



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

*16 April
2020*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

APRIL 2020 ORDINARY MEETING OF COUNCIL

Will be held via Teleconference on
Thursday, 16 April 2020
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will commence at **3.30pm***
- *Minjar Gold representatives will join the teleconference meeting at 4.00pm to provide a presentation on the Jaccoletti Mine proposal.*
- *Indus/Habrok representatives will also join the meeting at 4.00pm to provide a presentation on the Battler Operations.*

Peter Clarke
Chief Executive Officer

09/04/2020

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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 W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg G Hindmarsh Laura Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 19 March 2020- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on 19 March 2020 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Yilgarn/Westonia Local Emergency Management Committee (LEMC), Thursday 26 March 2020-(Minutes Attached)

Recommendation

That the minutes from the Yilgarn/Westonia LEMC meeting held on the 26 March 2020 be received.

Voting Requirement: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Minjar Gold representatives will join the teleconference meeting at 4.00pm to provide a presentation on the Jaccoletti Mine proposal.

Indus/Habrok representatives will also join the meeting at 4.00pm to provide a presentation on the Battler Operations.

8. DELEGATES' REPORTS

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Main Roads Western Australia – Great Eastern Highway Improvements

File Reference	1.6.14.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Map of Project Area

Purpose of Report

To advise Council of the advice received from Main Roads WA regarding proposals to upgrade a section of Great Eastern Highway and widen Bridge 0630A (Moorine Rock Bridge).

Background

Main Roads advises that this section of Great Eastern Highway has significant safety risks associated with the sub-standard safety conditions of Moorine Rock Bridge, including narrow width, sub-standard safety barriers, lack of protection for abutment walls and deteriorating pavement conditions.

The project includes one kilometre of new overlay and widening, including widening Moorine Rock Bridge, improving road and bridge geometry, increasing vertical clearance for rail, improvements to Liddell Road intersection and improvements to culverts and drainage. The project will require the clearing of up to 2.68 hectares of native vegetation. Construction is scheduled to commence in September 2020.

Clearing of native vegetation for this project will be undertaken using Main Roads' Statewide Purpose Clearing Permit CPS 818/14. It is a condition of CPS 818, that where the clearing of native vegetation is at variance or may be at variance to any of the ten clearing principles (as described in Schedule 5 of the Environmental Protection Act 1986), Main Roads is required to invite submissions from interested parties on the impacts of the proposed clearing that are at variance with the clearing principles.

A draft Assessment Report and Vegetation Management Plan (AR/VMP) has been prepared for the project and the outcome of the assessment determined that the proposed clearing may be at variance to principle (e).

In accordance with CPS 818 requirements, Main Roads is inviting submissions from Department of Water and Environment Regulation regarding the impacts of the proposed clearing that may be at variance with the clearing principles.

DESCRIPTION OF THE LAND

The project predominantly occurs within the existing Great Eastern Highway road reserve between Straight Line Kilometre (SLK) 339.8 and 340.8, in the Shire of Yilgarn.

The upgrade of Moorine Rock Bridge and improvements to Great Eastern Highway occur within the existing road reserve, with the exception of a small portion of works that will occur within the rail reserve. Main Roads has been in consultation with Public Transport Authority and ARC Infrastructure regarding access to the rail reserve and design requirements for the bridge.

The area surrounding the project area comprises a mix of crown tenure, including unnamed reserve R21766 vested in Department of Planning, Lands and Infrastructure. All clearing activities will be confined to the road and rail reserves.

DESCRIPTION OF PROJECT ACTIVITIES

The scope of project works comprises the following:

- 1 km of road widening and overlay, with subbase improvements;
- Widening of Moorine Rock Bridge;
- Improvements to Liddell Road intersection; and
- Improvements to culverts and off-road drainage.

MEASURES IMPLEMENTED TO AVOID AND MINIMISE VEGETATION CLEARING

The following measures have, or will be implemented to avoid and minimise clearing associated with the project:

- The project design has sought to utilise existing cleared or highly disturbed areas where possible. The clearing footprint excludes patches of native vegetation that can be retained.
- The location of site offices, materials storage areas, laydown areas and other ancillary activities will be restricted to existing cleared areas;
- A conservative construction buffer has been applied to the boundary of earthworks to allow for construction, however clearing will be avoided in this buffer where practicable and safe.
- The clearing area will be demarcated prior to the commencement of project activities and prior to the commencement of native vegetation clearing.

AREA TO BE CLEARED

The project requires the clearing of up to 2.68 hectares of native vegetation within a project envelope of approximately 6.03 hectares, as shown in Attachment 1.

VARIANCE TO THE CLEARING PRINCIPLES

The assessment of native vegetation clearing was considered to be may be at variance to principal (e). The clearing was assessed to be not or not likely to be at variance to the remainder of the ten clearing principles.

- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

May be at variance

The project area is located within Avon Wheatbelt IBRA region, which retains approximately 19% of pre-European vegetation (Government of Western Australia, 2019). There is approximately 15% of vegetation remaining in the local area (15 km) (GIS Database).

The vegetation of the project area has been broadly mapped as the following pre-European vegetation associations:

- 8: Medium woodland; salmon gum & gimlet
- 1413: Shrublands; acacia, casuarina & melaleuca thicket

MANAGEMENT OF NATIVE VEGETATION CLEARING

Main Roads will manage native vegetation clearing and environmental impacts associated with the project through a project-specific VMP and a Construction Environmental Management Plan (CEMP). The CEMP will be developed by the construction contractor following award of the construction contract.

SURVEYS AND FIELD ASSESSMENTS

GHD Pty Ltd conducted a biological survey in spring 2015. The spring survey included desktop and field studies that were conducted in October 2015. The scope of the survey included mapping vegetation types and condition, opportunistic searches for Threatened and Priority flora and ecological communities, and identifying significant fauna habitat. A follow-up targeted conservation significant flora survey was conducted in January 2016.

The survey mapped two vegetation types within the project area, ranging from completely degraded to excellent condition. The survey did not record any Threatened or Priority flora species or ecological communities. No significant fauna species or habitat was recorded.

Astron Environmental Services conducted a Eucalypt Woodlands of Western Australian Wheatbelt TEC survey in spring 2018. The purpose of the survey was to revisit and refine patches of TEC inferred to occur by GHD and to identify additional patches not previously recorded. For these vegetation associations and any other Eucalyptus dominated vegetation that was noted, a field assessment was undertaken to assess them against the diagnostic characteristics of the TEC, as defined in the approved conservation advice for the TEC.

The survey did not record any TEC patches within or adjacent to the project area. Ecologia conducted a targeted survey for conservation significant flora in spring 2019. The survey involved a desktop assessment and field survey for species considered possible or likely to occur within the project area. No conservation significant flora species were recorded.

Main Roads Environment Officers undertook a supplementary site inspection in January 2020. The purpose of the site inspection was to visit small areas of the project area that fell outside of the previous survey areas to map vegetation types and condition and search for conservation significant flora species. No additional Threatened or Priority species were found. Vegetation was found to be consistent with the vegetation mapping undertaken by GHD, albeit at a slightly lower condition. Evidence of previous clearing, fire and rubbish dumping was observed, indicating the vegetation condition was 'very good'.

Comment

Main Roads WA invites submissions in regards to the proposed native vegetation clearing that is 'may be at variance' with the clearing principles for the project, and if it is Council's intention to provide a submission, they must be received by **Monday 20 April 2020**.

The proposed works to upgrade a section of Great Eastern Highway and widen the Moorine Rock Bridge are long overdue and the clearing associated with the works appears to have minimal impact upon the native vegetation and therefore should be supported by Council.

Statutory Environment

MRWA Statewide Purpose Clearing Permit CPS 818/14 – *Environmental Protection Act 1986*.

Strategic Implications

Nil

Policy Implications

Nil

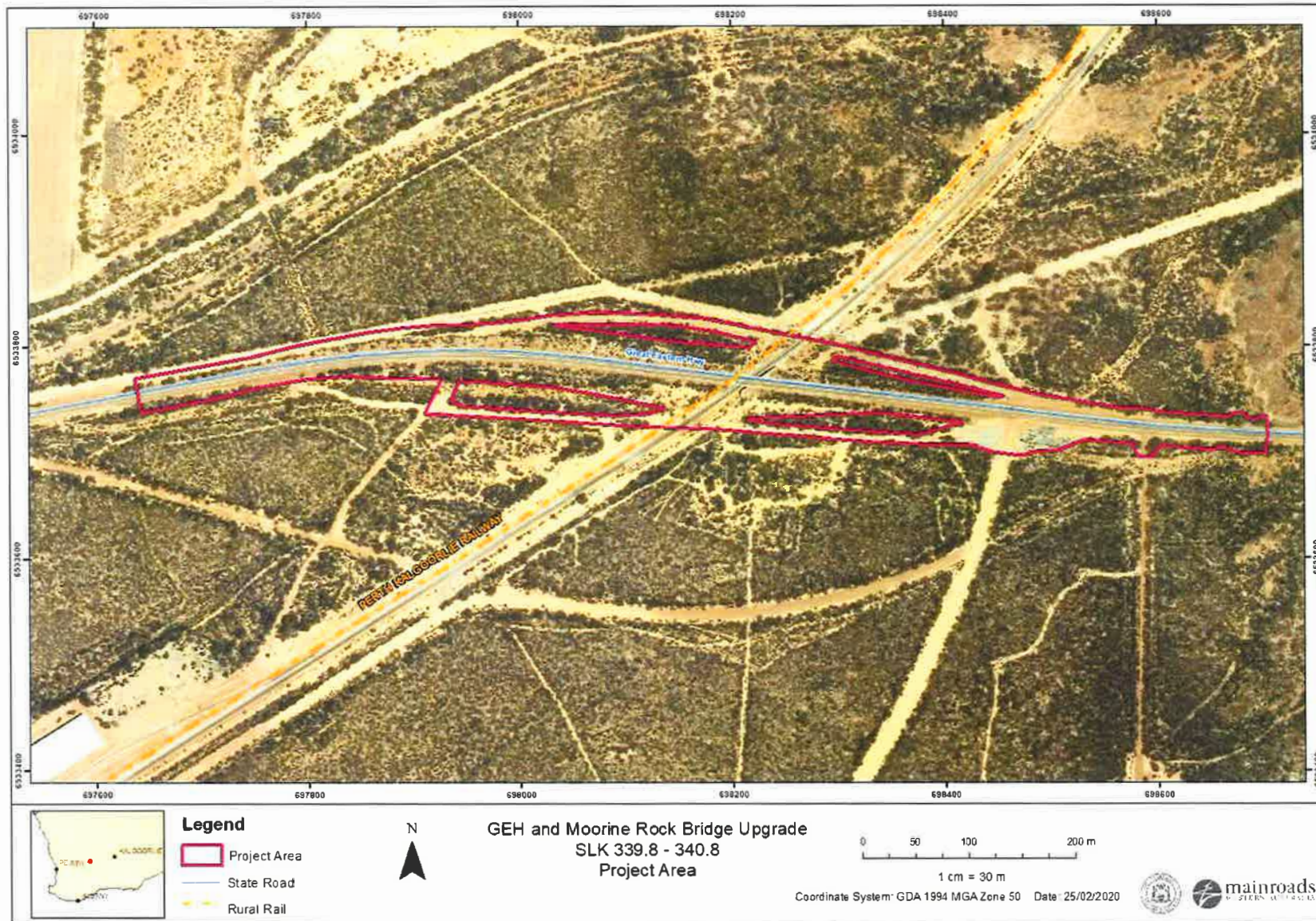
Financial Implications

Nil.

Officer Recommendation

That Council advises Main Roads WA that it fully supports the proposed clearing associated with the upgrade and widening works to the Moorine Rock Bridge.

ATTACHMENT 1 – Map of Project Area



9.1 Officers Report – Chief Executive Officer

9.1.2 Shire of Yilgarn Draft Community Strategic Plan 2020 -2030

File Reference	1.1.12.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Draft Community Strategic Plan 2020-2030

Purpose of Report

To present to Council a Draft of the Shire of Yilgarn Community Strategic Plan 2020-2030 for Council consideration.

Background

Since August/September 2019, Council has been in the process of developing its new Community Strategic Plan 2020-2030. The community consultation process has included a community survey via post and online and a Community Workshop that was conducted on Wednesday, 19 February 2020.

Comment

The response to the Community Survey and Public Workshop could only be described as disappointing however, those residents that did participate provided Council with some valuable information as to the priorities and directions that Council should be delivering in the initial 4 years of the Plan and beyond.

Should Council accept the Draft Plan presented, it would be advertised in the local *Crosswords* newspaper and included in Council's web page seeking public comment and input relating to its content. At the conclusion of the comment period, the Plan, with proposed changes would be re-submitted to Council for final adoption.

The consultation process and preparation of the Strategic Plan was undertaken in-house to minimise costs.

Statutory Environment

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulation 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Strategic Implications

Shire of Yilgarn Strategic Plan 2016-2026 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future.

Policy Implications

Council Policy 6.7 – Community Engagement Policy

DEFINITIONS

Community – those who live, work or recreate in the Shire of Yilgarn.

Community engagement – is any process “that involves the public in problem solving or decision-making and uses public input to make decisions”. (IAP2)

Community engagement may refer to a range of interactions of differing levels of engagement between the Shire and the community, including;

- Information sharing processes, to keep the community informed and promotes understanding.
- Consultation processes, to obtain feedback.
- Involving community members consistently throughout the process to ensure community concerns and aspirations are understood and considered.
- Collaborating with community members in each aspect of the decision-making process.
- Empowering the community.

The Shire of Yilgarn is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Yilgarn to provide good governance and strong leadership, delivering better decisions to guide the Shire’s priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

The following principles apply to community engagement undertaken by the Shire of Yilgarn;

Focus and commitment	1	The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire’s decision-making process.
	2	Each community engagement will be planned to clarify the level of influence the participants will have over the decision they are being invited to comment on or participate in. The person or body who is responsible for the final decision will be notified.
	3	The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods.

Transparency and openness	4	All community engagement processes will be open and transparent.
	5	Comment will be documented and analysed.
	6	The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.
Responsiveness and feedback	7	The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decision made and the rationale for the decision will be communicated where necessary.
	8	The best interest of the community will prevail over the individual or vested interests.
Inclusiveness, accessibility and diversity	9	Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process.
	10	Community engagement process will be open to all those who wish to participate.
Accountability	11	The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.
Information	12	Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the process.
Timing	13	Community engagement will be undertaken early enough in the process to ensure that participants have enough time to consider the matter at hand and provide meaningful feedback.
	14	All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.
Resources	15	The Shire will allocate sufficient financial, human and technical resources to support community engagement.
Evaluation	16	The Shire will monitor and evaluate processes to ensure the engagement being undertaken is meeting planned outcomes.

Financial Implications

Nil

Officer Recommendation

That Council endorses the content of the Draft Community Strategic Plan 2020-2030 and advertises the Plan calling for public comment prior to it being re-presented to Council for final adoption at the June 2020 Ordinary meeting.

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 Statements

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 31 March 2020.

- 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 31 March 2020

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 40883 to 40896 totalling \$45,893.05, Municipal Fund-EFT Numbers 9849 to 9940 totalling \$965,912.75, Municipal Fund – Cheque Numbers 1601 to 1606 totalling \$258,406.64, Municipal Fund Direct Debit Numbers 14489.1 to 14489.11 totalling \$19,507.86, Municipal Fund Direct Debit Numbers 14554.1 to 14554.11 totalling \$19,314.96 Municipal Fund Direct Debit Numbers 14529.1 to 14529.11 totalling \$18,791.03 Trust Fund 402498 to 402501 totalling \$2,600.78 and Trust Fund – Cheque Numbers 6220 to 6223 (DPI Licensing) totalling \$29,422.80 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 another Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation

Municipal Fund – Cheque Numbers 40883 to 40896 totalling \$45,893.05, Municipal Fund-EFT Numbers 9849 to 9940 totalling \$965,912.75, Municipal Fund – Cheque Numbers 1601 to 1606 totalling \$258,406.64 Municipal Fund Direct Debit Numbers 14489.1 to 14489.11 totalling \$19,507.86, Municipal Fund Direct Debit Numbers 14554.1 to 14554.11 totalling \$19,314.96 Municipal Fund Direct Debit Numbers 14529.1 to 14529.11 totalling \$18,791.03 Trust Fund 402498 to 402501 totalling \$2,600.78 and Trust Fund – Cheque Numbers 6220 to 6223 (DPI Licensing) totalling \$29,422.80 are presented for endorsement as per the submitted list.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2020/2021 Differential Rates-Object and Reasons

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 – 2020/2021 Rating Strategy Attachment 2 – 2020/2021 Rating Objects & Reasons

Purpose of Report

Council is requested to endorse the 2020/2021 Rating Strategy & Objects & Reasons.

Background

It is proposed to impose Differential Rates for the year ending 30th June 2021 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2020/2021 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

In line with the State Governments recommendations, it will be proposed that the rates to be imposed for the 2020/2021 financial year remain the same as those imposed in the 2019/2020 year.

It has also been indicated by the Minister for Local Government that he has requested the Minister for Lands freeze property valuations at a level comparable to those advised at the beginning of 2019/2020, the Minister for Lands is currently seeking legal advice on this.

While not forming part of the Rating Strategy, as a further support measure to the Yilgarn Community, during budget deliberations, it will be suggested not to impose an interest percentage on instalment payments and not to impose an instalment administration fee. It will be suggested to impose an interest percentage on other generally outstanding rates so as not to benefit ratepayers with historically delinquent rates.

It should also be noted that the recommendations being put forward follow the requirements of the Local Government Act 1995 and the Ministers policy on approvals for differential rating as they currently stand. However, there are discussions currently being held in the Department for Local Government to relax these to some extent if a no change rating structure is endorsed.

Statutory Environment

Attachment 1 - 2020/2021 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions.

Strategic Implications

Strategic Goal
Civic Leadership

Strategic Outcome
A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

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

Financial Implications

The outcome of this recommendation will ultimately inform the direction for the 2020/2021 Income Budget as it relates to the raising of Rates

Officer Recommendation

That Council:

1. *Endorse the Differential Rating – Objects and Reasons for the 2020/2021 rating years as presented;*
2. *Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2020/2021 financial year:*

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.2332</i>	<i>\$500</i>
<i>GRV - Commercial</i>	<i>7.9074</i>	<i>\$400</i>
<i>GRV - Minesites</i>	<i>15.8148</i>	<i>\$400</i>
<i>GRV -Single Persons Quarters</i>	<i>15.8148</i>	<i>\$400</i>
<i>UV - Rural</i>	<i>1.7575</i>	<i>\$400</i>
<i>UV - Mining</i>	<i>17.3923</i>	<i>\$400</i>

3. ***Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:***
- ***Statewide and local public notice on Friday 1st May 2020 as per the requirements of section 6.36 of the Local Government Act 1995.***
 - ***Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.***

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Waiver of Rates Late Payment Interest

File Reference	8.1.1.10
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

Council is requested to approve, retrospectively, the waiver of late payment interest calculated on outstanding rates effective from 1st March 2020

Background

Any amount of rates remaining unpaid after 35 days from issue with the ratepayer not electing to pay their rates by instalment, attracts an 11% outstanding rates interest charge calculated monthly.

Any rates being paid by instalments attract a 5.5% interest charge for the amount of rates outstanding in any given month. If an instalment payment is missed, then the 11% interest rate is applicable.

Comment

With the current declared state of emergency due to the COVID-19 pandemic and the present and ongoing financial and economic impact this has, it will be recommended for Council approve, retrospectively, management's decision to "turn off" the interest calculations on all outstanding rates, including those on instalments, for the remainder of the 2019/2020 financial year in line with the Ministers recommendation to lighten the burden on Ratepayers..

The intent of this decision is to provide as much ongoing support to community members, both private and businesses, in the Shire of Yilgarn while not adversely affecting Councils ability to maintain its current level of services. While this decision will have benefits to certain ratepayers who are significantly delinquent in the payment of their rates, it was felt that, as a whole, the benefit to the community was greater.

As part of the 2020/2021 budget process, a more refined interest relief approach can be discussed and implemented.

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.

[Section 6.12 amended: No. 64 of 1998 s. 39.]

Strategic Implications

Strategic Goal

Civic Leadership

Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

There are no policy implications as a result of this report

Financial Implications

The outstanding rates interest waived for March 2020 totals \$3,166 with similar monthly amounts expected to be waived each month for the remaining three months of the 2019/2020 financial year.

Officer Recommendation

That Council approves, retrospectively, management's decision to waive the calculation and application of outstanding rates interest commencing on the 1st March 2020 and continuing to the end of the 2019/2020 financial year

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 COVID19 Financial Hardship Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	COVID19 Financial Hardship Policy

Purpose of Report

Council is requested to endorse a COVID–19 Financial Hardship Policy.

Background

With the current declared state of emergency due to the COVID-19 pandemic and the present and ongoing financial and economic impact this has to the residents and ratepayers of the Shire of Yilgarn, it will be recommended for Council to adopt the attached hardship policy with the intent to clarify the decision making process when assessing any applications for rate payment relief.

Comment

The Western Australian Local Government Association (WALGA) has provided the attached policy that Staff have reviewed for relevance to the Shire of Yilgarn. The policy, as received, is suitable and applicable to Councils current practices and procedures and the recommendation will be to adopt as presented.

While this policy is intended for the current state of emergency due to the COVID-19 pandemic, it will be reviewed annually along with the rest of Councils policies and, when no longer required, be withdrawn.

Statutory Environment

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Strategic Implications

Strategic Goal
Civic Leadership

Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

This item recommends the implementation of a new policy

Financial Implications

The immediate financial implication of adopting this policy are nil while longer term could lead the delayed repayment of an, at this time, unknown amount of rates.

Officer Recommendation

That Council endorses the inclusion of the presented COVID-19 Financial Hardship Policy in the Council Policy Manual.

POLICY: COVID-19 FINANCIAL HARDSHIP

POLICY NO: 3.12

SECTION: FINANCE

INCEPTION DATE: APRIL 2020

DUE FOR REVISION: SEPTEMBER 2020

POLICY OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Yilgarn recognises that these challenges will result in financial hardship for our ratepayers.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

POLICY SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

POLICY STATEMENT

1 Payment difficulties, hardship and vulnerability¹

Payment difficulties, or short term financial hardship occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet basic living needs, or basic living needs of their dependants. The Shire of Yilgarn recognises that the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

¹Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:** <http://www.ombudsman.wa.gov.au/>

2 Anticipated Financial Hardship due to COVID19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

3 Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4 Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Yilgarn of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5 Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

6 Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7 Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

8 Review

We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

9 Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request. We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.6 Waiver of Fees and Charges for Sporting Clubs and Certain Commercial Leases

File Reference	8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

Council is requested to endorse the waiver and, if already paid, the return of fees imposed for the use of various sporting facilities by clubs and retail shop fronts by tenants.

Background

With the current declared state of emergency due to the COVID-19 pandemic and the present and ongoing financial and economic impact this has, it will be recommended for Council to endorse the waiving of sporting facility lease fees normally payable by the clubs that utilises them and for the waiving of the commercial lease fees for the tenants of the Council owned shop front located in Antares Street, Southern Cross.

Comment

As all sporting facilities owned and run by the Shire of Yilgarn have been ordered closed and with bans on large groups of people congregating together during the current state of emergency, it will be recommended that the facility lease fees included in the 2019/2020 budget and charged to the sporting clubs that use them be waived and if paid, returned.

It will also be recommended that once the tenants of the shop front owned by Council and located at 11 Antares Street, Southern Cross are able to take possession, that the rental fees for the lease of the premises be waived for the remainder of the 2019/2020 financial year.

The intent of these waivers is to provide as much support to the community and businesses in the Shire as is practicable at this time.

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.

[Section 6.12 amended: No. 64 of 1998 s. 39.]

Strategic Implications

Strategic Goal

Civic Leadership

Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

There are no policy implications as a result of this report

Financial Implications

As all facility lease fees invoiced to the various sporting clubs have been paid, if Council was to endorse this item then lease income of \$8,850 would need to be recorded as *Support to Community Group* expenditure.

The potential loss of rental income from the shop front leases is estimated at \$600.

Officer Recommendation

That Council endorses

1. *the refund of the 2019/2020 sporting facility lease fees to:*
 - *Yilgarn Netball Association - \$1,550 (inc GST)*
 - *Yilgarn Bowls and Tennis Club - \$1,550 (inc GST)*
 - *Southern Cross Football Club - \$3,600 (inc GST)*
 - *Southern Cross Golf Club - \$ 600 (inc GST)*
 - *Yilgarn Mixed Basketball Assoc - \$1,550 (inc GST); and*
2. *Once occupied, waive the rental income for the remainder of the 2019/2020 financial year for the two leases of the shop fronts located at 11 Antares Street, Southern Cross.*

9.4 Reporting Office – Executive Manager Regulatory Services

9.4.1 Development Application – Ancillary Accommodation – Lot 451 Bennett Road Parker Range

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development building and site plans

Purpose of Report

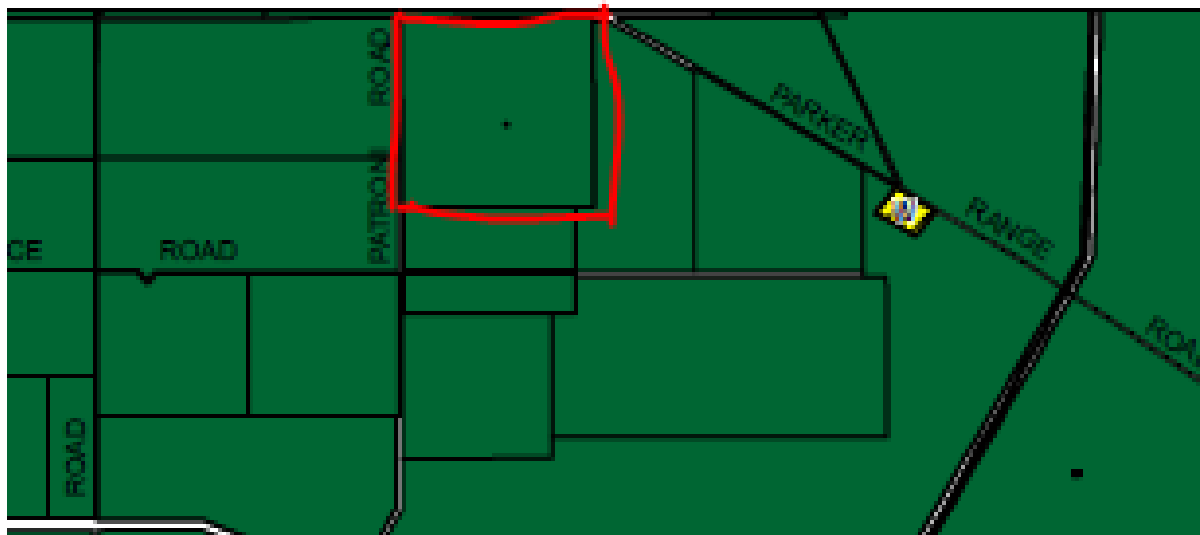
The Shire has received a development application on the 7th April 2020 requiring Council approval for a large ancillary accommodation complex. The proposed development is at Lot 451 Bennett Road Parker Range approximately 10km's south of Marvel Loch. The development is a significant project at an estimated cost of \$7 million for the accommodation site only.

Background

The proponent is looking to provide “ancillary accommodation” for 99 persons that will service the existing Parker Range mine development and operations. For the purposes of this application, the ancillary accommodation will be referred to as the Accommodation Village as it is on the plans provided.

The property subject to the development is currently privately owned. The proponent Mineral Resources is currently in negotiations with the owners in anticipation to purchase the property. The proponent has stated an agreement will be reached between the current landowner and Mineral Resources by this Council meeting date the 16th April 2020.

The zoning pursuant to the current Shire of Yilgarn Town Planning Scheme 2 (The Scheme), PART III – ZONES 3.1.1 classification for the site is Rural/Mining zone. The road to north of the property is Bennett Road and depicted as follows-



The Schemes proposed land use or definition of Rural/Mining Zone is as follows-

The Rural/Mining Zones to be used for agricultural, residential and public recreation uses. Extractive Industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.

The proposed land use is a "AA" use class, pursuant to PART III – ZONES 3.2 TABLE 1 - ZONING TABLE

An "AA" means that the use is not permitted unless the Council has granted planning approval.

Council is advised the proposed Accommodation Village meets the objectives of the scheme and the current Shire of Yilgarn Strategic –Community Plan 2016 -2026. The Plan states as an economic strategy "The Shire continue to provide an efficient and effective approval process" and "Support initiatives progressed by the local business community."

Comment

Setback Requirements

Council is not required to make a determination on the setbacks for the Accommodation Village. The Scheme does not have any prescriptive requirements in this particular zoning for the development the proponent has put forward.

Notwithstanding the scheme requirements, the proposal has the following setbacks-

- North boundary setback 355m
- West boundary setback 1315m
- South boundary setback 3378m
- East boundary setback 2000m

Advertising Requirements

Council has the discretion and may give notice of an "AA" use development application pursuant to 6.3.3 of The Scheme. If Council choose to put the application through the rigour of an advertising process The Scheme states as follows-

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 21 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.*

Statutory Environment

Planning and Development Act 2005
Planning and Development Regulations 2009
Shire of Yilgarn Town Planning Scheme No 2

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 and Support initiatives progressed by the local business community.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

Council, approve the development application for Ancillary Accommodation (Accommodation Village) for 99 persons at Lot 451 Bennett Road Parkers Range, subject to the following conditions:

- 1. The proponent is to make application to the Shire for approval of the onsite treatment of effluent and comply with the Health (Miscellaneous Provisions) Act 1911.*
- 2. Council's Executive staff liaising with the proponent regarding traffic management and road upgrade or cross over issues in the immediate area pertaining to the development.*

10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Nolan has submitted the following Notice of Motion for Council consideration:-

NOTICE OF MOTION

1. That Council recognises the increased threat of higher rates in infection of the local community by Covid19 by bus in bus out (BIBO), drive in drive out (DIDO) and fly in fly out (FIFO) operations, particularly those with larger work forces, frequent roster cycles, and regular contact with local community members. These operations include mine operators, their contractors and consultants and any other organisations providing services within the Shire whose activities potentially involve their employees having contact with local community members.
2. That Council writes to the Health Minister and requests the State Government's support to ensure that appropriate protocols are put in place by employers to minimise the possibility of infected persons moving in and out of the Shire and to ensure that these protocols are effectively policed.
3. That all employers regularly moving employees in groups of two or more employees into the Shire advertise their Covid19 management plans such that the public can readily understand the measures (to reduce Covid19 infection rates) being employed by the employer to manage infection rates.
4. That employers do not change protocols without advertising the change, including the reasons behind the change, and including expert comment supporting the change from the appropriate State health authority before implementing the change.

CR NOLAN'S SUPPORTING COMMENTS

It appears that we are in the early stages of managing this epidemic, and the experience in countries and regions where isolation measures have been less than adequate is higher infection rates and deaths. And the countries and regions with the lowest infection rates are those that implemented rigorous isolation at the earliest possible stage. This epidemic will spread if we allow it to.

The measures being employed by the WA State Government are to be commended.

The Shire of Yilgarn can do its bit by knowing what the protocols being employed are, and ensuring that they are being implemented

Cr Nolan will speak further to the Notice of Motion at the meeting.

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE