Requirements Simple Majority

96/2016

Moved Cr Pasini/Seconded Cr Nolan

That Council grants an exemption to the applicant for keeping three (3) dogs at 110 Antares Street, Southern Cross on the following conditions:

- 1 All three dogs must be registered and registration maintained for the life of the animals;*
- 2 Exemption is only valid for the current three dogs housed at the property, as listed on the application;*
- 3 Upon the passing of one of the dogs the exemption shall become invalid and the applicant will only be able to keep up to two (2) dogs at the property.*
- 4 The exemption is only valid at 110 Antares Street, Southern Cross*
- 5 The exemption may be amended or revoked at any time.*

Carried (5/2)

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12 INFORMATION BOOK ITEMS

13 NOTICE FOR MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN

14 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Cr W Della Bosca wished to bring up the business of the newly installed swipe card system at the Koolyanobbing, Garret Road and Beaton Road Standpipes being based on a prepaid system only.

97/2016

Moved Cr W Della Bosca/Seconded Cr J Della Bosca

That the Koolyanobbing, Garret Road and Beaton Road Standpipes users have the option to not have to prepay for water.

Carried (4/3)

15 CONFIDENTIAL ITEMS

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|--------------------------------|--|
| Submission to: | Ordinary Council Meeting – Thursday, 15 th September 2016 |
| Agenda Reference: | 7.6 |
| Subject: | Confidential Staff Matters |
| File Reference: | |
| Author: | Brian Jones – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 7 th September 2016 |
| Attachment: | Nil |

Recommendation

That the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the local government act.

Voting Requirement Simple Majority

96/2016

Moved Cr Pasini/Seconded Cr W Della Bosca

That the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the local government act.

Carried (7/0)

N Warren, J Bingham and L Della Bosca left the room at 4.38pm

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98/2016

Moved Cr Pasini/Seconded Cr W Della Bosca

That Council note that the CEO has completed performance appraisals of the Deputy Chief Executive Officer, Executive Manager Infrastructure, Manager Regulatory Services and Manager Community Services.

Carried (7/0)

99/2016

Moved Cr Close/Seconded Cr Nolan

That Council accept the CEO's proposal to extend the contract of employment of the Deputy CEO, Mr John Bingham, by two years, to expire on 4 August 2019.

Carried (7/0)

100/2016

Moved Cr Pasini/Seconded Cr Chrisp

That Council agree to amend Council Policy 7.2 Employee Benefits, so that the maximum additional Shire contribution to superannuation be 5.5% for a maximum of 15%, however this change not apply to current staff who are receiving this benefit.

Carried (6/1)

Cr Nolan wished to be recorded as being against the motion

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| Recommendation: |
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| That the meeting be open to members of the public |
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Voting Requirements Simple Majority

101/2016

Moved Cr J Della Bosca/Seconded Cr Pasini

That the meeting be open to members of the public

Carried (7/0)

16

CLOSURE OF MEETING

As there was no further business to discuss, the Shire President declared the meeting closed at **4.46pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 15th September 2016, were confirmed on Thursday, 20th October 2016 as a true and correct record of the September Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT