



Shire of  
YILGARN

*“good country for hardy people”*

# *Minutes*

*Ordinary Meeting of  
Council*

*December*

*2016*

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## 1. OFFICIAL OPENING

The Presiding Member declared the meeting open at 10.30am

## 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

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

Apologies: Nil

Leave of Absence:

**127/2016**

***Moved Cr Pasini/Seconded Cr W Della Bosca***

***That Cr Chrisp be granted leave of absence from the December 2016 Ordinary Council meeting***

**Voting Requirements:** Simple Majority

***Carried (6/0)***

Observers Mrs. Crafter

## 3. DISCLOSURE OF FINANCIAL/IMPARTIALITY INTEREST

Nil

## 4. PUBLIC QUESTION TIME

Mrs. Crafter questioned the fees and charges applying to placing articles in the Crosswords.

The President advised that the fees and charges were adopted with the 2016/17 budget by Council.

## 5. CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council Thursday 17<sup>th</sup> November 2016

*128/2016*

*Moved Cr W Della Bosca/Seconded Cr Close*

*That the minutes from the Ordinary Council Meeting held on the 17<sup>th</sup> November 2016 be confirmed as a true record of proceedings*

**Voting Requirements:** Simple Majority

*Carried (6/0)*

### 5.2 Ordinary Council Meeting Thursday 17<sup>th</sup> November 2016 Action Sheet

*129/2016*

*Moved Cr Pasini/Seconded Cr Nolan*

*That the Action Sheet for the Council Meeting held on Thursday 17<sup>th</sup> November 2016 be received*

**Voting Requirements:** Simple Majority

*Carried (6/0)*

### 5.3 Audit Committee Meeting Thursday 17<sup>th</sup> November 2016

*130/2016*

*Moved Cr W Della Bosca/Seconded Cr Pasini*

*That the minutes from the Audit Committee Meeting held on Thursday 17<sup>th</sup> November be confirmed as a true record of proceedings*

**Voting Requirements:** Simple Majority

*Carried (6/0)*

## 6. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Cr O Truran Announce the following

- Attended the DHAC Executive Management team meeting regarding the upgrade of regional hospitals and the LEMC meeting on the 24<sup>th</sup> November.
- Attended the WE-ROC meeting in Westonia with the CEO on the 30<sup>th</sup> November.
- On the 1<sup>st</sup> December attended the GECZ meeting via teleconference.
- Attended the St John ambulance Christmas Party on the 3<sup>rd</sup> December
- On the 4<sup>th</sup> December attended the Senior Citizens Christmas dinner.  
Cr Onida thanked the Shire Councillors and Staff for their help on the day.
- Attended the HAY Committee Christmas dinner on the 6<sup>th</sup> December.
- On the 7<sup>th</sup> December attended the St Joseph's Christmas concert.
- On the 13<sup>th</sup> December attended the DHAC meeting followed by a meeting with the Minister for Water, Sport and Recreation, Forestry Hon. Mia Davies with the CEO, Cr J Della Bosca, Cr Chrisp and Cr W Della Bosca .
- Also attended the Southern Cross District High School Christmas Concert and Awards evening on the 13<sup>th</sup> December.

Cr Julie Della Bosca announced that she attended the St Joseph's Christmas Concert on the 7<sup>th</sup> December and the meeting with Minister Mia Davies followed by the Southern Cross District High School Awards evening on the 13<sup>th</sup> December.

Cr W Della Bosca announce the following

- Attended the Senior Citizens Christmas dinner on the 4<sup>th</sup> December.
- On the 10<sup>th</sup> December attended the Moorine Rock School Christmas concert and Awards evening.
- Attended the meeting with Minister Mia Davies followed by the Southern Cross District High School Christmas Concert and Awards evening.
- There has been three harvest bans so far this summer and three fires.

Cr Close announced that he attended the Senior Citizens Christmas Dinner on the 4<sup>th</sup> December.

Cr Pasini announced that he attended the Seniors Christmas Dinner on the 4<sup>th</sup> December.

**7. Reporting Officer – Chief Executive Officer****7.1 Local Law Review**

<b>File Reference</b>	<b>2.3.2.11</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Four (4) Proposed Local Laws</b>

**Purpose of Report**

To finalise the review of local laws and consider the making of four new local laws

**Background**

At the Ordinary Council Meeting held on Thursday 20 October 2016, Council resolved to undertake a review of all of its local laws in accordance with the Local Government Act 1995 s3.16 and to give statewide and local public notice of its intent to undertake the review.

Section 3.16 of the Local Government Act requires periodic reviews of local laws. A Local Government is to carry out a review of a local law to determine whether or not it considers that it should remain unchanged, be repealed or amended.

The public notice provided, advising of the review, included an advertisement in the West Australian newspaper on Wednesday 26 October 2016 plus a notice in the Crosswords and on the public notice board and on the Shires website.

At the close of the submission period no submissions had been received.

**Comment**

The Shire of Yilgarn local laws being reviewed are; Fencing 1983; Cemetery - Southern Cross 1980; Rubbish Clearing & Removal of 1992, Trading In Public Places 1992; Standing Orders 1997; Dogs 1997; Swimming Pool Complex 1997; and Health 1997.

The following action is recommended in regards to each local law:

Fencing (1983)                                      repeal and replace with the WALGA pro forma Fencing Local Law, (see copy attached)

Cemetery - Southern Cross (1980)    repeal

Rubbish Clearing & Removal of (1992)    repeal, local law obsolete as these powers are provided in the local government act

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Trading in Public Places (1992)	recommend no change
Standing Orders (1997)	repeal and replace with WALGA pro forma Local Government Council Meetings Local Law, (see copy attached)
Dogs (1997)	repeal and replace with the WALGA pro forma Dogs Local Law, (see copy attached)
Swimming Pool Complex (1997)	repeal
Health (1997)	recommended no change. To be reviewed following full implementation of new Health Act

If Council supports the recommended action in regards to each local law then following the completion of the statutory process the Shire of Yilgarn would have the following local laws in place:

- ✓ Fencing Local Law (2017)
- ✓ Trading in Public Places Local Law (1992)
- ✓ Local Government Council Meetings Local Law (2017)
- ✓ Dogs Local Law (2017)
- ✓ Health Local Law (1997)

### **Statutory Environment**

Section 3.16 of the Local Government Act requires periodic reviews of Local Laws. A Local Government is to carry out a review of a Local Law to determine whether or not it considers that it should remain unchanged, be repealed or amended.

The review is to be conducted within 8 years from the day each Local Law commenced, or from when a report of a review of the Local Law was accepted under s3.16.

The process to make a Local Law is detailed in section 3.12 of the Local Government Act.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### Financial Implications

Council allocated \$10,000 in the current Budget for the review and making new local laws. As the local law review and proposed new local laws has been completed in-house the actual costs (mainly advertising) will be well under Budget.

### Recommendation

1. That Council, in regards to the Local Law Review conducted in accordance with section 3.16 of the Local Government Act 1995;
  - a) Approves no amendments to the Trading in Public Places (1992) Local Law and the Health (1997) Local Law.
  - b) Agrees to repeal:
    - a. the Cemetery - Southern Cross (1980) Local Law,
    - b. the Rubbish Clearing & Removal of (1992) Local Law,
    - c. the Swimming Pool Complex (1997) Local Law
  - c) Agrees to:
    - a. Replace the Fencing (1983) Local Law with a new local law,
    - b. Replace the Standing Orders (1997) Local Law with a new local law,
    - c. Replace the Dogs (1997) Local Law with a new local law
2. That Council, in accordance with section 3.12 of the Local Government Act, 1995:
  - a) Approves the giving of statewide public notice of the following local laws (as shown below) in order to seek public comment:
    - a. Repeal Local Law (2017)**

PURPOSE: To repeal superfluous, defunct and obsolete local laws.

EFFECT: To allow more efficient and effective local government by removing outdated local laws from the public record.
    - b. Dogs Local Law (2017)**

PURPOSE: To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

EFFECT: To extend the controls over dogs which exist under the Dog Act 1976



**c. Fencing Local Law (2017)**

**PURPOSE:** To prescribe a sufficient fence and the standard for the construction of fences throughout the district.

**EFFECT:** To establish the minimum requirements for fencing within the district.

**d. Local Government (Council Meetings) Local Law (2017)**

**PURPOSE:** To provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

**EFFECT:** To result in:

- a. better decision-making by the Council and committees;
- b. the orderly conduct of meetings;
- c. better understanding of the process of conducting meetings; and
- d. the more efficient and effective use of time at meetings.

b) Submit to the Minister for Local Government a copy of all proposed local laws;

**Resolution**

**131/2016**

***Moved Cr J Della Bosca/Seconded Cr W Della Bosca***

**1 That Council, in regards to the Local Law Review conducted in accordance with section 3.16 of the Local Government Act 1995;**

***a) Approves no amendments to the Trading in Public Places (1992) Local Law and the Health (1997) Local Law.***

***b) Agrees to repeal:***

- a. the Cemetery - Southern Cross (1980) Local Law,***
- b. the Rubbish Clearing & Removal of (1992) Local Law,***
- c. the Swimming Pool Complex (1997) Local Law***

***c) Agrees to:***

- a. Replace the Fencing (1983) Local Law with a new local law,***
- b. Replace the Standing Orders (1997) Local Law with a new local law,***
- c. Replace the Dogs (1997) Local Law with a new local law***

**2 That Council, in accordance with section 3.12 of the Local Government Act, 1995:**

***a) Approves the giving of statewide public notice of the following local laws (as shown below) in order to seek public comment:***

**A REPEAL LOCAL LAW (2017)**

**PURPOSE:** *To repeal superfluous, defunct and obsolete local laws.*

**EFFECT:** *To allow more efficient and effective local government by removing outdated local laws from the public record.*

**B DOGS LOCAL LAW (2017)**

**PURPOSE:** *To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.*

**EFFECT:** *To extend the controls over dogs which exist under the Dog Act 1976*

**C FENCING LOCAL LAW (2017)**

**PURPOSE:** *To prescribe a sufficient fence and the standard for the construction of fences throughout the district.*

**EFFECT:** *To establish the minimum requirements for fencing within the district.*

**D LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW (2017)**

**PURPOSE:** *To provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.*

**EFFECT:** *To result in:*

- a better decision-making by the Council and committees;*
- b the orderly conduct of meetings;*
- c better understanding of the process of conducting meetings; and*
- d the more efficient and effective use of time at meetings.*

*b) Submit to the Minister for Local Government a copy of all proposed local laws;*

*Carried (6/0)*

## 7. Reporting Officer – Chief Executive Officer

### 7.2 Marvel Loch Sewerage Rates

<b>File Reference</b>	<b>8.1.1.5 &amp; 10.2.5.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Copy of correspondence to Marvel Loch residents</b>

#### Purpose of Report

To consider a concession of Marvel Loch sewerage rates levied on residential properties in 2016/17

#### Background

Correspondence was received from Marvel Loch residents expressing concern regarding the size of the sewerage rate increase applied in 2016/17 compared to previous years. A copy of the correspondence was handed to all Councillors present at the November meeting.

When adopting the 2016/17 Budget Council agreed to apply a rate in the \$ necessary to meet most of the costs of operating the sewerage scheme due to concern that a large portion of the costs in recent years was being subsidised from general rate revenue due to the substantial drop in revenue in 2013/14 compared to previous years.

The financial statement below shows the income and expenditure for the Marvel Loch sewerage scheme for the past five years (excluding depreciation), including the rate in the \$ levied.

	Budget	Actual	Actual	Actual	Actual
	<u>2016 - 17</u>	<u>2015 - 16</u>	<u>2014 - 15</u>	<u>2013 - 14</u>	<u>2012 - 13</u>
Income - Sewerage Rates	75,123	23,457	23,023	23,210	66,771
Rate in \$	16.7	4.7	4.6	4.6	6.4
<b>Operating Expenses</b>					
Inspection Wages	8,465	7,885	5,516		
Repairs	25,000	31,997	18,938	52,490	34,654
Electricity	2,336	2,720	2,651	2,478	2,352
Operating costs	35,801	42,602	27,105	54,968	37,006
Capital Costs	60,000	80,615			
Total costs	95,801	123,217	27,105	54,968	37,006
Surplus / Deficit	- 20,678	- 99,760	- 4,082	- 31,758	29,765

Further analysis into the reduction of revenue in 2013/14 has been undertaken. Council adopted the 2013/14 Budget with Marvel Loch sewerage rate revenue being budgeted at \$70,848 based on valuations provided by the Valuer General. On 25 July 2013 the Valuer General provided interim valuations for 10 properties at Marvel Loch to be effective from 1 July 2013. The interim valuations provided resulted in a substantial reduction in the Gross Rental Valuations applied to workers quarters, the Marvel Loch Hotel and the Marvel Loch Shop.

The financial impact of the interim valuations was a reduction in revenue from the Marvel Loch sewerage scheme of \$47,637 and reduction in general rates revenue of approximately \$380,000.

### **Comment**

Correspondence has been forwarded to those Marvel Loch residents who signed the correspondence advising that I will be recommending to Council that the sewerage rate levied on residential properties in 2016/17 be reduced by 50% (see attached).

The reason that I support a 50% reduction on residential properties is because the substantial reduction in rate revenue in 2013/14, as detailed above, did not apply to residential properties. The residential properties have therefore been levied a substantial increase to compensate for a large reduction in valuations applied to single persons quarters and commercial properties.

A 50% reduction would bring the sewerage rates levied in 2016/17 to a level that is equivalent to an annual increase of approximately 5% on the rate in the \$ levied in 2012/13.

The Manager Regulatory Services has included a separate report within the Agenda recommending further investigations into the future options regarding the treatment of sewerage in Marvel Loch.

### **Statutory Environment**

Local Government Act

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferrals) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

\* Absolute majority required.

### **Strategic Implications**

### **Policy Implications**

### Financial Implications

The estimated cost to the Budget of providing a 50% reduction of the Marvel Loch sewerage rates applied to residential properties is \$27,000.

### Recommendation

That Council agree to reduce the Marvel Loch sewerage rates levied on residential properties only, in 2016/17 by 50%

### Resolution

*132/2016*

*Moved Cr Pasini/Seconded Cr Nolan*

*That Council agree to reduce the Marvel Loch sewerage rates levied on residential properties only, in 2016/17 by 50%*

*Carried (6/0)*

**8. Reporting Officer– Deputy Chief Executive Officer****8.1 Financial Reports**

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>See attachment 8.1</b>

**Purpose of Report**

To consider the Financial Reports

**Background**

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

The following reports are attached and have been prepared as at the 30<sup>th</sup> November, 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.

**Comment****Statutory Environment**

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

**Strategic Implications**

Nil

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**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council endorse the various Financial Reports as presented for the period ending 30th November, 2016.

**Resolution**

***133/2016***

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

***That Council endorse the various Financial Reports as presented for the period ending 30th November, 2016.***

***Carried (6/0)***

**8. Reporting Officer– Deputy Chief Executive Officer****8.2 Accounts for Payment**

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>See attachment 8.2</b>

**Purpose of Report**

To consider the Accounts for Payment

**Background**

Municipal Fund – Cheque Numbers 40283 to 40295 totalling \$12,602.08, Municipal Fund-EFT Numbers 5616 to 5728 totalling \$912,172.02, Municipal Fund – Cheque Numbers 1306 to 1310 totalling \$167,871.59, Municipal Fund Direct Debit Numbers 11255.1 to 11305.12 totalling \$66,676.13, Trust Fund 402232 to 402233 totalling \$1208.10 and Trust Fund – Cheque Numbers 6036 to 6039 (DPI Licensing), totalling \$31,331.25 are presented for endorsement as per the submitted list.

**Comment****Statutory Environment**

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

**Strategic Implications**

Nil

**Policy Implications**

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

**Financial Implications**

Drawdown of Bank funds



**Recommendation**

Municipal Fund – Cheque Numbers 40283 to 40295 totalling \$12,602.08, Municipal Fund- EFT Numbers 5616 to 5728 totalling \$912,172.02, Municipal Fund – Cheque Numbers 1306 to 1310 totalling \$167,871.59, Municipal Fund Direct Debit Numbers 11255.1 to 11305.12 totalling \$66,676.13, Trust Fund 402232 to 402233 totalling \$1208.10 and Trust Fund – Cheque Numbers 6036 to 6039 (DPI Licensing), totalling \$31,331.25 are presented for endorsement as per the submitted list.

**Resolution**

**134/2016**

***Moved Cr Close/Seconded Cr Pasini***

***Municipal Fund – Cheque Numbers 40283 to 40295 totalling \$12,602.08, Municipal Fund- EFT Numbers 5616 to 5728 totalling \$912,172.02, Municipal Fund – Cheque Numbers 1306 to 1310 totalling \$167,871.59, Municipal Fund Direct Debit Numbers 11255.1 to 11305.12 totalling \$66,676.13, Trust Fund 402232 to 402233 totalling \$1208.10 and Trust Fund – Cheque Numbers 6036 to 6039 (DPI Licensing), totalling \$31,331.25 are presented for endorsement as per the submitted list.***

*Carried (6/0)*

**8. Reporting Officer– Deputy Chief Executive Officer****8.3 Independent Auditor’s Report**

<b>File Reference</b>	<b>8.2.3.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>See attachment 8.3</b>

**Purpose of Report**

To consider the Independent Auditor’s Report.

**Background**

Mr James Arthur, appointed representative of Council’s Auditor firm, Moore Stephens Chartered Accountants, was in Southern Cross on the 3<sup>rd</sup> and 4<sup>th</sup> November 2016 to carry out Council’s Final Audit.

**Comment**

In concluding the Final Audit, Mr Wen-Shien Chai at Moore Stephens signed off on the Financial Statements and Independent Auditor’s Report on the 23<sup>rd</sup> November 2016, in preparation for adoption of the Annual Report at the Ordinary Meeting of Council to be held on 16<sup>th</sup> December 2016.

An Audit Committee meeting has been organised for 9am on 16th December 2016 preceding the Ordinary Council meeting, in which Mr Chai will be attending via teleconference.

The CEO has signed the 2016 Financial Report on the 23<sup>rd</sup> November 2016, indicating that the Financial Statements are a complete audited record of the Shire of Yilgarn’s financial position. In addition, the Management Representation Letter has been signed, stating to the best of the CEO’S knowledge the financial report gives a true and fair representation of the Shire of Yilgarn’s financial position in accordance with Australian Accounting Standards, Local Government Act 1995 and LG Financial Management Regulations.

**Statutory Environment**

Local Government Act 1995 Section 7.9; Local Government (Audit) Regulations 1996 Section 9 and Section 10

**Strategic Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

This document will form part of the Annual Report.

**Recommendation**

That Council receives the 'Independent Auditor's Report to the Electors of the Shire of Yilgarn' and the Management Report for the year ended 30th June 2016, as prepared by Mr Wen-Shien Chai of Moore Stephens Chartered Accounts, and be adopted by Council.

**Resolution**

*135/2016*

*Moved Cr W Della Bosca/Seconded Cr Pasini*

*That Council receives the 'Independent Auditor's Report to the Electors of the Shire of Yilgarn' and the Management Report for the year ended 30th June 2016, as prepared by Mr Wen-Shien Chai of Moore Stephens Chartered Accounts, and be adopted by Council.*

*Carried (5/1)*

Cr Nolan is recorded as being against the motion

**8. Reporting Officer– Deputy Chief Executive Officer****8.4 Annual Report 2015/16**

<b>File Reference</b>	<b>8.2.3.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>See attachment 8.4</b>

**Purpose of Report**

To consider the 2015/16 Annual Report

**Background**

Council is required to accept (by absolute majority) the Annual Report prior to the 31st December each year, and to set a date for the convening of an Annual Meeting of Electors no later than 56 days after the local government accepts the annual report.

The 2015/2016 Annual Report including the Financial Report is attached for Council's acceptance.

It is then necessary to advertise that the Annual Report is ready for the community to view for a period of 14 days and then an Annual Electors Meeting can be held. It is recommended the Annual Electors meeting be held on Thursday 19<sup>th</sup> January 2017 commencing at 4.00pm at which time the Annual Report will be formally presented to the community.

**Comment**

Nil

**Statutory Environment**

Local Government Act 1995 Section 5.54

**Strategic Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

2016/17 Budget

**Recommendation**

That Council adopts the Shire of Yilgarn Annual Report for the year ended 30th June 2016, and forward a copy to the Department of Local Government. In addition, the DCEO to advertise the availability of the Annual Report for viewing for 14 days prior to the electors meeting scheduled to be held on Thursday 19<sup>th</sup> January 2017 at 4.00pm.

**Resolution**

**136/2016**

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

***That Council adopts the Shire of Yilgarn Annual Report for the year ended 30th June 2016, and forward a copy to the Department of Local Government. In addition, the DCEO to advertise the availability of the Annual Report for viewing for 14 days prior to the electors meeting scheduled to be held on Thursday 2<sup>nd</sup> February 2017 at 4.00pm.***

***Carried (5/1)***

Cr Nolan is recorded as being against the motion

Note: Council adopted a different resolution to the Officer's recommendation by changing the date of the Annual Electors Meeting to allow additional time to advertise the meeting.

## 10 Officers Report – Manager Regulatory Services

### 10.1 Application for Mining Licence M77/1002

<b>File Reference</b>	<b>3.2.1.15</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Correspondence from Department of Mines and Petroleum</b>

#### Purpose of Report

To consider a mining licence in proximity to Southern Cross townsite.

#### Background

The Shire of Yilgarn has received a request for comment from the Department of Mines and Petroleum in relation to an application for a mining licence in proximity to Southern Cross townsite.

Hanking Gold are proposing to re-commence underground mining from the existing Golden Pig minesite pit complex. The attachment details the location and further details of the proposed exploration activities

Under Sections 23 to 26 of the Mining Act 1978, mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum. Where an application is within a townsite, the Minister must first consult and obtain the recommendation of the local government and the Minister for Lands.

The Department of Mines and Petroleum have requested the Shire provide a response, and if favourable, advise if the Shire agrees to have the following endorsement and condition imposed on the tenement:

Endorsement:

*The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978, except that below 30 metres from the natural surface of the land.*

Condition:

*Access to the surface of land within Southern Cross Townsite for mining purposes being subject to the approval of the local authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the director, Environment, DMP.*

**Comment**

The Department of Mines and Petroleum and the Department of Environment Regulation enforce strict requirements for mining operations and as such the risk of nuisance from noise, dust vibration or effect on the townsite community will be limited.

Any nuisances that may arise can be dealt with under the provisions of the Environmental Protection Act 1986 and subsidiary legislation or via breach of licence conditions, in either case, as the premises is licenced by the Department of Environment Regulation, it is their responsibility to investigate, however the Shire may be used to assist.

**Statutory Environment**

Mining Act 1978  
Environmental Protection Act 1986

**Strategic Implications**

Nil

**Policy Implications**

Policy 4.9 – Mining Tenements – states where a tenement encroaches upon a townsite the matter will be referred to council.

**Financial Implications**

Nil

**Recommendation**

THAT COUNCIL: Advise the Department of Mines and Petroleum, that the Shire does not object to the issuing of mining licence M77/1002, including the proposed endorsement and condition set by the Department of Mines and Petroleum

**Resolution**

**137/2016**

***Moved Cr Pasini/Seconded Cr Close***

***That Council advise the Department of Mines and Petroleum, that the Shire does not object to the issuing of mining licence M77/1002, including the proposed endorsement and condition set by the Department of Mines and Petroleum***

***Carries (6/0)***

## 10 Officers Report – Manager Regulatory Services

### 10.2 Investigation of Options for Marvel Loch Sewage Treatment

<b>File Reference</b>	<b>10.2.5.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider engaging a suitably qualified consultant to investigate options available for Marvel Loch Sewage

#### Background

In 1985 the Shire of Yilgarn installed a semi-deep sewer scheme in the Marvel Loch townsite which enabled most properties to connect to the scheme while also using on-site septic tanks on each property. The effluent disposal scheme consists of 5.691 kilometres of combined gravity mains and rising mains reticulated sewage pipes, two collection and pump stations, one located on Lenneberg Street and the other is located on Overington Street, plus a series of three evaporation ponds located north of the townsite off the Old Marvel Loch Road.

To cover expenditure, the Shire raises effluent rates on the properties connected to the system. As seen in the table below, since 2013/2014, the revenue raised from rates still leaves a deficit that is covered by general revenue.

	Budget	Actual	Actual	Actual	Actual
	2016 - 17	2015 - 16	2014 - 15	2013 - 14	2012 - 13
Income - Sewerage Rates	75,123	23,457	23,023	23,210	66,771
Rate in \$	16.7	4.7	4.6	4.6	6.4
<u>Operating Expenses</u>					
Inspection Wages	8,465	7,885	5,516		
Repairs	25,000	31,997	18,938	52,490	34,654
Electricity	2,336	2,720	2,651	2,478	2,352
Operating costs	35,801	42,602	27,105	54,968	37,006
Capital Costs	60,000	80,615			
Total costs	95,801	123,217	27,105	54,968	37,006
Surplus / Deficit	- 20,678	- 99,760	- 4,082	- 31,758	29,765



According to the Marvel Loch Sewage Asset Management Plan, expenditure over the next ten years for maintenance and capital is as follows (excluding operational costs):

Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Maintenance	\$45,679	\$47,278	\$52,496	\$114,834	\$55,961	\$57,356	\$58,784	\$64,486	\$248,633	\$63,294
Capital	\$-	\$69,598	\$-	\$-	\$-	\$-	\$14,106	\$-	\$-	\$-

Furthermore, as per the Chief Executive Officers report (7.2), whereby it is recommended that the residential effluent rates in Marvel Loch be reduced by 50%, this will increase the deficit between revenue and expenditure.

Due to the ongoing deficit, it is recommended that Council agree to engage a suitably qualified consultant to investigate all aspects of the sewage system and funding model to determine what the Shires options are for future viability of the sewage scheme.

#### Comment

The Shire should not continue to operate the sewage system in Marvel Loch with a deficit without looking at all possible options available.

As such it is important the Shire investigates all aspects of the Marvel Loch sewage treatment system, including but not limited to, different funding options, better operating practices or removal of the deep sewage system and reverting back to self-contained onsite septic and leach drain systems.

Due to the technical nature of the investigation, it is deemed appropriate that the Shire engages a suitable qualified consultant to undertake the investigation and provide a number of recommendations to be brought back to council for a final determination.

#### Statutory Environment

Nil

#### Strategic Implications

**Goal:** Protecting, utilising and enhancing our beautiful natural heritage

**Outcome:** Satisfaction with sewerage services

**Strategy:** continue to maintain current sewerage systems in accordance with licensing requirements and asset management plan

#### Policy Implications

Nil

**Financial Implications**

Estimated expenditure of up to \$20,000, which will be taken from the Sewage Reserve, currently holding \$523,976.

**Recommendation**

That Council agree to engage a suitably qualified consultant to investigate the Marvel Loch sewage scheme and to provide a range of recommendations relating to the ongoing financial viability of the semi-deep sewer.

**Resolution**

***138/2016***

***Moves Cr J Della Bosca/Seconded Cr W Della Bosca***

***That Council agree to engage a suitably qualified consultant to investigate the Marvel Loch sewage scheme and to provide a range of recommendations relating to the ongoing financial viability of the semi-deep sewer.***

***Carries (6/0)***

John Bingham left the room at 11am

## 10 Officers Report – Manager Regulatory Services

### 10.3 Section 40 - Liquor Licence Application

<b>File Reference</b>	<b>4.1.5.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider a Section 40 application for a liquor licence at Yellowdine Roadhouse

#### Background

The Shire has received Section 39 and Section 40 applications to establish a liquor outlet at the Yellowdine Roadhouse, Lot 22 Great Eastern Highway, Yellowdine.

The Section 39 seeks to confirm compliance with the Health Act 1911, Food Act 2008, Building Act 2011 and Local Government Act 1995. An inspection on the 2 December 2016 confirmed a satisfactory level of compliance with relevant legislation.

The Section 40 application seeks to confirm compliance with any relevant planning laws, specifically the Shires Town Planning Scheme 2 (TPS2).

Lot 22 Great Eastern Highway, Yellowdine is zoned commercial in the Shires TPS2, which is defined as:

*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.*

Under the Shires Town Planning Scheme 2, a “liquor store” is defined as:

*Any land or buildings the subject of a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).*

A liquor store is a use not listed under the TPS2, and where the use is not listed Clause 3.2.5 of the TPS2 states:

*If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:*

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*

- b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or*
- c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 6.3 States:

### 6.3 ADVERTISING OF APPLICATIONS

6.3.1 *Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.*

6.3.2 *Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.*

6.3.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*

- a) *Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
- b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
- c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.*

### Comment

The applicant has advised they propose to keep a small quantity of liquor in storage for sales as take-aways. Currently there are a number of main roads workers camping in proximity to the premises and it was originally devised to sell to these workers and the general public. Depending on viability, sales to the public may continue once main roads workers have finished upgrades.

Whilst a "liquor store" is use not listed, a tavern and hotel are permitted uses for commercial areas. There are three premises within Southern Cross with planning approval to provide take-away sales that are also in commercial zones.

Should Council agree to the establishment of a liquor store at Lot 22 Great Eastern Highway, the Section 39 and 40 certificates will be forwarded to the Department of Racing Gaming and Liquor, where a further assessment of the sites suitability will be undertaken? A public advertising period may be enforced by the Department if they deem it relevant.

Residents and Council can also make comment to the Department during this period.

**Statutory Environment**

Shire of Yilgarn Town Planning Scheme 2  
Liquor Control Act 1988

**Strategic Implications**

**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**

Nil

**Recommendation**

That Council determine a “liquor store” is a use consistent with the objectives and purposes of the commercial zone at Lot 22 Great Eastern Highway, Yellowdine and is therefore a permitted use.

**Resolution**

**139/2016**  
***Moved Cr W Della Bosca/Seconded Cr Close***  
***That Council determine a “liquor store” is a use consistent with the objectives and purposes of the commercial zone at Lot 22 Great Eastern Highway, Yellowdine and is therefore a permitted use.***

***Carried (6/0)***

John Bingham entered the room at 11.02am

**12 INFORMATION BOOK ITEMS**

**13 NOTICE FOR MOTIONS FOR WHICH PRIOR NOTICE HAS BEEN GIVEN**

139/2016  
Moved Cr Nolan /Cr Close

That the CEO tables documentation supporting his assertion that the Shire is in compliance with Clause 4 of Licence L8367/2009/2

*Lost (2/4)*

**14 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

Nil

**15 CONFIDENTIAL ITEMS**

Nil

**16 CLOSURE OF MEETING**

As there was no further business to discuss, the Shire President declared the meeting closed at **11.07am**

I, Onida T Truran confirm the above Minutes of the Meeting held on Friday, 16<sup>th</sup> December 2016, were confirmed on Thursday, 16<sup>th</sup> February 2017 as a true and correct record of the December Ordinary Meeting of Council.

Cr Onida Truran  
SHIRE PRESIDENT

**Note: A teleconference was held at 11.30am on the 16<sup>th</sup> December 2016, in the council chambers, to discuss the 2015/16 audit with Shire Auditor Wen Shien Chai (Chai). In attendance were councillors O Truran, W Della Bosca, D Pasini, P Nolan and Shire staff Brian Jones (CEO) and John Bingham (DCEO).**