



Shire of
YILGARN

“good country for hardy people”

Minutes

*Ordinary Meeting of
Council*

December

2017

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 10.30am

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

PRESENT

Presiding Member President-Cr O Truran

Members Deputy President- Cr W Della Bosca
Cr B Close
Cr P Nolan
Cr D Pasini
Cr S Shaw

Council Officers R Hooper, Acting Chief Executive Officer
C Watson, Executive Manager Corporate Services
R Bosenberg, Executive Manager Infrastructure
N Warren, Manager Regulator Services
J Gemund, Manager Community Services
L Della Bosca, Minute Taker

Apologies: Cr G Guerini

Observers: Nil

Leave of Absence: Nil

4. DECLARATION OF INTEREST

Cr S Shaw declared a financial interest in item 14.1

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council Thursday 16th November 2017 Minutes

129/2017

Moved Cr Close/Seconded Cr Nolan

That the minutes from the Ordinary Council Meeting held on the 16th November 2017 be confirmed as a true record of proceedings

Carried (6/0)

6.2 Ordinary Council Meeting Thursday 16th November 2017 Action Sheet

130/2017

Moved Cr Close/Seconded Cr Nolan

That the Action Sheet for the Council Meeting held on Thursday 16th November 2017 be received

Carried (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Cr Onida Truran presented a letter from the Minister and the Executive Committee resolution statement from CEACA.

131/2017

Moved Cr Shaw/Seconded Cr Pasini

That council's position is that due to the high level of Shire investment in land development CEACA be directed to construct the initial two units in Southern Cross.

8. DELEGATES' REPORTS

Cr Onida Truran announced that;

- On the 20th November attended the CEACA meeting with the ACEO.
- Attended the LEMC meeting with the ACEO on the 21st November.
- On the 25th November attended the Museum afternoon tea.
- On the 30th November attended the GECZ with the ACEO.
- On the 3rd December attended the Seniors Christmas lunch.
- Attended the Southern Cross District High School work experience presentation evening on the 6th December.
- Attended leaving drinks for Henry and Hayden.

Cr Suzy Shaw announced she attended the Yilgarn Occasional Child Care center meeting and the Museum afternoon tea.

Cr Wayne Della Bosca announced he attended the CEACA meeting on the 20th November, the Seniors Christmas lunch on the 3rd December and the Moorine Rock school presentation evening on the 9th December.

Cr Nolan announced he attended the Ag Care December meeting, the Museum afternoon tea on the 25th November and the Southern Cross District High School work experience presentation evening on the 6th December.

Cr Dave Pasini announced he attended the Museum afternoon tea on the 25th November and the Seniors Christmas Lunch on the 3rd December.

9. Officers Report – Acting Chief Executive Officer

9.1.1 Standpipes

File Reference	2.4.2.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	1 Income and expenditure reports (Shire) 2 Water Corporation- Fixed Standpipe Review 3 Standpipe Locality Map

Purpose of Report

To review the standpipe network and to assess water consumption costs and lost recovery ratios

Background

The Shire of Yilgarn operated 14 fixed standpipes with 3 fitted with swipe card reporting systems. The remaining 11 operate on an honour system to record use.

The original intent of standpipes was to provide stock and domestic water supplies for properties not connected to scheme.

Comment

The Water Corporation is monitoring use volumes as some use may be deemed commercial and outside of the original intended purpose.

The Shire is currently charged \$2.39 per kilolitre and has set a recovery fee at \$2.50 or \$2.60 per kilolitre which does not cover administration and service costs.

The average difference between standpipe expenditure and income is 50% (\$50,000 to \$70,000 per year)

Statutory Environment

Water Corporation can designate a standpipe as commercial use based on volume with increased charge out rates between \$4-\$10 per KL.

The Local Government can impose fees and charges under the provisions of section 6.16 and 6.17 of the Local Government Act (1995).

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

Under Section 6.19 a Local Government may amend fees and Charges provided that public notice is give

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Strategic Implications

The current Corporate Business plan 2013-2023 states at item 2.3 EN2.2.3 that council will maintain all standpipes. There appears to be as general principal that domestic water from standpipes is provided free. However this does not take into account high volume use such as mining camps.

Policy Implications

Nil

Financial Implications

- The cost of fitting swipe card recording systems to standpipes is estimated at \$17,000 to \$23,000 per unit and there will be future upgrade and replacement costs.
- Water use from standpipes for fire fighting can be recouped from Water Corporation if records are kept.
- The approximate 50% cost recovery per annum for standpipe water is considered to be inadequate and should be reviewed.

Resolution

132/2017

Moved Cr Della Bosca/Seconded Cr Pasini

That Council

- 1 *Under the provisions of section 6.19 of the Local Government Act advertise that the standpipe water use charge will be set at \$3.00 per kilolitre, effective from 1st March 2018, to meet water service and administration costs for this community service.*
- 2 *Consider rationalising the number of fixed standpipes required to service the community.*
- 3 *Implement a budget program to fit swipe readers to all high volume use standpipes*
- 4 *Review the Corporate Business Plan and the Strategic Community Plan to specify the purpose of the standpipes and what levels of cost recovery are to be applied through fees and charges.*

Carried (6/0)

9. Officers Report – Acting Chief Executive Officer

9.1.2 11 Antares Street

File Reference	10.4.1.39
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Building Inspection Report

Purpose of Report

To determine future use of the building and to quantify the financial resources to be committed to restoring, upgrading or altering the building.

Background

Purchase of the building by the shire of Yilgarn was settled on the 2/11/2015 at the cost of \$253,566.49.

A building inspection report was commissioned as part of the purchase process and is provided as an attachment.

Comment

There appears to be have been various use options for the building however it is currently vacant and deteriorating.

Council direction is requested to determine

- a Extent of immediate repair/renovation to make the building safe weather resilient and usable;
- b Future use of the building;
- c Financial commitment and time frames for upgrades, repairs, renovations and alterations.

Statutory Environment

Nil

Strategic Implications

The property is not identified in the Community Strategic Plan or the Corporate Business Plan

Policy Implications

Nil

Financial Implications

Subject to the direction of council on matters relating to the building it is estimated that a minimum financial commitment of \$90,000 will be required for the number of replacement and other structural defect requirements identified in the Building Inspection Report. There will be ongoing maintenance and operating costs associated with the premises and it is unlikely to achieve high income levels through rent on lease. There is the option for council to offer the premises for sale on an as is basis or after the roof is replaced to recover all or part of the funds involved to date.

Resolution

133/2017

*Moved Cr Nolan/Seconded Cr Shaw
That Council*

- 1 Determine if it is to retain or dispose of the property at 11 Antares Street, Southern Cross by the 29/2/2018;*
- 2 If the property is to be retained determine the future acceptable uses and the repairs/modifications required for consideration in the 2018/19 and future budgets by the 31st March 2018;*
- 3 If the property is to be disposed of determine if it is to be offered for sale on an 'as is' basis or the level of repairs required prior to sale for consideration in future budgets by the 31st March 2018.*

Carried (4/2)

9. Reporting Officer – Acting Chief Executive Officer

9.1.3 Organisation Performance Standards

File Reference	1.1.12.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Organisation Performance Standards

Purpose of Report

To allow Council to determine and set organisational standards to monitor performance and to develop relevant performance indicators which will have effect across all staff levels through the Chief Executive Officers.

Background

Traditionally performance standards and indicators are negotiated in the CEO employment contract and they are then used in the appraisal process. This organisational level of adopting and implementing performance standards is seen as a mechanism for council to list expectations relating to performance, compliance and timeframes to support good governance policies.

Comment

The performance standards may form part of the key performance indicators for a new CEO and those acting in the position. The standards can easily be transposed into key performance indicators for others employed through the position of the Chief Executive Officer.

Statutory Environment

The performance standards and timeframes are incorporated in the Local Government Act and Regulations.

Strategic Implications

Performance standards underlay organisational credibility in the community and the local government industry. The Strategic Community Plan, Corporate Business Plan, LTFP and Asset Plans are all dependant on service delivery, timeliness and compliance with the organisational performance standards being a quantifiable measure of some outcomes.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

134/2017

*Moved Cr Pasini/Seconded Cr Della Bosca
That Council*

Adopt the Organisational Performance Standards as provided and utilised them as part of the Key Performance Indicator settings for the Chief Executive Officer with the expectation that the standards will be applied across the organisation.

Carried (6/0)

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 30th November 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

Resolution

135/2017

Moved Cr Close/Seconded Cr Nolan

That Council endorse the various Financial Reports as presented for the period ending 30th November 2017

Carried (6/0)

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 40504 to 40543 totalling \$29,130.77, Municipal Fund-EFT Numbers 6961 to 7112 totalling \$1,359,408.00, Municipal Fund – Cheque Numbers 1377 to 1382 totalling \$179,693.40, Municipal Fund Direct Debit Numbers 12208.1 to 12259.13 totalling \$55,875.00, Trust Fund 402328 to 402331 totalling \$4375.15 and Trust Fund – Cheque Numbers 6093 to 6096 (DPI Licensing), totalling \$39,559.95 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

Resolution

136/2017

Moved Cr Della Bosca/Seconded Cr Shaw

Municipal Fund – Cheque Numbers 40504 to 40543 totalling \$29,130.77, Municipal Fund- EFT Numbers 6961 to 7112 totalling \$1,359,408.00, Municipal Fund – Cheque Numbers 1377 to 1382 totalling \$179,693.40, Municipal Fund Direct Debit Numbers 12208.1 to 12259.13 totalling \$55,875.00, Trust Fund 402328 to 402331 totalling \$4375.15 and Trust Fund – Cheque Numbers 6093 to 6096 (DPI Licensing), totalling \$39,559.95 are presented for endorsement as per the submitted list.

Carried (6/0)

9 Officers Report – Manager Regulatory Services

9.4.1 Application to Increase Kennel Numbers

File Reference	5.2.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Cr Close declared an impartiality interest in the item and left the room at 11.10

Purpose of Report

To determine an application to increase the number of dogs permitted in a licenced kennel.

Background

At the October 2016 general meeting, Council granted approval for a kennel to be established at Location 262 (Lot 81), South Noongar Road, Moorine Rock. The original council approval permitted nine (9) dogs to be held at the kennel.

The operators now wish to increase the number of dogs to thirteen (13).

The kennel is not a commercial operation, and is only a requirement under the Dog Act 1976 and the Shires Dog Local Laws 2017 due to the number of dogs the operators have as pets.

Comment

The kennel establishment has already been approved and inspected for compliance with the Dog Act 1976 and the Shires Dog Local Laws 2017, this current determination for an increase of four (4) dogs should be based purely on compliance with kennel sizing requirements and possible nuisance impacts.

The Shires Dog Local Laws 2017, state in regards to size requirements:

Kennel:

“The minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;”

Yard:

“The floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;”

The kennels are comprised of five individual fenced areas with a total animal housing area of 35m². The dogs housed at the kennel are in general small to medium dogs, and if

overestimating dog length at 50cm on average, for the purposes of kennel size the current establishment more than caters for the proposed number of dogs.

Required Kennel Area Calculation:

Average length of dog: = 0.5m x 2.5 (as per Local Law)
= 1.25m squared (as per Local Law)
= 1.5625m x 13 (number of dogs)
Required Kennel Area = 20.31m²

Required Yard Area Calculation:

Kennel Area: = 35m² x 2 (as per Local Law)
= 70m²
Area of available yard: = 310m²

In relation to a possible nuisance being caused, this is a rural property with the closest neighbour being over one kilometre away, as such nuisances are not of significant risk, nor have there been any complaints since the kennel was approved, over 12 months ago.

The Shires Dog Local Laws 2017 allow for the inspection of kennels within our jurisdiction, as such an unannounced inspection was undertaken on the 10th August 2017 by the Manager Regulatory Services and the Shires Locum Ranger, the inspection found the kennel establishment to be exceptionally clean especially given the operators were unaware of our visit, and the animals to be in good condition.

A secondary visit was also conducted by the Manager of Regulatory Services on the 4th October 2017, in conjunction with the Merredin Vet Clinic, which again found the premises to be operating exceptionally well.

If approved any additional dogs would be required to be registered with the Shire.

Statutory Environment

Dog Act 1976
Shire of Yilgarn Dog Local Laws 2017

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Annual Kennel Licence Fee

Resolution

137/2017

Moved Cr Della Bosca/Seconded Cr Pasini

That Council: *Approve the increase in number of dogs able to be kept at the kennel establishment, located at Location 262 South Noongar Road, Moorine Rock, from nine (9) to thirteen (13), on the provision all dogs over the age of three (3) months are microchipped and registered.*

Advice Notes:

- 1. A person aggrieved of a decision made under the Dog Act 1976, to refuse the kennel application and subsequent registration of the dogs, may appeal the decision through the State Administrative Tribunal.**
- 2. The Local Government may:**
 - a. Vary the conditions of a licence.**
 - b. Cancel a licence—**
 - i. on the request of the licensee;**
 - ii. following a breach of the Act, the Regulations or this local law.**
- 3. A licensee who does not comply with the conditions of a licence commits an offence. Penalty: \$5,000 and a daily penalty of \$100.**

Carried (5/0)

Cr Close re-joined the meeting at 11.13am

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 AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING\

13.1 REQUEST TO LEASE SHIRE VESTED LAND AND ESTABLISH WORKERS ACCOMMODATION AND CAMP KITCHEN

File Reference	3.1.1.6 & 3.1.7.5
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Site Plan Building Plans

138/2017
Moved Cr Nolan/Seconded Cr Close
That the new business be accepted

Carried (6/0)

Purpose of Report

To determine a request to lease Shire land and to establish workers accommodation and camp kitchen facilities.

Background

A Development Application has been submitted to the Shire to establish workers accommodation and an ancillary camp kitchen to service those staying at the facility.

The site proposed is Lot 966 Sirius Street, Southern Cross which is Shire owned. The site is the vacant land surrounding the Water Corporation depot, diagonally opposite the Railway Hotel.

This site previously accommodated a similar type of development however this has since been removed.

The proposal is to install 18 x 4 bedroom units (72 rooms) onsite with 3 x toilet/laundry units. This is in addition to a camp kitchen, recreation room, first aid office and managers quarters/office.

There is also scope for future expansion of another 7 x 4 bedroom units (28 rooms) should market demand allow.

The proponents have requested the matter be put to Council to seek preliminary endorsement prior to spending further funds undertaking the required site surveys and preparing required documentation for Shire Officers to undertake a full assessment.

The proponents have previously submitted applications to the Shire in 2010 with the following resolutions carried:

General Council Meeting of 16th July, 2010:

"That Council advises Mr David Forman that his proposal to establish a new accommodation camp on Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross is supported on the condition that –

- 1) Council receives and approves a site development plan or concept plan that also shows the design/style of the buildings,*
- 2) the development is for a maximum of 40 people,*
- 3) Council would only be offering a lease agreement for the land of 10 years with an option to extend the lease for a further 10 years,*
- 4) that at the termination of the lease all buildings and infrastructure is to be removed from the site and left as a clean block, and*
- 5) the proposed development is advertised locally through "Crosswords" for and receives community support."*

General Council Meeting of 17th September 2010:

"That Council, after considering the written responses received to the advertising of the proposed development of a 40 person accommodation village in Southern Cross, advise Mr Dave Forman that it will consider increasing the maximum accommodation number from 40 to 60 persons, but only after receiving and accepting the proposed plans and layout designs for the village."

General Council Meeting of 18th February 2011:

"That Council advise Mr Dave Forman that it grants planning approval for the overall design/layout and concept plans for the proposed accommodation camp facility, and approves the design of the transportable units/buildings that will be used in the proposed accommodation camp facility on the condition that as shown in the

concept plans there are verandahs attached along the front of each unit/building that is a single skillion roof to give an appearance that the roof is a pitched roof and therefore will look less like a "donga", and that the external colour scheme for the buildings is approved by the Manager Environmental Health & Building Services prior to manufacture of the units/buildings."

General Council Meeting of 20th May 2011:

"That Council advises Mr David Forman/Rakkan Pty Ltd that:-

- a) it will accept \$10,000.00 per annum as the lease fee for a period of 10 years but that the fee is to be in line with CPI;*
- b) the option of a further 10 years would have the lease fee in line with CPI;*
- c) Rakkan is provided with more advice on the Single Persons Quarter Rating;*
- d) Rakkan is advised that the Council is willing to assist with the proposed development by removing the dead trees on-site and trim up a few others;*
- e) Rakkan is advised on the suitability of using the land to the north-east of the site for the heavy vehicle parking with access onto and off Arcturus Street and possibly Sirius/Spica Street; and*

Council request Rakkan to bring a 4 bedroom unit to Southern Cross for Council's inspection and comment."

These approvals have now lapsed.

A basic plan showing the proposed layout of the development and the proposed building specifications have been included in the attachments.

Comment

This proposal requires two actions from Council, the first to determine whether the proposed development fits within the objectives and purposes of the Shires Town Planning Scheme 2 (TPS2) residential zone, and secondly, whether Council would consider entering into an agreement for the lease of land to the proponents.

PLANNING

The TPS2 has zoned Lot 966 Sirius Street, Southern Cross as residential, with an R-Code rating of 12.5. The Residential Design Codes (R-Codes) are enacted by the Planning and Development Act 2005, and dictate the requirements for residential developments based on their R-Code rating.

As per the TPS2, residential zones are 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.”

The Single Persons Quarters (SPQs) fits best with use class 43 “Grouped Dwelling” in the TPS2 Zoning Table. For residentially zoned land this is an “AA” use. An “AA” use means that the use is not permitted unless the Council has granted planning approval.

The proposed “Camp Kitchen” is a use not listed in the development table, therefore the TPS2 states:

3.2.5 - 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.*

As mentioned in clause (b) above, “SA” procedures include the advertising of the proposal for a period of time and allowing public feedback, after which the matter is returned to Council for a determination.

As such Council have the ability to either:

1. Approved both uses, with or without conditions;
2. Require advertising of the proposal and seek community feedback prior to determining at the next available Council Meeting; or
3. Deem neither use is permitted.

LEASE

Section 3.58 of the Local Government Act 1995 details the requirements for disposing of land, and it states:

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) it gives local public notice of the proposed disposition —*
 - i. describing the property concerned; and*
 - ii. giving details of the proposed disposition; and*
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - i. as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or(ii) as declared by a resolution of the local*
 - ii. government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) This section does not apply to —*
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*

As we are aware of only one interested party for the lease of this land, a public auction or tender could see the Shire obtain less than what is fair value for the land, and should Council

approve this development, the procedure detailed in subclause 3 is deemed the more suitable option.

COUNCIL DETERMINATION

At this stage of the development application, Council is requested to make a determination on the following:

- Are the use classes of "Grouped Dwelling" and "Camp Kitchen" consistent with the objectives and purpose of the "Residential Zone"; and
- Is Council prepared to undertake the process under Section 3.58 (3) of the Local Government Act 1995, to lease land to the proponents for the purposes of the above uses.

Things to consider in making your determination include:

1. At this stage you are only approving the use of the land, not the final development;
2. The provided layout plan is subject to change and is not final, applicants have advised they are wanting Council feedback to ensure final plans submitted are to the satisfaction of Council;
3. An R-codes assessment is to be undertaken by the Manager of Regulatory Services to determine any compliance issues to be addressed in final plans;
4. Assessments on crossovers and traffic plans are to be undertaken by Shire officers;
5. If public consultation is supported, any nuisance affects can be assessed based on submissions received;
6. Should the recommendation be supported, the matter will be returned to Council at a later date for further determinations. This does not give final approval for the development.
- 7.

Statutory Environment

Planning and Development Act 2005
Shire of Yilgarn Town Planning Scheme 2
Residential Design Codes

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

- Planning and Development fees;
- Building Services fees;
- Pending independent valuation, remuneration to the Shire in the form of an annual rental fee, land, sewage and sanitation rates, and/or other; may be paid upon agreement by both parties.

Resolution

139/2017

Moved Cr Pasini/Seconded Cr Nolan

That Council:

Determine that "Grouped Dwelling" and "Camp Kitchen" are uses that "may" be consistent with the objectives and purpose of the residentially zoned Lot 966 Sirius Street, Southern Cross and require the "SA" procedures of Clause 6.3 of the Town Planning Scheme 2 be undertaken. This determination is issued on the following conditions:

- 1. Prior to giving notice under Clause 6.3, the applicants are to submit a detailed layout plan and supporting documentation to the satisfaction of the Manager Regulatory Services, which gives sufficient information to allow the general public to determine how the development will look aesthetically and what effects it may have on them;*
- 2. Prior to giving notice, the Manager Regulatory Services is to compile a report detailing what, if any, exemptions under the R-codes are sought, to be provided to the public if requested;*
- 3. Notice under Clause 6.3 of the TPS2 is to be in the form of an advertisement in a locally distributed newspaper (Kalgoorlie Miner or West Australian) in addition to full page advertisement in the Shire's "Crosswords". The notice is to be to the satisfaction of the Manager Regulatory Services and all costs covered by the applicant; &*
- 4. The notice period will be a minimum of 21 days. The 21 days will start when the second form of advertisement is published (newspaper or Crosswords).*

and

Council determine to agree to enter into the "Disposing of Property" process detailed in Section 3.58(3) of the Local Government Act 1995, for leasing Lot 966 Sirius Street, Southern Cross to the proponents for the purpose of "Grouped Dwelling" and "Camp Kitchen". This determination is issued on the following conditions:

- 1. Applicant is to make formal request to the Shire to lease the land, detailing proposed length of time;*
- 2. The required valuation is to be undertaken by an independent valuer, approved by the Local Government, arranged by the applicants and all costs covered by the applicants;*
- 3. The notice is to be issued by the Local Government in the form of an advertisement in a locally distributed newspaper (Kalgoorlie Miner or West Australian) in addition to full page advertisement in the Shire's "Crosswords". Any costs incurred by the Local Government are to be covered by the applicant; &*
- 4. The notice period will be a minimum of 21 days. The 21 days will start when the second form of advertisement is published (newspaper or Crosswords).*

Advice Notes:

- 1. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.*
- 2. The required public notices above may be combined if both parties agree, unless Council determine otherwise.*

Carried (6/0)

14 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14. Officers Report – Chief Executive Officer

14.1 Doctor Recruitment Contract

File Reference	1.3.12.7 & 10.2.5.9
Disclosure of Interest	Cr Shaw-Financial
Voting Requirements	Absolute Majority
Attachments	Doctor Recruitment Contract

Resolution

140/2017

Moved Cr Della Bosca/Seconded Cr Close

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

Carried (6/0)

Cr Shaw declared a Financial Interest in the item and left the room at 11.17am

Resolution

141/2017

Moved Cr Della Bosca/Seconded Cr Close

That Council

- 1 Endorse the final Medical and Management Service agreement entered into between the Shire of Yilgarn and Cinomac Pty Ltd trading as The Southern Cross General Practice Pty Ltd.**
- 2 Authorise the use of the Shire of Yilgarn Common Seal on the agreement.**
- 3 Authorise the change from the provision of a vehicle to an annual equivalent cash payment effective from 1st July 2018**
- 4 Make provisions in the 2017/2018 Financial Review for the transfer of required establishment cots if required from the Health Services Reserve Fund.**
- 5 Proceed with the sale of the vehicle and transfer of the income to the Health Services Reserve Fund.**

Carried (5/0)

Resolution

142/2017

Moved Cr Pasini/Seconded Cr Della Bosca

That the meeting be opened to the public

Carried (5/0)

Cr Shaw re-joined the meeting 11.25am

15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at **11.25am**

I, Onida T Truran confirm the above Minutes of the Meeting held on Friday, 15th December 2017, are confirmed on Thursday, 15th February 2018 as a true and correct record of the December Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT