



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

*15th August
2019*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

AUGUST 2019 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 15th August 2019
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The CEO Annual Performance Appraisal will commence at 2pm.*
- *The Discussion/Briefing Session will commence at 3pm.*

Peter Clarke
Chief Executive Officer

08/08/2019

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Table of Content

1 Declaration of Opening/Announcement of Visitors	3
2 Announcements from the Presiding Member	3
3 Attendance	3
4 Declaration of Interest	3
5 Public Question Time	3
6 Confirmation of Minutes	3
7 Presentations, Petitions, Deputations	4
8 Delegates' Reports	4
9 Officers' Reports	5
9.1. Chief Executive Officer	5
9.1.1 National Native Title Tribunal-Marlinyu Ghoorlie Claim	5
9.1.2 Emu Fence Road	10
9.1.3 Yilgarn Agriculture Society-Request for Waiving of Printing Fees	
for Show Schedule and Program	17
9.2 Executive Manager Corporate Services	19
9.2.1 Financial Reports	19
9.2.2 Accounts for Payment	21
9.2.3 2019/2020 Budget Adoption	23
9.2.4 Write Off of Rates-Lot 28 Great Eastern Highway, Yellowdine	31
9.3 Executive Manager Infrastructure	n/a
9.4 Executive Manager Regulatory Services	34
9.4.1 Road Closure Butcher Road, Bodallin	34
9.4.2 Disposal of Property Various Items	38

10 Application for leave of absence.....	40
11 Motions for which previous notice has been given.....	40
12 New business of an urgent nature introduce by decision of the meeting.....	40
13 Meeting closed to the public-Confidential Items.....	40
14 Closure.....	40

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Presiding Member	Cr O Truran	President
Members	Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini Cr S Shaw	
Council Officers	P Clarke C Watson R Bosenberg N Warren	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services

Apologies:

Observers:

Leave of Absence: Cr W Della Bosca Deputy President

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 18 July 2019 - (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on 18 July 2019 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 National Native Title Tribunal – Marlinyu Ghoorlie Claim

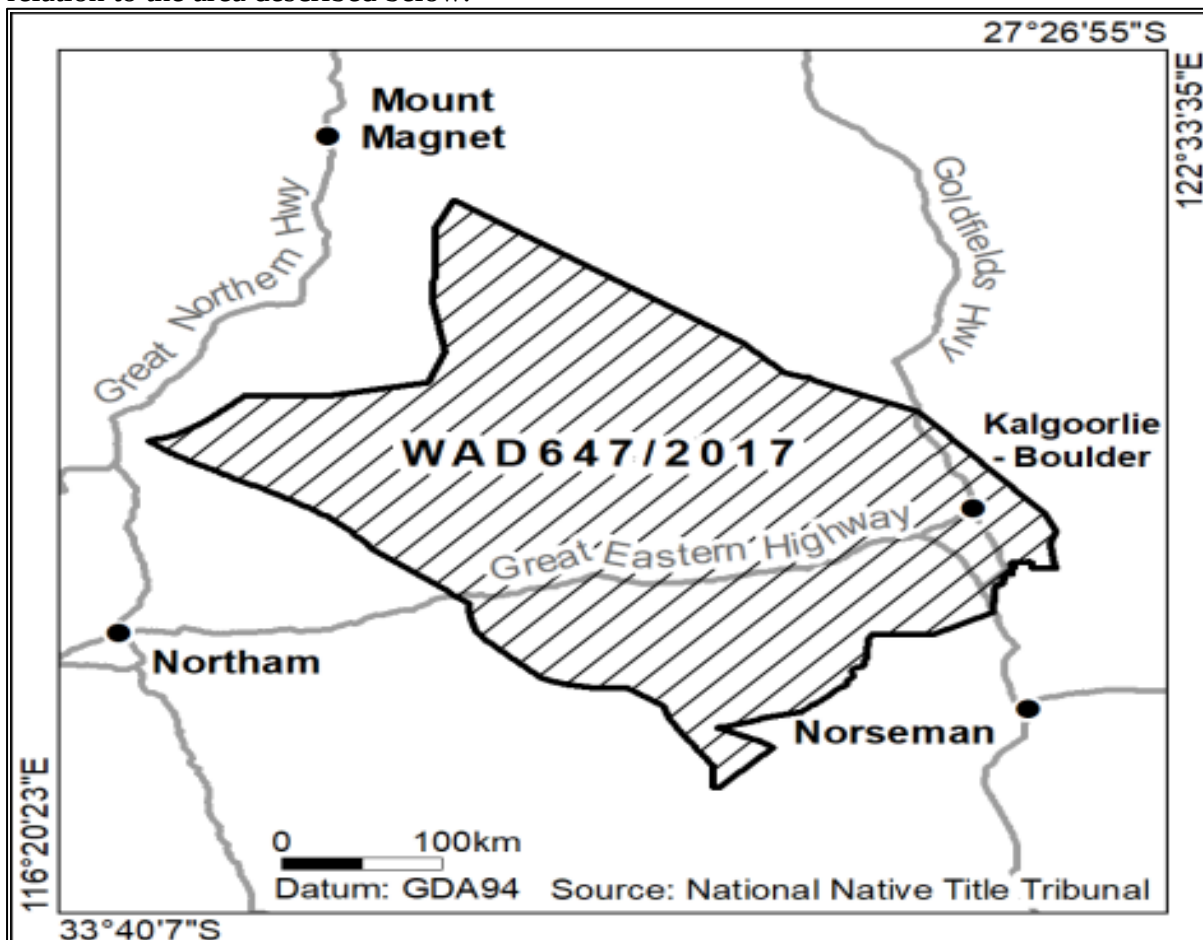
File Reference	7.1.2.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Additional Maps Detailing Claim Area

Purpose of Report

To advise Council of the application made to the National Native Title Tribunal, known as the Marlinyu Ghoorlie claim, and the proposal for Council to become a party to the application.

Background

Correspondence has been received from the National Native Title Tribunal advising that the above native title determination application was made to the Federal Court of Australia in relation to the area described below.



Application name: Brian Champion & Ors and State of Western Australia (Marlinyu Ghoorlie)

Federal Court File No: WAD647/2017

Date filed: 22 December 2017

Registration test status: The Native Title Registrar has **accepted** this application for registration.

Description: The application area covers about 98,639 sq km and is located around the Kalgoorlie-Boulder township extending to approx. 89 km south east of Mount Magnet, 181 km east of Northam and 75 km north of Norseman.

Link to map: <http://arcg.is/2ERboXK>

Relevant LGA: Shires of Coolgardie, Dalwallinu, Dundas, Kondinin, Koorda, Menzies, Merredin, Mount Magnet, Mount Marshall, Mukinbudin, Narembeen, Nungarin, Sandstone, Trayning, Westonia, Wongan-Ballidu, Yilgarn and City of Kalgoorlie-Boulder.

Comment

The National Native Title Tribunal advises that the application was filed on 22 December 2017. The Federal Court granted leave to amend the application by orders of 4 May 2018, and then again, by orders of 11 December 2018. On 28 March 2019 the Native Title Registrar accepted the claim in the application for registration on the register of native Title Claims.

The National Native Title Tribunal further advises that Section 66(3)(a) of the *Native Title Act 1933 (Cth)* requires the Registrar to give notice of the details of applications made under Section 61 of the *Act* to certain person and bodies.

Therefore, the National Native Title Tribunal enquires as to whether Council wishes to become a party to this application, and if so, it must apply to the Federal Court **on or before 13 November 2019**, and request to become a party.

Statutory Environment

Native Title Act 1933 (Cth)

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

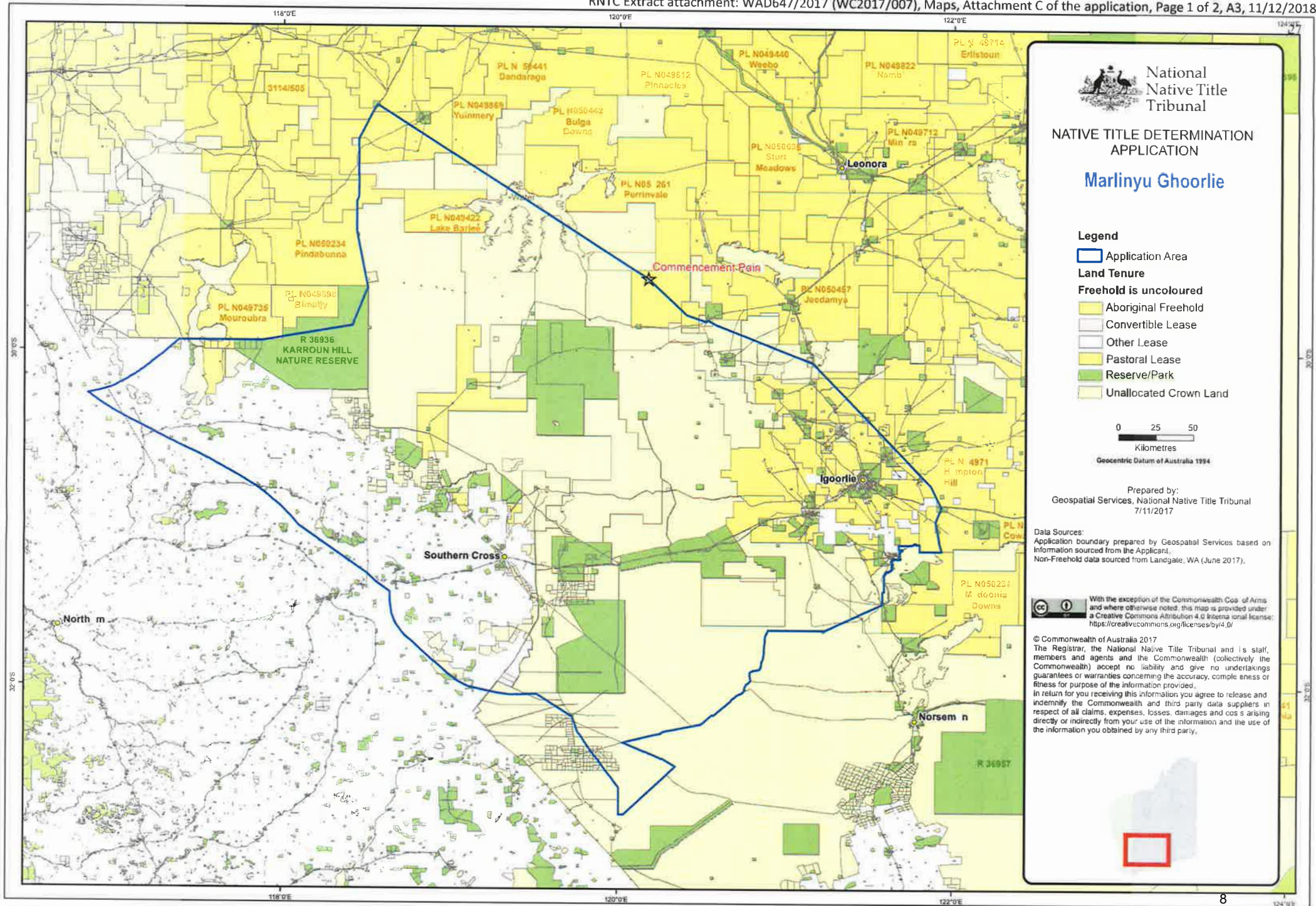
Nil

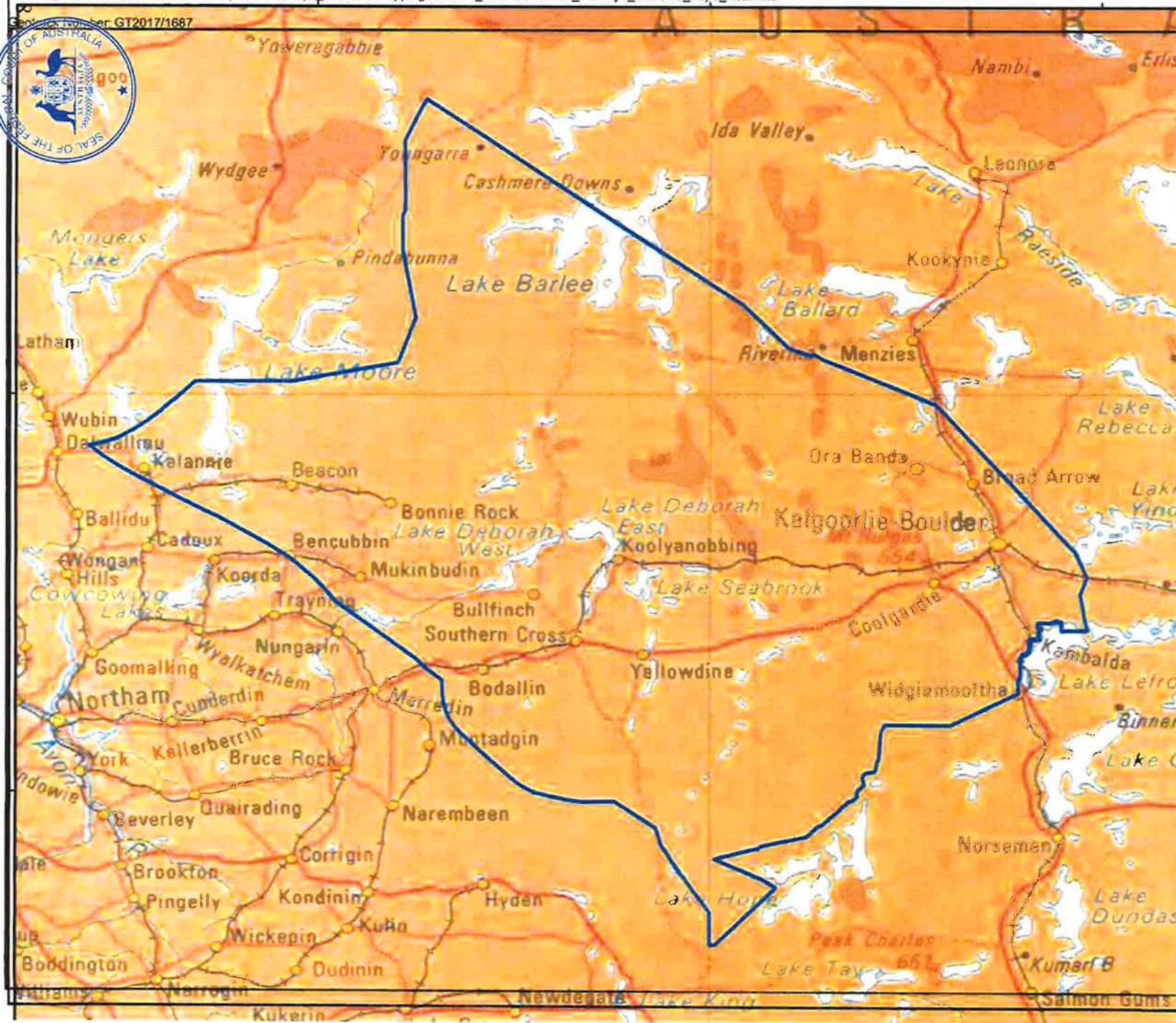
Financial Implications

Nil

Officer Recommendation

That Council authorises the CEO to apply to the Federal Court advising that Council wishes to become a party to the application submitted to the National Native Title Tribunal under the Marlinyu Ghoorlie claim by the applicant, Brian Champion and Ors.





NATIVE TITLE DETERMINATION APPLICATION

Marlinyu Ghoorlie

Legend

Application Area

0 25 50

Kilometres
Geocentric Datum of Australia 1994

Prepared by
Geospatial Services, National Native Title Tribunal
July 2017

Data Sources
Application boundary prepared by Geospatial Services based on information provided by the Applicant.
Topographic map data is a Commonwealth of Australia and is used under a Creative Commons Attribution 4.0 International License.
NOTE: Topographic images should be used as a guide only.

As the result of the use of geospatial data, the Tribunal is not responsible for any errors or omissions in the data or the results of the use of the data.

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The Registrar, the National Native Title Tribunal, and its staff, members, and agents, and the Commonwealth, collectively, the Commonwealth, accept no liability, and give no undertaking, warranty or guarantee concerning the accuracy, completeness or fitness for purpose of the information provided.
In return for you receiving the information you agree to release and indemnify the Commonwealth and the Registrar from any and all liability, damages, expenses, losses, costs and costs arising directly or indirectly from your use of the information and the use of the information you obtained by a third party.



9.1 Officers Report – Chief Executive Officer

9.1.2 Emu Fence Road – Proposed Dedication

File Reference	6.1.1046
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To advise Council of the processes to formally dedicate the Emu Fence Road within the Shire of Yilgarn boundary.

Background

Following discussions with Covalent Lithium regarding potential use of the Emu Fence Road reserve for a water pipeline to their Earl Grey Mt. Holland project and their investigations with the Department of Lands, Planning Heritage (DPLH), it was discovered that the Emu Fence Road has never been formally gazetted/dedicated.

Comment

The above anomaly was raised with the Minister for Transport and Planning during her visit to Southern Cross and the Minister and her staff contacted the lands division at DPLH to enquire of processes to expedite the dedication of the road.

The Case Management Division of DPLH in the Goldfields Esperance and Wheatbelt areas have advised that to dedicate the Emu Fence Road, Section 56 of the *Land Administration Act 1997 (LAA)* needs to be actioned. DPLH did advise that the road can be dedicated using Section 24KA of the *Native Title Act* (Public Work supresses Native Title which will require Council to provide the department with the following:-

- A plan of the area to be dedicated
- Indemnify the Minister for Lands and Department against any claim for compensation; and
- Council resolution requesting dedication of that portion of road.

Statutory Environment

Land Administration Act 1997

56. Dedication of land as road

- (1) If in the district of a local government —
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or

- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
 - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;or
 - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,
- and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) If a local government resolves to make a request under subsection (1), it must —
 - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
 - (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
 - (a) subject to subsection (5), by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
 - (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
 - (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
 - (a) unallocated Crown land or, in the case of a private road, alienated land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
 - (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

Native Title Act 1993

24KA Facilities for services to the public

Coverage of Subdivision

- (1) This Subdivision applies to a future act if:
 - (a) it relates, to any extent, to an onshore place; and
 - (b) it either:
 - (i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; or
 - (ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, of any of the things listed in subsection (2) that is to be operated, or is operated, for the general public; and
- (c) it does not prevent native title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except:
 - (i) while the thing is being constructed; or
 - (ii) for reasons of health and safety; and
- (d) a law of the Commonwealth, a State or a Territory makes provision in relation to the preservation or protection of areas, or sites, that may be:
 - (i) in the area in which the act is done; and
 - (ii) of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions.

Compulsory acquisitions not covered

- (1A) To avoid doubt, this Subdivision does not apply to a future act that is the compulsory acquisition of the whole or part of any native title rights and interests.

Facilities etc.

- (2) For the purposes of paragraph (1)(b), the things are as follows:
 - (a) a road, railway, bridge or other transport facility (other than an airport or port);
 - (b) a jetty or wharf;
 - (c) a navigation marker or other navigational facility;

- (d) an electricity transmission or distribution facility;
- (e) lighting of streets or other public places;
- (f) a gas transmission or distribution facility;
- (g) a well, or a bore, for obtaining water;
- (h) a pipeline or other water supply or reticulation facility;
- (i) a drainage facility, or a levee or other device for management of water flows;
- (j) an irrigation channel or other irrigation facility;
- (k) a sewerage facility, other than a treatment facility;
- (l) a cable, antenna, tower or other communication facility;
- (la) an automatic weather station;
- (m) any other thing that is similar to any one or more of the things mentioned in the paragraphs above.

Validation of act

- (3) If this Subdivision applies to a future act, the act is valid.

Non-extinguishment principle

- (4) The non-extinguishment principle applies to the act.

Compensation

- (5) If any native title holders would be entitled to compensation under subsection 17(2) for the act on the assumption that it was a past act referred to in that section, the native title holders are entitled to compensation for the act in accordance with Division 5.

Who pays compensation

- (6) The native title holders may recover the compensation from:
 - (a) if the act is attributable to the Commonwealth:
 - (i) if a law of the Commonwealth provides that a person other than the Crown in right of the Commonwealth is liable to pay the compensation—that person; or
 - (ii) if not—the Crown in right of the Commonwealth; or

- (b) if the act is attributable to a State or Territory:
 - (i) if a law of the State or Territory provides that a person other than the Crown in any capacity is liable to pay the compensation—that person; or
 - (ii) if not—the Crown in right of the State or Territory.

Procedural rights

- (7) The native title holders, and any registered native title claimants in relation to land or waters in the area concerned, have the same procedural rights as they would have in relation to the act on the assumption that they instead held:
 - (a) to the extent (if any) that the land concerned is covered by a non-exclusive agricultural lease (see section 247B) or a non-exclusive pastoral lease (see section 248B)—a lease of that kind; or
 - (b) to the extent (if any) that paragraph (a) does not apply—ordinary title;

covering any land concerned or covering the land adjoining, or surrounding, any waters concerned.

Native title rights and interests to be considered

- (7A) If, in the exercise of those procedural rights, the native title holders are entitled to have matters considered, those matters include their native title rights and interests.

Satisfying the right to be notified

- (8) If:
 - (a) because of subsection (7) or any law of the Commonwealth, a State or a Territory, the native title holders have a procedural right that requires another person to notify them of the act; and
 - (b) there is no registered native title body corporate, or there are no registered native title bodies corporate, in relation to the whole of the land or waters in the area concerned;

then one way in which the person may give the required notification is by notifying, in the way determined, by legislative instrument, by the Commonwealth Minister for the purposes of this subsection the following that the act is to take place:
- (c) any representative Aboriginal/Torres Islander bodies for that part of the area concerned for which there is no registered native title body corporate;

- (d) any registered native title claimants in relation to land or waters in that part of the area concerned for which there is no registered native title body corporate.

Satisfying other procedural rights

- (9) If:
 - (a) because of subsection (7) or any law of the Commonwealth, a State or a Territory, the native title holders have a procedural right that requires another person to do any thing in relation to the native title holders; and
 - (b) there is no registered native title body corporate, or there are no registered native title bodies corporate, in relation to the whole of the land or waters in the area concerned;then one way in which the person may give effect to the requirement is:
 - (c) by doing the thing in relation to any registered native title claimant in relation to land or waters in that part of the area concerned for which there is no registered native title body corporate; or
 - (d) if there are no such registered native title claimants—by ensuring that any representative Aboriginal/Torres Strait Islander bodies for that part of the area concerned for which there is no registered native title body corporate have an opportunity to comment on the doing of the act.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Economic – A Prosperous Future for our Community – Continue to maintain and upgrade our road network.

Policy Implications

Nil

Financial Implications

Following the Act processes being undertaken, the road will need to be surveyed prior to dedication at Council's cost. Based on the Bullfinch-Evanston Road experience, this could be in the vicinity of \$50,000 - \$60,000.

Officer Recommendation

That in accordance with Section 56 of the Land Administration Act 1997 and Native Title Act 1993 (Cth), Council makes application to the Minister for Lands for the Emu Fence Road within the Shire of Yilgarn to be formally dedicated. In seeking the Minister's approval, Council indemnifies the Minister and Department of Lands against any claim for compensation.

9.1 Officers Report – Chief Executive Officer

9.1.3 Yilgarn Agricultural Society – Request for Waiving of Printing Fees for Show Schedule and Program

File Reference	8.2.6.27 & 1.3.3.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the request by the Yilgarn Agricultural Society to waive printing fees for the 2019 Show Schedule and Program and Council's Delegation Register requirements in relation to same.

Background

The Treasurer of the Yilgarn Agricultural Society, Ms Shannon Carnicelli, has submitted an Application Form on behalf of the Society requesting that Council waives the printing fees for the 2019 Show Schedule and Program, either wholly or in part.

Comment

The Southern Cross CRC provided the Agricultural Society with a quotation for printing costs based on Council's Schedule of Fees and Charges. The quotation amounted to \$1,400 for the requested printing of 200 Programs.

Council's Delegation No. LGA30 states the following in respect to the CEO having authority to waive fees:-

Council delegates its authority and power to the Chief Executive Officer to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:

 - a. less than \$500*
 - b. for a non-profit group that is located in the Shire of Yilgarn*
 - c. for an event that will be held within the Shire and is a general community benefit**
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.*

Even if the CEO waived 50% of the total costs for printing, it would be outside the Delegated authority amount.

At the June 2019 Ordinary meeting, Council considered a request from the Yilgarn Agricultural Society to sponsor an event/ride at the 2019 Show and resolved the following in respect to same:-

98/2019

Cr Guerini/Seconded Cr Pasini

That Council authorises the expenditure of \$1,600 to sponsor the "Lil Louie" road train at the 2019 Yilgarn Agricultural Show.

CARRIED (7/0)

At the above meeting Council was also informed that it supports the Agricultural Show in-kind by allowing free use of the Recreation Complex and Grounds and by way of providing Council employees to assist with the setting up tents/marquees etc., and the clean-up following the event. The road closure for the Parade is also organised and operated by Shire employees. The total of in-kind contribution for the last Show in 2017 was \$6,950.

Council has recognised that the Show is an important event for the community via its financial commitment to date. However, the requests for the waiving of fees/cash contributions continues and one wonders whether the Agricultural Society should become responsible for some of the costs that it incurs in the running of the Show.

Statutory Environment

Shire of Yilgarn Delegation Register No. LGA30.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

\$1,400.00 in lost printing fees. If this amount was waived the total financial commitment by Council, both in-kind and cash, would amount to \$10,000.

Officer Recommendation

That Council advises the Yilgarn Agricultural Society that due to the financial and in-kind commitments already provided by Council towards the conduct of the 2019 Show, Council considers that the Society should be responsible for the costs associated with printing the Show's Schedule and Program.

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	Financial Reports

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 July 2019.

- 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.

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

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31st July 2019

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	Accounts For Payment

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40809 to 40816 totalling \$5,658.64, Municipal Fund-EFT Numbers 9011 to 9123 totalling \$593,043.94, Municipal Fund – Cheque Numbers 1529 to 1538 totalling \$195,962.01, Municipal Fund Direct Debit Numbers 13768.1 to 13806.11 totalling \$40,514.85, Trust Fund 402428 to 402432 totalling \$2,398.43 and Trust Fund – Cheque Numbers 6184 to 6189 (DPI Licensing), totalling \$34,397.90 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

Officer Recommendation

Municipal Fund – Cheque Numbers 40809 to 40816 totalling \$5,658.64, Municipal Fund-EFT Numbers 9011 to 9123 totalling \$593,043.94, Municipal Fund – Cheque Numbers 1529 to 1538 totalling \$195,962.01, Municipal Fund Direct Debit Numbers 13768.1 to 13806.11 totalling \$40,514.85, Trust Fund 402428 to 402432 totalling \$2,398.43 and Trust Fund – Cheque Numbers 6184 to 6189 (DPI Licensing), totalling \$34,397.90 are presented for endorsement as per the submitted list.

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 2019/2020 Budget Adoption

File Reference	8.2.5.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 9.2.3 – 2019/2020 Annual Budget <i>(To be provided in hard copy prior to the meeting)</i>

Purpose of Report

To consider and adopt the Municipal Fund Budget for the 2019 / 2020 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background

The 2019 / 2020 operating budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2019 / 2020 budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on the 18th of July 2019.

The rating structure proposed for the 2019 / 2020 financial year is based on a 0.5% increase in the Rate in the Dollar from those imposed in the previous year. The proposed differential rates for 2019 / 2020 are, as previously indicated, an across the board 0.5% increase in the rate in the dollar. This equates to 1.0% reduction from those advertised.

The advertising period closed on the 23rd of May and resulted in five (5) submissions being received. These submissions were considered by Council at a Special Meeting held on the 30th May where Council resolved to leave the proposed differential rate in the dollar's unchanged to those advertised. As a result of the decision made at the Special Meeting of the 30th May, an application was made for Ministerial approval to rate at more than twice the lowest rate in a rate category, being UV – Rural and UV – Mining. This application was made using the Ministers current application form. It was at this time that information was received that the Minister required Council to have considered any surplus / deficit prior to the application being made, Council subsequently held a budget workshop prior to their meeting of 18th July with the Ministerial approval application being resubmitted on the 22nd July.

Council application was approved on the 5th August 2019.

Comment

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the budget include:

- **The Schedule of Fees & Charges.**

There have been a couple of minor updates to the Fees & Charges that Council considered in May, these include the increase of the Garret standpipe water fees from \$3.00 to \$8.50 per kilolitre as this standpipe has a 50mm outlet. Also, the inclusion of room rates for the Sandlewood Lodge B rooms which were omitted from the original set of fees & charges.

- **General Rates and Minimums**

The general rate in the dollar will have a 0.5% increase with the general minimums remaining unchanged as follows:

Land Category	Rate in the Dollar		% Increase/ (Decrease)
	2019/20	2018/19	
<u>General Rate</u>			
GRV - Residential / Industrial	11.2332	11.1773	0.50%
GRV- Commercial	7.9074	7.8681	0.50%
GRV- Minesites	15.8148	15.7362	0.50%
GRV - Single Persons Quarters	15.8148	15.7362	0.50%
UV - Rural	1.7575	1.7487	0.50%
UV - Mining Tenements	17.3923	17.3058	0.50%
<u>Minimum General Rate</u>			
GRV - Residential / Industrial	\$500	\$500	0.00%
GRV- Commercial	\$400	\$400	0.00%
GRV- Minesites	\$400	\$400	0.00%
GRV - Single Persons Quarters	\$400	\$400	0.00%
UV - Rural	\$400	\$400	0.00%
UV - Mining Tenements	\$400	\$400	0.00%

There was a general revaluation carried out to UV rated assessments effective 1st July 2019. This revaluation resulted in the following:

Valuations as at 1st July of the given year.

2018/19			2019/20			Change \$	Change %
Rateable Valuation	Minimum Valuation	Total Valuation	Rateable Valuation	Minimum Valuation	Total Valuation		
-	-	267,320	-	-	324,916	57,596	21.55%
529,565	2,408	531,973	529,565	2,408	531,973	0	0.00%
1,963,619	400	1,964,019	780,859	1,075	781,934	(1,182,085)	(60.19%)
3,315,342	171,997	3,487,339	3,411,774	153,808	3,565,582	78,243	2.24%
812,765	20,061	832,826	990,825	20,061	1,010,886	178,060	21.38%
96,474,231	331,445	96,805,676	103,918,731	289,145	104,207,876	7,402,200	7.65%
7,866,364	287,569	8,153,933	8,343,013	275,026	8,618,039	464,106	5.69%

Sewerage and household rubbish collection charges will remain unchanged from those imposed in 2018/2019.

- Major Income and Expenditure**

Capital expenditure totalling \$9.719M is budgeted, being made up of:

Land & Buildings	\$2,400,303
Furniture & Equipment	\$27,500
Plant & Equipment	\$1,056,800
Infrastructure - Roads	\$2,852,669
- Footpaths	\$78,971
- Drainage	\$14,172
- Parks & Ovals	\$50,000
- Sewerage	\$28,000
- Refuse Sites	\$56,200
- Other	\$3,155,000

Non-Operating grant income includes:

Roads to Recovery	\$906,911
Regional Road Group	\$741,170
Main Roads WA Direct Grant	\$345,050
Federal Assistance Grant	\$1,163,412
Federal Regional Development Grant	\$525,000

Operating grant income includes:

Federal Assistance Grant	\$835,000 (Est)
Federal Untied Roads Grant	\$765,000 (Est)

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2019 / 2020 budget as presented is considered to meet statutory requirements.

Strategic Implications

The draft 2019 / 2020 budget has been developed based on the existing Plan for the Future and strategic planning documents adopted by council.

Policy Implications

The budget is based on the principles contained in the Plan for the Future and the Corporate Business Plan.

Financial Implications

Forms the basis for Income and Expenditure for the period 1 July 2019 to 30 June 2020.

Officer Recommendation

GENERAL & MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. *For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates in the dollar and minimum payments on Gross Rental and Unimproved Values.*

General Rate

GRV - Residential / Industrial	11.2332
GRV- Commercial	7.9074
GRV- Minesites	15.8148
GRV - Single Persons Quarters	15.8148
UV - Rural	1.7575
UV - Mining Tenements	17.3923

Minimum Payments

GRV - Residential / Industrial	\$500
GRV- Commercial	\$400
GRV- Minesites	\$400
GRV - Single Persons Quarters	\$400
UV - Rural	\$400
UV - Mining Tenements	\$400

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full or by instalments:

Single Full Payment:-

- Full payment due date 4th October 2019

Payment by Two Instalments:-

- First instalment due date 4th October 2019
- Second instalment due date 6th March 2020

Payment by Four Instalments:-

- First instalment due date 4th October 2019
- Second instalment due date 6th December 2019
- Third instalment due date 7th February 2020
- Fourth instalment due date 3rd April 2020

3. Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears, waste and service charges, within 35 days of the issue date of the rate notice.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Voting Requirements

Absolute Majority Required

Officer Recommendation

SEWERAGE RATES & CHARGES

That Council impose the following Sewerage Rates and Charges under s41 of the Health Act 1911, on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:

- 1. Southern Cross Sewerage Scheme Charge (Residential/Industrial):**
7.3 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Town-site.
 - *Minimum Charge per vacant land - \$210.00*
 - *Minimum Charge per residential property - \$276.00*
 - *Non-Rated Class 1st Fixture - \$176.00*
 - *Non-Rated Class Additional Fixtures - \$89.00*
 - *Non-Rates Class 2 and 3 Fixture - \$937.00*
- 2. Southern Cross Sewerage Scheme Charge (Commercial):**
5.0 cents in the dollar on GRV (Commercial) properties within the Southern Cross Town-site.
 - *Minimum Charge per commercial property - \$583.00*
- 3. Marvel Loch Sewerage Scheme Charge (Commercial/SPQ):**
12.0 cents in the dollar on GRV (Commercial/SPQ) properties within the Marvel Loch Town-site.
 - *Minimum Charge per property - \$300.00*
 - *Non-Rated Class 1st Fixture - \$138.00*
 - *Non-Rated Class Additional Fixtures - \$62.00*
- 4. Marvel Loch Sewerage Scheme Charge (Residential):**
6.4 cents in the dollar on GRV (Residential) properties within the Marvel Loch Town-site.
 - *Minimum Charge per property - \$300.00*

Voting Requirements

Absolute Majority Required

Officer Recommendation

SANITATION HOUSEHOLD REFUSE - RATES AND CHARGES

That Council impose the following Sanitation Rates and Charges on a per annum basis:

- *Domestic Collection per bin, per service \$340.00*
- *Commercial Collection per bin, per service \$364.00*
- *Non-Rateable Collection per bin, per service \$561.00*

Voting Requirements

Absolute Majority Required

Officer Recommendation

ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2018 / 2019

1. Pursuant to section 5.98 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996, council adopts the following sitting fees for individual meeting attendance:

- *Shire President \$600 per meeting attended*
- *Councillors \$400 per meeting attended*

2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

- *Travel Allowance*

<i>Engine Displacement (in cubic centimetres)</i>			
<i>Area & Details</i>	<i>Over 2600cc</i>	<i>Over 1600cc to 2600cc</i>	<i>1600cc and under</i>
	Cents per Kilometre		
Rest of State	99.01	70.87	58.37

- *ICT Allowance*
Annual allowance for hardware upgrades and data usage - \$1,180 per Councillor per annum

3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- *Shire President \$12,000*

4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- *Deputy Shire President \$4,000*

Voting Requirements

Absolute Majority Required

Officer Recommendation

MATERIAL VARIANCE REPORTING FOR 2018 / 2019

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019 / 2020 for reporting material variances shall be +/- 10% or \$30,000, whichever is the greater.

Voting Requirements

Absolute Majority Required

Officer Recommendation

OTHER STATUTORY COMPLIANCE

That Council confirms it is satisfied the services and facilities it provides: -

- 1. Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;*
- 2. Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and; and*
- 3. Are managed efficiently and effectively.*

In accordance with Section 3.18 (3) of the Local Government Act 1995.

Voting Requirements

Absolute Majority Required

Officer Recommendation

MUNICIPAL FUND BUDGET FOR 2018 / 2019

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as Attachment to this agenda and the minutes, for the Shire of Yilgarn for the 2018 / 2019 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type*
- Statement of Comprehensive Income by Program*
- Statement of Cash Flows*
- Rate Setting Statement*
- Notes to and forming part of the Budget*
- Budget Program Schedules*
- Transfers to / from Reserve Accounts*

Voting Requirements

Absolute Majority Required

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.4 Write Off of Rates – Lot 28 Great Eastern Highway, Yellowdine

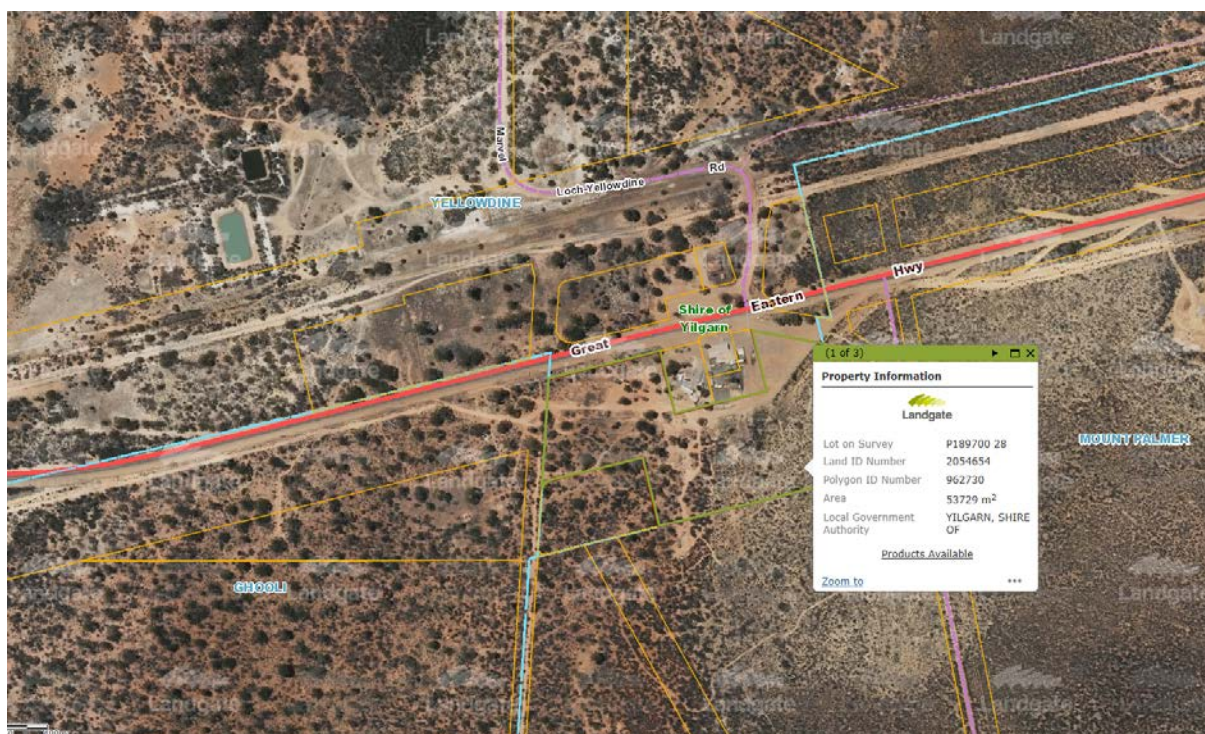
File Reference	A11400 & 8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of outstanding but uncollectable rates.

Background

This parcel of land, located at Lot 28 Great Eastern Highway (Assessment A8610), was under State lease K135815 which expired 25th March 2013, as a result control of the location returned to the Crown.



All Rates and Charges were paid in full including those for the 2012/13 financial year (the year in which the lease expired). At this time, this assessment was marked as non-rateable as it had reverted to the Crown.

For some unknown reason, Council received a GRV roll on the 11th April 2016 which “Reactivated” this assessment but still in the name of the State of Western Australia. This roll was processed on the same day as it was received which leads me to conclude that the

requisite checks and reconciliations where not carried out as, if they were, this error should not have occurred.

Rates were raised for the 2016/17 financial year with the error subsequently being identified on the 2nd June 2017 at which time, the assessment was reclassified back to a Non-Rateable status. However, a request for the rates raised in error to be written off was never made with the result that interest has continued to accrue.

Comment

The total amount raised in error that is required to be written off is:

Levies				Description
	Receipts	Balance	C/A	
728.20	0.00	728.20	A	Rates
566.23	0.00	566.23	C	Interest
60.07	0.00	60.07	C	ESL PENALTY
62.42	0.00	62.42	A	ESL PENALTY
263.00	0.00	263.00	A	EMERGENCY SERVICE LEVY
				=====
1679.92	0.00	1679.92		*** TOTALS ***

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
 which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

Council Policy

3.9 - Rates and Charges Recovery Policy (Including Sewerage Charges Financial Hardship Policy)

Financial Implications

Write off of \$1,679.92 in uncollectable Rate and Charges revenue.

The 2019/2020 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off.

Officer Recommendation

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the following amounts in rates and charges:

Assessment: A8610 – Lot 28 Great Eastern Highway, Yellowdine

Levies	Receipts	Balance	C/A	Description
728.20	0.00	728.20	A	Rates
566.23	0.00	566.23	C	Interest
60.07	0.00	60.07	C	ESL PENALTY
62.42	0.00	62.42	A	ESL PENALTY
263.00	0.00	263.00	A	EMERGENCY SERVICE LEVY
=====				
1679.92	0.00	1679.92		*** TOTALS ***

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Proposed Closure of a Portion of Butcher Road, Bodallin – Post Advertising

File Reference:	6.1.2.9
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments	Plan of Proposed Road closure

Purpose of Report

To consider making application to the Minister of Department of Planning, Lands and Heritage to close a portion of Butcher Road, Bodallin, to enable land encroachment issues to be corrected.

Background

At the June 2019 Council meeting, Councillors considered a request from a landowner to close a portion of Butcher Road, Bodallin, to enable the correction of land encroachment issues.

The following resolution was carried:

95/2019

Moved Cr Pasini/Seconded Cr Shaw

That Council endorses the commencement of a thirty five (35) day statutory advertising period, in accordance with the Land Administration Act 1997, Part 5 Section 58; calling for comments relating to the proposed closure of a portion of the Butcher Road reserve, as per the supplied plan.

CARRIED (7/0)

The relevant section of road is delineated on the attached plan.

Comment

In accordance to Land Administration Act 1997 Part 5 Section 58, Council advertised the proposed closures in the Western Australia Newspaper on 26th June 2019, calling for comments and/or objections with the closing date being the 2nd August 2019. The proposed closures were also displayed on the information pin-up board at the front entrance of Shire Administration Office. At the time of the closing date no comments and or objections were received.

As such, it is recommended that Council endorse the closure of the relevant portion of Butcher Road, Bodallin, and apply to the Department of planning, Lands and Heritage for the closures.

Statutory Environment

Land Administration Act 1997 Part 5 Section 58

58. Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —

- (a) by order grant the request; or*
- (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) refuse the request.*

(5) If the Minister grants a request under subsection (4) —

- (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
- (b) any rights suspended under section 55(3)(a) cease to be so suspended.*

(6) When a road is closed under this section, the land comprising the former road —

- (a) becomes unallocated Crown land; or (b) if a lease continues to subsist in that land by virtue of*
- section 57(2), remains Crown land.*

Strategic Implications

Road rationalisation in the Shire of Yilgarn

Policy Implications

Nil

Financial Implications

Nil

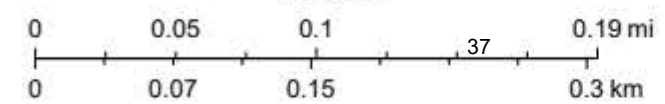
Officer Recommendation

That Council, having advertised the proposed closure as per the Land Administration Act 1997 Part 5 Section 58 and receiving no comments, approve the closure of the relevant portion of Butcher Road, Bodallin, and endorse application to the Department of Planning, Lands and Heritage to have the closure assessed.

Butchers Road, Bodallin - Proposed Closure



1:4,514



9.4 Officers Report – Executive Manager Regulatory Services

9.4.2 Disposal of Property – Various Items

File Reference	6.8.11
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

For Council to endorse the disposal of various household items via public auction.

Background

The Shire has a number of second hand household furniture items in storage which no longer have a use and therefore is looking to dispose of.

Under Section 3.58 of the Local Government Act 1995, it states a local government can dispose of property to the highest bidder at public auction.

The items proposed to be disposed are:

1. Corner desk – lightweight laminate with keyboard slide-out
2. Electric Oil-filled Column Heater - 7 column Heller
3. Electric Oil-filled Column Heater – 11 column Heller (6 x)
4. Electric Oil-filled Column Heater – 11 column DeLonghi
5. Solid timber desk 4 drawers
6. Timber & Metal bedside table with drawer – 8 units. Good condition
7. Metal file cabinet – EliteBuilt 2 drawers (no key)
8. Solid large coffee table – surface needs re-painting
9. Rowing machine

Comment

The “Public Auction” will be via written expressions of interest, where the interested person/s will submit a price in writing for individual items.

Expressions of interest will be accepted in writing up until 12:00pm 12th September 2019. After the acceptance period has ended, submissions will be assessed with the highest bidder for each item being notified and requested to pay the submitted amount and collect their goods.

Should an individual fail to pay for their submission within 48 hours after notification, the Shire reserves the right to offer the item to the next highest bidder.

Statutory Environment

Local Government Act 1995

Strategic Implications

Nil

Policy Implications

Council Policy Manual – Policy 3.1 – Financial Treatment of Assets

Financial Implications

Income received for items into general revenue.

Officer Recommendation

That Council endorse the disposal of items listed below, to the highest bidder at public auction, being via written expressions of interest, with notice of the public auction given via the Shire's Crosswords publication.

Items listed for disposal include:

1. *Corner desk*
2. *Electric Oil-filled Column Heater - 7 column Heller*
3. *Electric Oil-filled Column Heater – 11 column Heller (6 x)*
4. *Electric Oil-filled Column Heater – 11 column DeLonghi*
5. *Solid timber desk 4 drawers*
6. *Timber & Metal bedside table with drawer – 8 units.*
7. *Metal file cabinet – EliteBuilt 2 drawers*
8. *Solid large coffee table*
9. *Rowing machine*

10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE