



Shire of
YILGARN

“good country for hardy people”

Minutes

*Ordinary Meeting of
Council*

June

2017

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

PRESENT

Presiding Member President-Cr O Truran

Members Deputy President- Cr W Della Bosca
Cr B Close
Cr P Nolan
Cr K Chrisp (from 4.05pm)

Council Officers B Jones, Chief Executive Officer
C Watson, Executive Manager Corporate Services
R Bosenberg, Executive Manager Infrastructure
N Warren, Manager Regulatory Services
L Della Bosca, Minute Taker

Apologies: Cr J Della Bosca, Cr D Pasini

Leave of Absence: Nil

Observers: Nil

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

Cr Chrisp joined the meeting, 4.05pm

6.1 Ordinary Meeting of Council Thursday 18th May 2017

41/2017

Moved Cr Close/Seconded Cr Nolan

That the minutes from the Ordinary Council Meeting held on the 18th May 2017 be confirmed as a true record of proceedings

Carried (5/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr W Della Bosca announced he attended the CEACA meeting with the CEO on the 7th June.
Cr Truran thanked Cr W Della Bosca and the CEO for attending.

Cr Nolan announced he attended the Ag Care meeting on the 14th June and an online Decision Making Course on the 1st June.

9. OFFICERS' REPORTS

9.1 Reporting Officer – Chief Executive Officer

9.1.1 Financial Management Review

File Reference	8.2.3.5
Disclosure of Interest	Nil
Voting Requirements	Simple
Attachments	Confidential Report – Financial Management Review

Purpose of Report

To receive a report from the CEO regarding the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Yilgarn.

Background

The CEO engaged the services of Moore Stephens, Council's Auditor, to conduct an independent review of the financial management systems and procedures. A copy of the Financial Management Review undertaken by Moore Stephens is attached.

Comment

In regards to the issues raised in the Financial Management Review undertaken by Moore Stephens, I provide the following comment on those matters with a risk rating of moderate or higher:

- Bank reconciliations were not reviewed by a senior staff member since November 2016 due to a staff vacancy and therefore this is only a short term issue as that position has now been filled.
- Reserve fund monies were used to pay salaries and wages and creditors on one occasion as at that time there were insufficient municipal funds. This was due to a miscalculation in cash flow strategy as the Shire had money invested in accounts that required 30 days' notice. When funds were received in the municipal fund approximately 2 weeks later the money was transferred back into the reserve fund account.
- Formal written procedures on dealing with creditors requests for changes in bank account details will be prepared as recommended.

This has become an issue following cases in local government where people have falsely requested a change in a creditors bank account details. While no formal written procedure existed at the time of the review it should be noted that all relevant staff at the Shire had been made aware of the risk from information that had been provided to all local governments.

- The issue of payments being reviewed thoroughly by two authorised signatories has been addressed through a change in Council Policy at the March 2017 ordinary Council meeting.
- The issue of requesting quotations and issuing orders in accordance with Council's Purchasing Policy has been addressed with relevant staff.
- Issues raised regarding the use of fuel cards will be reviewed.

As CEO I am confident that the financial management systems and procedures currently in place at the Shire of Yilgarn, with the inclusion of the abovementioned recommendations for improvement, are appropriate and effective. The Shire of Yilgarn continues to achieve a high level of compliance with the requirements of the local government act and numerous other legislative requirements.

Statutory Environment

Local Government (Financial Management) Regulations

5. CEO's duties as to financial management

(2) The CEO is to —

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That this report, regarding the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Yilgarn, be received by Council

Resolution

42/2017

Moved Cr Chrisp/Seconded Cr W Della Bosca

That this report, regarding the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Yilgarn, be received by Council

Carried (4/1)

Cr Nolan requested that he be recorded as voting against this motion to receive the report notwithstanding that he did receive a copy of the report.

9.1 Reporting Officer – Chief Executive Officer

9.1.2 Draft Budget 2017/18 – Income & Expenditure

File Reference	8.2.5.4
Disclosure of Interest	Nil
Voting Requirements	Simple
Attachments	Draft Cash Budget 2017/18

Purpose of Report

To endorse a draft cash budget as the basis for the preparation of the statutory budget papers for 2017/18.

Background

A copy of a draft Budget 2017/18 has been prepared for Council consideration.

Please note that the draft Budget documents are cash only, they do not include depreciation, profit/loss on sale of assets or any other non-cash items.

Council is requested to consider the draft cash budget, as presented, in order to provide direction to staff on the preparation of the statutory budget documents.

Comment

The following issues need to be taken into consideration in regards to the draft cash budget:

- ✓ No deficit/surplus carried forward has been included
- ✓ The cash expenditure exceeds cash income by \$240,928. This short fall can be overcome by the anticipated opening surplus at 1 July 2017 and transfers from reserve funds to fund parts of the capital expenditure program (eg sewerage capital works and plant replacement program).
- ✓ The final insurance quotations have not been received. A general increase of 2 to 3% has been included and this will be adjusted when final figures are known.
- ✓ The fire and emergency services budget has not been received. As income will equal expenditure this will not impact on the budget bottom line.
- ✓ The draft budget is based on rate revenue being the same in 2017/18 as it was in 2016/17, a zero rate increase. Please note that the report on differential rates which follows this report recommends that Council adopt the same rate levels as the 2016/17 budget.

Statutory Environment

Nil

Strategic Implications

The draft Budget has been prepared taking into consideration Council's Strategic Community Plan.

Policy Implications

Nil

Financial Implications

Sets the basis for the 2017/18 Budget Papers

Recommendation

That the draft cash budget for 2017/18, as presented, be endorsed as the basis for the preparation of the 2017/18 statutory Budget papers for presentation to Council for consideration, in July 2017.

Resolution

43/2017

Move Cr Chrisp/Seconded Cr Close

That the draft cash budget for 2017/18, as presented, be endorsed as the basis for the preparation of the 2017/18 statutory Budget papers for presentation to Council for consideration, in July 2017.

Carried (4/1)

Cr Nolan requested to be recorded as being against the motion.

Cr Truran congratulated the CEO and Shire staff on the budget.

9.1 Reporting Officer – Chief Executive Officer

9.1.3 Differential Rates

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Submissions received x 3, Shire of Yilgarn Objects & Reasons

Purpose of Report

To consider submissions received and agree to differential rates for the 2017/18 financial year.

Background

Council adopted a Rating Strategy for the 2017/18 Budget at the ordinary Council meeting held on Thursday 16 March 2017. The adopted Rating Strategy became the basis for the Shire of Yilgarn Objects and Reasons for Differential Rates 2017.

The Rating Strategy and Objects and Reasons proposed the following Differential General Rates and Minimum Payments for the Shire of Yilgarn for the 2017/18 financial year, to be effective from 1 July 2017:

Land Category	Rate in the Dollar	Min. Payment
GRV Residential/Industrial	11.120	\$500
GRV Commercial	11.120	\$400
GRV Mine-sites	16.000	\$400
GRV Single Persons Quarters	20.000	\$400
UV Rural	1.9274	\$400
UV Mining	17.050	\$500

The Objects and Reasons for Differential Rates 2017 was advertised in accordance with legislative requirements and a copy was forwarded to Cliffs Natural Resources Pty Ltd and Hanking Gold Mining.

At the close of submissions on Friday 26 May 2017 three submissions had been received and a copy of each is attached. An email was also received from the Department of Local Government regarding the Shires Objects and Reasons and a copy of that email is also attached.

Comment

In regards to the submissions received, the following issues were raised:

Difference between the rate in \$ applied to mining and rural UV

- ✓ The objects and reasons for the differential rates are included in the Shire's Objects and Reasons document.
- ✓ The Shire's net expenditure on road maintenance and construction is approximately \$3.6m per annum. Mining rates income, levied on 600 assessments, is approximately \$1.36m or 38% of the net cost of road maintenance and construction. Rural rates income, levied on 425 assessments, is approximately \$1.67m or 46% of the net cost of road maintenance and construction.
- ✓ Council has previously reduced the UV Mining rate in \$ considerably in response to numerous submissions received from Cliffs. The rate in \$ has been reduced by more than 19% since 2014/15.

Increase in Single Persons Quarters rate in \$

The issues raised by the Department of Local Government and Cliffs are noted and have been taken into account with the recommendation to Council.

Heavy Vehicle Road Improvement Contribution

The submission received from Cliffs includes the comment:

Under the Heavy Vehicle Haulage Policy, haulage companies servicing Cliffs and other mining companies within the Shire of Yilgarn are required to pay the HVRIC, thus eliminating any need to be rated at a higher differential rate.

It is disappointing that Cliffs has included this in their submission as they are aware that this is not correct.

Mining sectors use of the Shire's Road Network

The submission received from Cliff's claims that only 2.5% of the Shire's road network is used by mining companies. There are approximately 90 mining companies operating in the Yilgarn Shire and approximately 600 rates assessments associated with these mining companies. To suggest that only 65 kilometres of roads within the Shire of Yilgarn are used by mining operations beggars belief.

The following roads are used to access mining operations; Mt Jackson Rd, Bullfinch Evanston Rd, Southern Cross South Rd. Unkovich Rd, Glendower Rd, Parker Rd, Garrett Rd, Cameron Rd, Three Boys Rd, Frog Rock Marvel Loch Rd, Emu Fence Rd, Cockatoo Tank Rd, Edward Finds Rd, Patroni Rd, Mt Palmer Rd, Marvel Loch Forrestania Rd,

Yellowdine Seabrook Rd, Lake Seabrook Rd, Manxman Rd, Polaris St, Pearce Rd, Koolyanobbing Rd, and others.

CEO Summary

Since Council adopted the Rating Strategy in March 2017 the draft Budget 2017/18 has been prepared (on a cash basis) and is presented to Council under separate cover.

Following the preparation of the draft Budget Council now has a clearer picture of the financial and rating requirements for 2017/18. The draft Budget incorporates efficiency measures due to the ongoing review of expenditure by Council throughout the financial year.

The recommended rate in \$ for each differential rating category takes into consideration the issues raised in the submissions received, the comments received from the Department of Local Government, the previous changes in rating levels and the revenue need as outlined in the draft Budget.

Statutory Environment

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
- (b) a purpose for which the land is held or used as determined by the local government; or
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Included in draft Budget presented under a separate report

Recommendation

That Council:

- Notes the submissions received regarding the imposition of differential rates.
- Endorses the Objects and Reasons for each proposed differential rate, with the rate in \$ and minimum rate to be imposed in 2017/18 being:

<u>Land Category</u>	<u>Rate in the Dollar</u>	<u>Min. Payment</u>
GRV Residential/Industrial	11.0121	\$500
GRV Commercial	7.7518	\$400
GRV Mine-sites	15.5036	\$400
GRV Single Persons Quarters	15.5036	\$400
UV Rural	1.9274	\$400
UV Mining	17.050	\$500

- It is noted that the actual rate in \$ charged for UV Rural may change depending on the change in valuations supplied by Landgate. The intent is to raise the same revenue from UV rural in 2017/18 as was raised in 2016/17 and the rate in \$ will be adjusted accordingly.
- Apply to the Minister for Local Government to impose the UV Mining Differential Rate, being more than twice the lowest differential UV rate.

Resolution

44/2017

Moved Cr W Della Bosca/Seconded Cr Close

That Council:

- *Notes the submissions received regarding the imposition of differential rates.*
- *Endorses the Objects and Reasons for each proposed differential rate, with the rate in \$ and minimum rate to be imposed in 2017/18 being:*

<u>Land Category</u>	<u>Rate in the Dollar</u>	<u>Min. Payment</u>
<i>GRV Residential/Industrial</i>	<i>11.0121</i>	<i>\$500</i>
<i>GRV Commercial</i>	<i>7.7518</i>	<i>\$400</i>
<i>GRV Mine-sites</i>	<i>15.5036</i>	<i>\$400</i>
<i>GRV Single Persons Quarters</i>	<i>15.5036</i>	<i>\$400</i>
<i>UV Rural</i>	<i>1.9274</i>	<i>\$400</i>
<i>UV Mining</i>	<i>17.050</i>	<i>\$500</i>

- ***It is noted that the actual rate in \$ charged for UV Rural may change depending on the change in valuations supplied by Landgate. The intent is to raise the same revenue from UV rural in 2017/18 as was raised in 2016/17 and the rate in \$ will be adjusted accordingly.***
- ***Apply to the Minister for Local Government to impose the UV Mining Differential Rate, being more than twice the lowest differential UV rate.***

Carried (4/1)

Cr Nolan requested to be recorded as being against the motion.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	See attachment 9.2.1

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 31st May, 2017:

- 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

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31st May 2017.

Resolution

45/2017

Moved Cr Close/Seconded Cr W Della Bosca

That Council endorse the various Financial Reports as presented for the period ending 31st May 2017.

Carried (5/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

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

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40416 to 40432 totalling \$20,495.56, Municipal Fund-EFT Numbers 6241 to 6323 totalling \$239,706.90, Municipal Fund – Cheque Numbers 1341 to 1345 totalling \$242,333.97, Municipal Fund Direct Debit Numbers 11652.1 to 11665.13 totalling \$38,493.59, Trust Fund 402251 to 402254 totalling \$1,724.00 and Trust Fund – Cheque Numbers 6062 to 6065 (DPI Licensing), totalling \$40,474.45 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

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

Financial Implications

Drawdown of Bank funds

Recommendation

Municipal Fund – Cheque Numbers 40416 to 40432 totalling \$20,495.56, Municipal Fund- EFT Numbers 6241 to 6323 totalling \$239,706.90, Municipal Fund – Cheque Numbers 1341 to 1345 totalling \$242,333.97, Municipal Fund Direct Debit Numbers 11652.1 to 11665.13 totalling \$38,493.59, Trust Fund 402251 to 402254 totalling \$1,724.00 and Trust Fund – Cheque Numbers 6062 to 6065 (DPI Licensing), totalling \$40,474.45 are presented for endorsement as per the submitted list.

Resolution

46/2017

Moved Cr Chrisp/Seconded Cr W Della Bosca

Municipal Fund – Cheque Numbers 40416 to 40432 totalling \$20,495.56, Municipal Fund- EFT Numbers 6241 to 6323 totalling \$239,706.90, Municipal Fund – Cheque Numbers 1341 to 1345 totalling \$242,333.97, Municipal Fund Direct Debit Numbers 11652.1 to 11665.13 totalling \$38,493.59, Trust Fund 402251 to 402254 totalling \$1,724.00 and Trust Fund – Cheque Numbers 6062 to 6065 (DPI Licensing), totalling \$40,474.45 are presented for endorsement as per the submitted list.

Carried (5/0)

9.4 Officers Report – Manager Regulatory Services

9.4.1 DEVELOPMENT APPLICATION – 34 GRIFFITHS STREET, BODALLIN – ADDITIONS TO EXISTING DWELLING AND PROPOSED LODGING HOUSE

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	<ul style="list-style-type: none"> - Existing Dwelling Floor Plan - Proposed Floor Plan and Elevations - Application Additional Information; & - Proposed advertising brochure.

Purpose of Report

To determine a Development Application for additions to an existing dwelling and proposed lodging house.

Background

The Shire has received a development application for additions to an existing dwelling located at 34 Griffiths Street, Bodallin.

The existing dwelling is comprised of three bedrooms and one bathroom as seen on the attached original plan. The proposed additions would create eight bedrooms in total with three bathrooms, in addition to a double garage, utility room and multiple living areas.

The application also seeks approval to run an accommodation business from the six additional bedrooms and living areas shown as Stage 1 on the attached plans.

The Development Application contained an attachment detailing the plans for the property, which has been attached along with the proposed floor plan layout, elevations and proposed brochure.

The applicant has advised the rooms may be let individually meaning at any time there could be up to 12 persons being accommodated along with the caretaker and their immediate family.

Comment

Lodging House

Under the *Health (Miscellaneous Provisions) Act 1911* (the Act), a lodging house is described as:

“Lodging-house: means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6

persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include —

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911; or*
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats;*

As the proposed dwelling is planned to house up to 12 persons, not including the keeper's family, then this development is categorised as a "Lodging House" and must therefore meet the requirements of the Act and the Shire of Yilgarn Health Local Laws 1997 relating to "Lodging Houses". If Council approve the development, it is deemed approval is also given for the applicant to be granted a Lodging House licence if deemed compliant, which requires annual re-application.

Food Business

The applicant is also proposing to provide food as part of the accommodation service, and as such they will be required to notify and be registered as a food business as per the *Food Act 2008*.

Land Use

The property is zoned "residential", and "lodging house" is a use not listed under the Shire of Yilgarn Town Planning Scheme 2 (TPS2).

The definition of "residential" in TPS2 is as follows"

"The Residential Zone is to be used primarily for single houses on separate lots. 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 residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance."

Clause 3.2.5 of 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 as mentioned in 3.2.5 (b) of TPS2 states:

- 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.*
- 6.3.4 *The notice referred to in sub clause 6.3.3 (a) and (b) shall be in the form contained in Appendix 6 with such modifications as circumstances require.*
- 6.3.5 *After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

It is envisaged that the use of land for a “lodging house” would not unduly affect any neighbour in the vicinity nor cause a nuisance, given the closest residential neighbour is approximately 80 metres away and there being with no adjoining neighbours.

Setbacks and Development Requirements

Whilst the proposed use of the land could be deemed “commercial”, the Shire’s TPS2 development table, which details setback, plot ratio, landscaping and car parking requirements for commercial developments, does not contain any requirements for “lodging house” developments or similar. This then gives Council discretion to approve alternative requirements.

Albeit the use is “commercial”, the building itself is still in essence a residential dwelling, and as it is deemed suitable to utilise the requirements contained in the “Residential Design Codes” (R-Code).

Whilst there are no R-Code zonings for this property in the TPS2, given the size of land parcel, it fits with an R10 zoning, which also matches the majority of residential blocks within the Shire.

This development application requires the following dispensations from Council, in relation to the relevant R10 R-Code requirements:

- Open Space for R10 is 60%, the lot is 989.78 m², therefore requiring 594 m² of open space. The proposed dwelling is 477 m², therefore open space is only 513 m². As such a dispensation of 81 m² is required. It should be noted, as per May Info-book, the applicant has applied to the Department of Lands to purchase the adjoining block at 36 Griffiths Street, Bodallin, which would negate this dispensation should purchase and amalgamation occur;
- Secondary road setbacks for R10 are three (3) metres, the garage is two (2) metres from the rear right-of-way, and as such a one (1) metre dispensation is required. The double garage will not open into the right-of-way, instead opening into Chadwick Street.
- The west boundary wall forming the garage and utility room, being 2.4m in height and 17.5m in length is required to have a 1.5m setback from boundary, however the plans show a 0.6m setback, therefore a 0.9m dispensation is required.
- The east boundary wall forming the home office, kitchen and new laundry, being 2.4m in height and 11m in length is required to have a 1.5m setback from boundary; however the plans show a 1.2m setback, therefore a 0.3m dispensation is required. It should be noted a large portion of the wall is existing and only the laundry is to be extended, in addition to the proposed purchase of 36 Griffiths Street, which would negate this dispensation should purchase and amalgamation occur;

Sewage Treatment

The applicant will be required to submit an application for a sewage treatment system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Building Permits

The applicant will be required to submit an application for a building permit for the proposed additions that is in the form of a certified application.

It has been advised that salvaged materials are to be used in proposed construction; as such a condition of development approval and building permit, if achieved, will be to have a registered building surveyor supply a Certificate of Construction Compliance for the construction prior to occupancy. This is to be at the cost of the applicant.

Statutory Environment

- Health (Miscellaneous Provisions) Act 1911
- Shire of Yilgarn Health Local Laws 1997
- Shire of Yilgarn Town Planning Scheme 2
- Residential Planning Code
- Food Act 2008
- Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

Strategic Implications

Goal: A prosperous future for our community

Outcome: Businesses in the Shire remain competitive and viable

Strategy: - Continue to provide an efficient and effective approval process; &
- Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council:

1. Determine a "lodging house" is a use consistent with the objectives and purposes of the particular zone for 34 Griffiths Street, Bodallin and is therefore permitted;
2. Agree to the following dispensations in the construction of the dwelling:
 - a. A dispensation of 81 m² for the open space requirements of the Residential Design Codes;
 - b. A dispensation of one (1) metre for secondary road setbacks as per the Residential Design Codes;
 - c. A 0.9m boundary setback dispensation for boundary setbacks for the west wall forming the garage and utility room; and
 - d. A 0.3m boundary setback dispensation for the east wall forming the home office, kitchen and new laundry.
3. Agree to allow the proposed development on the following conditions:
 - a. Applicant registers as a lodging house and complies with the Health (Miscellaneous Provisions) Act 1911 and the Shire of Yilgarn Health Local Laws 1997;
 - b. Applicant notifies and registers as a food business under the Food Act 2008;

- c. Applicant makes application and obtains approval for a sewage treatment system as per the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
- d. Applicant submits an application for a building permit, in the form of a certified permit application; and
- e. Applicant, upon completion of construction and prior to occupancy submits a Certificate of Construction Compliance, issued by a registered building surveyor, at the applicants cost, confirming use of salvaged materials has complied with relevant building standards.

Resolution

47/2017

Moved Cr Nolan/Seconded Cr W Della Bosca

That Council:

- 1 Determine a "lodging house" is a use consistent with the objectives and purposes of the particular zone for 34 Griffiths Street, Bodallin and is therefore permitted;*
- 2 Agree to the following dispensations in the construction of the dwelling:*
 - a. A dispensation of 81 m² for the open space requirements of the Residential Design Codes;*
 - b. A dispensation of one (1) metre for secondary road setbacks as per the Residential Design Codes;*
 - c. A 0.9m boundary setback dispensation for boundary setbacks for the west wall forming the garage and utility room; and*
 - d. A 0.3m boundary setback dispensation for the east wall forming the home office, kitchen and new laundry.*
- 3 Agree to allow the proposed development on the following conditions:*
 - a Applicant registers as a lodging house and complies with the Health (Miscellaneous Provisions) Act 1911 and the Shire of Yilgarn Health Local Laws 1997;*
 - b Applicant notifies and registers as a food business under the Food Act 2008;*
 - c Applicant makes application and obtains approval for a sewage treatment system as per the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;*
 - d Applicant submits an application for a building permit, in the form of a certified permit application; and*

- e. Applicant, upon completion of construction and prior to occupancy submits a Certificate of Construction Compliance, issued by a registered building surveyor, at the applicants cost, confirming use of salvaged materials has complied with relevant building standards.*

Carried (5/0)

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 INFORMATION BOOK ITEMS

Nil

12 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF A URGENT NATURE INTRODUCE BY DECISION OF THE MEETING

13.1 LATE ITEM – APPLICATION TO KEEP MORE THAN THE PRESCRIBED NUMBER OF DOGS

File Reference	2.3.1.3
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To consider an application to keep more than the prescribed number of dogs.

Background

The Shire has received an application to keep more than the prescribed number of dogs at 37-39 Altair Street, Southern Cross. The applicant has requested to keep three (3) dogs at the property.

The Shire of Yilgarn Dogs Local Law 2017 Clause "3.2 *Limitation on the number of dogs*" states:

- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

The dogs applied for are:

Breed	Sex	Colour	Name	Age
Terrier X	Male	Brindle	Axel	3y 3m
Terrier X	Male	Black/Brown	Echo	1y 9m
Terrier X	Male	Creamy/White	Yuki	1y 9m

Comment

Reasons not to permit more than two (2) dogs:

1. Premise is within townsite and sets precedence for other dog owners;
2. Dogs are all relatively young;
3. No unusual circumstances in how owner came to have three (3) dogs.

Reasons to permit more than two (2) dogs:

1. Dr Mark Byrne from Southern Cross Family Practice has provided a letter advising he supports the keeping of three (3) dogs as they provide support with conditions suffered by applicant;
2. The premise is made up of two separate lots, being 37 and 39 Altair Street, and whilst it is one "premise" according to the Local Laws, if the lots were individually titled, there could be up to four (4) dogs legally on the same land;

Statutory Environment

Shire of Yilgarn Dogs Local Law 2017
Dog Act 1976

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Registration fees to be paid by owner

Recommendation

That Council either:

- A: Permit the keeping of three (3) dogs at 37-39 Altair 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 dogs 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 37-39 Altair Street, Southern Cross
 5. The exemption may be amended or revoked at any time.

OR

- B: Do not permit the keeping of more than the prescribed number of dogs, being two (2) at 37-39 Altair Street, Southern Cross.

48/2017

Moved Cr Chrisp/Seconded Cr Nolan

That Council:

A: Permit the keeping of three (3) dogs at 37-39 Altair 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 dogs 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 37-39 Altair Street, Southern Cross**
- 5. The exemption may be amended or revoked at any time.**

Lost (2/3)

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at **4.28pm**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday, 22nd June 2017, are confirmed on Thursday, 20st July 2017 as a true and correct record of the June Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT