



Council Meeting Agenda

*20 October
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

OCTOBER 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 20 October 2022
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*

Nicholas Warren
Chief Executive Officer

14/10/2022

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Rate incentive prize draw to be held.

3. ATTENDANCE

Members
Cr W Della Bosca
Cr B Close
Cr J Cobden
Cr G Guerini
Cr P Nolan

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	B Forbes	Finance Manager
	L Della Bosca	Minute Taker

Apologies:

Observers:

Leave of Absence: Cr L Rose and Cr L Granich

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 15 September 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 15 September 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Shire of Yilgarn Tourism Advisory Committee, Wednesday 5 October 2022
-(Notes Attached)

Recommendation

That Council notes the Shire of Yilgarn Tourism Advisory Committee Meeting did not meet quorum but receives the meeting notes.

Voting Requirements: Simple Majority

6.3 Shire of Yilgarn Bush Fire Advisory Committee, Monday 10 October 2022- (Minutes Attached)

Recommendation

That the minutes from the Shire of Yilgarn Bush Fire Advisory Committee Meeting held on the 10 October 2022 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Shire of Yilgarn Tourism Advisory Committee – Changes to Committee

File Reference	1.3.10.5
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider and endorse changes to the membership of the Shire of Yilgarn Tourism Advisory Committee.

Background

At the August 2020 Ordinary Council meeting, Councillors moved to re-form the Tourism Advisory Committee, with the following motion carried:

116/2020

Moved Cr Shaw/Seconded Cr Cobden

That Council:-

- 1. Appoints the following Community members to the Shire of Yilgarn's Tourism Advisory Committee:-***

Leonie Gethin, Robin Stevens, Kaye Crafter, Charles Jenkins, Ken Fairless, Kerry Fairless, Gary Kenward, Alison Carnicelli, Shannon Carnicelli, Jess Stephens, Laura Black, Ron Goodhill.

- 2. Appoints Councillors Cobden and Rose as Council's representatives on the above Committee.***

CARRIED BY ABSOLUTE MAJORITY (7/0)

Since reforming, the Committee has been pivotal in the drafting and implementation of the Tourism Marketing Strategy and Activation Plan, which has led to a rebranding for the Shire, a new tourism website, social media presence and progression of a number of infrastructure projects.

At the June 2022 Ordinary Council Meeting a number of additional members were added to the Committee, with Council resolving:

179/2022

Moved Cr Rose/Seconded Cr Cobden

That Council endorses the inclusion of Onida Truran, Liz Sheehan & Malcom Tabner to the Shire of Yilgarn Tourism Advisory Committee.

And

That Council notes the resignation of Charlie Jenkins from the Shire of Yilgarn Tourism Advisory Committee.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Comment

The committee has held a number of meetings recently where quorum has not been met. The current number of members is 16, requiring 9 to meet quorum.

As such, it was raised at the October Tourism Advisory Committee meeting, that the Shire would be looking to reduce the number of members, and subsequently sought nominations from current members.

Existing members who didn't nominate are still welcome and encouraged to attend the meetings, as observers.

Cr Cobden and Cr Rose remain as Council's delegates, and the following community members have nominated:

- Kaye Crafter
- Liz Sheehan
- Onida Truran
- Malcolm Tabner

Statutory Environment

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – Tourism Opportunities Maximised – Re-establish a Yilgarn Tourism Committee to advise /recommend to Council on actions to promote tourism in the district.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Inability for community to provide input into the Tourism activities of the district	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputational damage caused by lack of tourism activities and ability for community to provide input	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council endorses the amendments to membership of the Shire of Yilgarn Tourism Advisory Committee, with the Committee consisting of the following voting members:

- *Cr Jodie Cobden – Council Delegate*
- *Cr Linda Rose – Council Delegate*
- *Kaye Crafter – Community Member*
- *Liz Sheehan – Community Member*
- *Onida Truran – Community Member*
- *Malcolm Tabner – Community Member*

9.1 Officers Report – Chief Executive Officer

9.1.2 Revocation of Previous Motion and Reconsideration of a Motion relating to Lot 464 Coolgardie Road

File Reference	1.6.37.1
Disclosure of Interest	None
Voting Requirements	1/3 Councillor support for revocation of previous motion & Simple Majority for new motion
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to support the revocation of a previous decision and reconsider a motion relating to the transfer of Lot 464 Coolgardie Road, Southern Cross.

Background

At the September 2022 Ordinary Council meeting, Council resolved the following:

240/2022

Moved Cr Guerini/Seconded Cr Close

That Council agree to the transfer of land, being Lot 464 Coolgardie Road, Southern Cross (Plan 223128), from the Perth Diocesan Trust to the Shire of Yilgarn, on the provision there is no cost to the Shire of Yilgarn, with the exception of conveyancing fees.

CARRIED (5/0)

The resolution was the result of the Perth Diocesan Trust seeking Council's interest in the transfer of Lot 464 Coolgardie Road, Southern Cross, to the Shire of Yilgarn as freehold land. The Lot houses the old cemetery and "Town Businesses" sign.

Comment

Upon advising the Perth Diocesan Trust of Council's position, the Department of Planning Lands and Heritage provided the following advice:

The Shire council resolution states "Lot 464 to be transferred on the provision there is no cost to the Shire", unfortunately a valuation must be undertaken for a request to freehold, then the Shire would have to agree to the valuation and cover the costs, would the Shire agree to the Reserve being vested to the Shire instead of freehold, there would be no costs to the Shire?

The CEO's raised concerns regarding possible Management Orders requiring the Shire to undertake certain measures relating to the Lot, however, the Department have advised that the Shire may choose its own vesting purpose, stating:

It is usual for the Shire to request what purpose they require, I note the Reserve adjacent to Lot 464 the purpose is “Park”, as there is a cemetery on Lot 464 which is no longer used, the Shire could look at a purpose of “Historic cemetery/Park/Recreation”, once the shire has decided on a purpose could you please provide a council resolution.

As such, the CEO seeks Council to revoke the previous motion relating to this matter (Resolution 240/2022), and consider a new motion, which endorses the vesting of Lot 464 Coolgardie Road, Southern Cross to the Shire as a Reserve, with a purpose of “Historic Cemetery/Park/Recreation”.

The Local Government (Administration) Regulations 1996 requires 1/3 of Councillors to support the revocation of the previous motion before the new motion can be considered. At least 3 Councillors need to support the revocation.

Statutory Environment

Local Government Act 1995.

Local Government (Administration) Regulations 1996

Part 2 Council and committee meetings

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

Part 1

That the required number of Councillors, being at least 3, support a motion to revoke the Decision made at the September Ordinary Council Meeting, being Resolution 240/2022.

Part 2

Council endorses the revocation of resolution 240/2022.

Part 3

That Council endorse the vesting of Lot 464 Coolgardie Road, Southern Cross to the Shire of Yilgarn as a Reserve, with a purpose of "Historic Cemetery/Park/Recreation."

9.1 Reporting Officer– Chief Executive Officer

9.1.3 British Hill Pty Ltd– Application to Clear Native Vegetation under the *Environmental Protection Act 1986*

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Maps provided by DMIRS

Purpose of Report

To consider a response to the Department of Mines, Industry, Regulation and Safety (DMIRS), regarding a proposal from British Hill Pty Ltd to clear native vegetation on mining leases within the Shire of Yilgarn.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission from British Hill Pty Ltd, seeking a permit to clear 8 hectares of native vegetation under the *Environmental Protection Act 1986* for the purpose of Mineral Production and Associated Activities.

Comment

The site is currently subject to mining leases M77/1256.

Whilst the Shire has been provided the standard Photomap and Natmap from the Department (attached), there is little further information regarding the application available, nor has British Hill Pty Ltd provided any information recently to the Shire in relation to this site and their intentions in the area.

It is proposed Council seek a report from British Hill Pty Ltd on their activities within the Shire of Yilgarn, prior to considering a position in relation to the clearing application.

Statutory Environment

Environmental Protection Act 1986

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.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with relative environmental and mining legislation.	Low (1)	DMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental impacts from mining activities.	Low (1)	DMIRS Assessment and Approval Processes

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

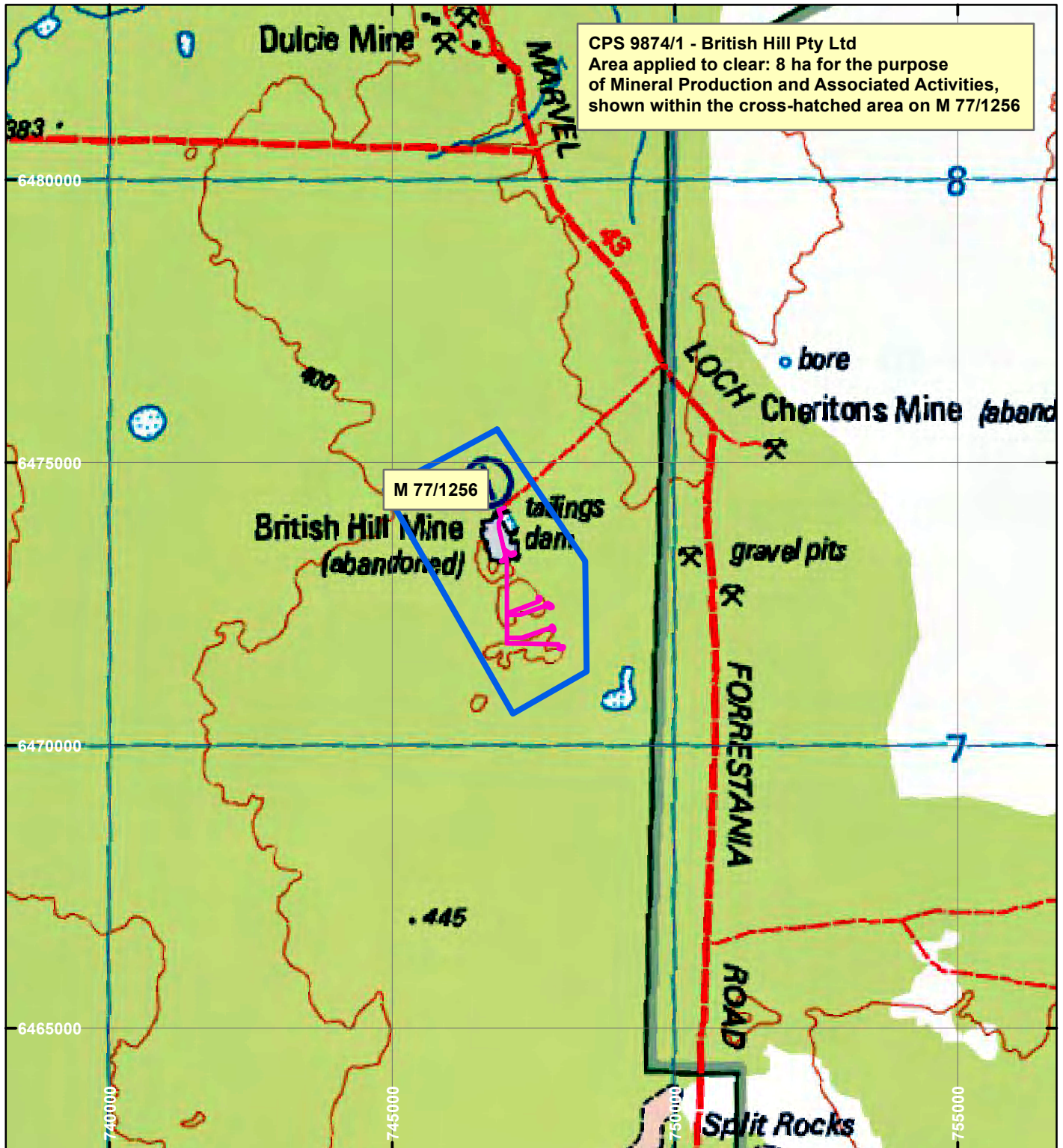
Officer Recommendation

Council endorse the following response to the Department of Mines, Industry Regulation and Safety:

With regards to the application from British Hill Pty Ltd (CPS 9874/1), seeking to clear native vegetation on mining tenement 77/1256 under the Environmental Protection Act 1986, the Shire of Yilgarn seeks a report from from British Hill Pty Ltd regarding their intentions within the Shire of Yilgarn and the British Hill Project, prior to considering the proposal.

CPS 9874/1 - British Hill Pty Ltd

CPS 9874/1 - British Hill Pty Ltd
Area applied to clear: 8 ha for the purpose
of Mineral Production and Associated Activities,
shown within the cross-hatched area on M 77/1256



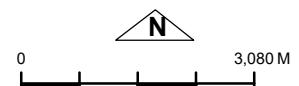
LEGEND



Clearing Instruments



Mining Tenements



Scale 1:100,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of
the Environmental Protection Act 1986

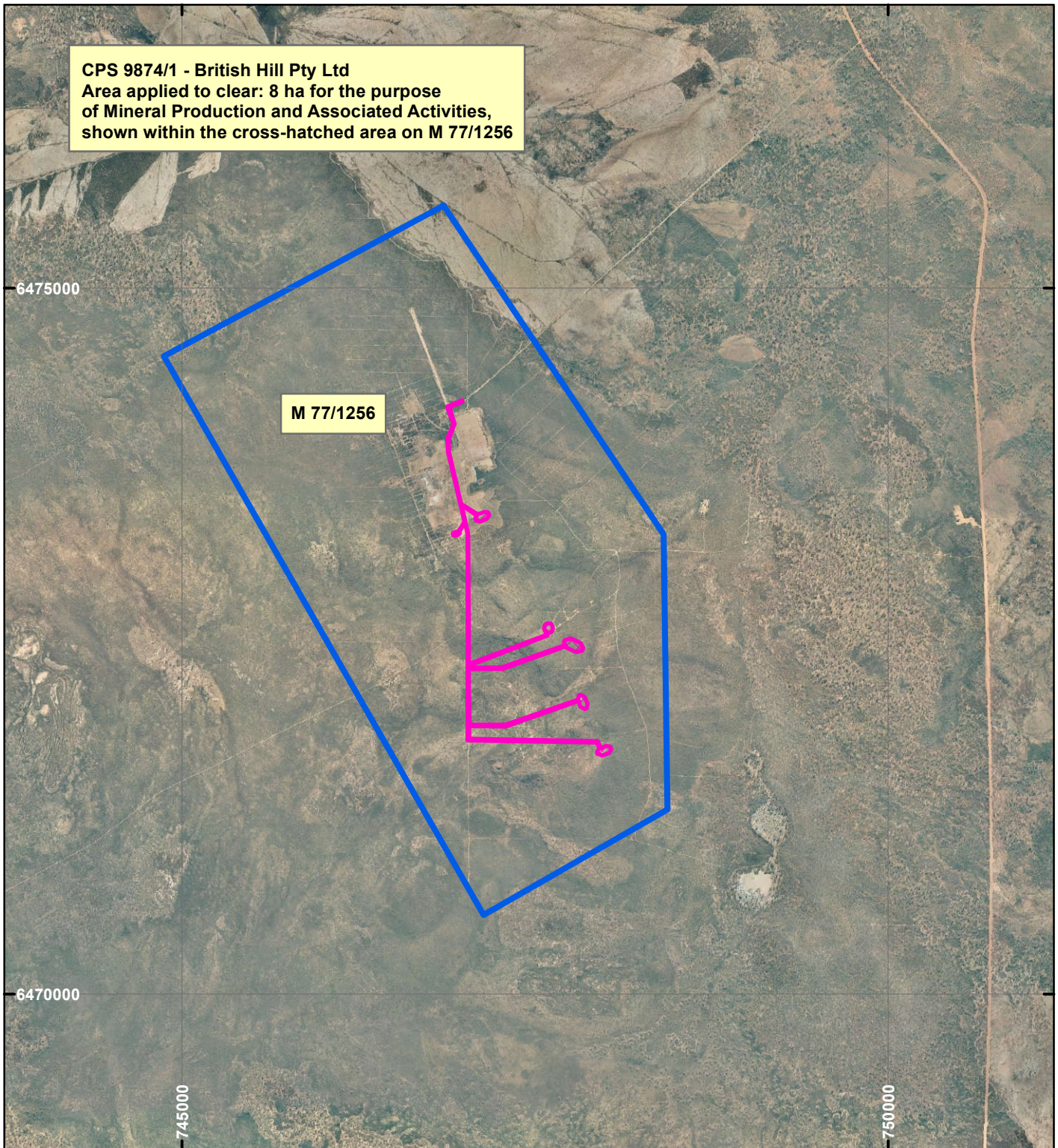
Information derived from this map should be
confirmed with the data custodian acknowledged
by the agency acronym in the legend.



WA Crown Copyright 2002

CPS 9874/1 - British Hill Pty Ltd

CPS 9874/1 - British Hill Pty Ltd
Area applied to clear: 8 ha for the purpose
of Mineral Production and Associated Activities,
shown within the cross-hatched area on M 77/1256



LEGEND



Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:40,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been
projected. This may result in geometric
distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of
the Environmental Protection Act 1986

Information derived from this map should be
confirmed with the data custodian acknowledged
by the agency acronym in the legend.



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9.1 Officers Report – Chief Executive Officer

9.1.4 CEO Annual Performance Appraisal

File Reference	1.1.10.107
Disclosure of Interest	CEO – In relation to Contract of Employment
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Confidential - CEO Appraisal Document (Provided Separately by CEO)

Purpose of Report

For Council to endorse the CEO Annual Performance Appraisal report conducted on Tuesday, 11 October 2022.

Background

As per section 4 of the Chief Executive Officers contract of employment it states:

4.1 Performance Criteria

- (1) *The Performance Criteria is included at Appendix 1*
- (2) *The Performance Criteria must be reasonably achievable by You.*
- (3) *You must use every reasonable endeavour to comply with the Performance Criteria.*
- (4) *The Performance Criteria –*
 - (a) *must be reviewed annually by the parties; and*
 - (b) *may be amended, from time to time, by agreement in writing between the parties.*

4.2 Performance Criteria and performance review

- Your performance under this Contract, must be reviewed and determined by the Reviewer –*
- (a) *by reference to the Performance Criteria;*
 - (b) *at least annually; and*
 - (c) *more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*

4.3 Selection of Reviewer

- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -*
 - (a) *who the Reviewer is to be; and*
 - (b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
 - (a) *the Council;*
 - (b) *a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or*

- (c) *a person who is a HR professional who is agreed to by the Council to conduct the performance review.*
- (3) *For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in subclauses 4.3(1)(a), the Council is to make the relevant determination.*

Comment

At the November 2021 Council meeting, the following resolution was carried:

221/2021

Moved Cr Nolan/Seconded Cr Close

That Council endorses the Chief Executive Officer's Performance Criteria and Annual Appraisal process in accordance with Section 4 of the CEO's Contract of Employment and determines the full Council will be Reviewers for the duration of the Chief Executive Officers contract period.

CARRIED (5/0)

The CEO completed and circulated the approved Performance Criteria and Annual Appraisal document on the 13 September 2022.

The review was originally proposed for the September 2022 Ordinary Council meeting; however, it was agreed between parties to postpone due to a number of absent Councillors.

Council and the CEO scheduled the review on the 11 October 2022, with a summary of notes and ratings from the review detailed in the separately provided Performance Criteria and Annual Appraisal document, as well as action items for the following 12 months.

Council are asked to confirm the document is a true reflection of the review and endorse the document.

Statutory Environment

CEO Contract of Employment

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Contract of Employment and	Moderate (6)	Setting of annual review process in accordance with contract
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council endorses the CEO Performance Criteria and Annual Appraisal document detailing the outcomes of the Annual CEO Performance Appraisal conducted on Tuesday, 11 October 2022.

9.1 Reporting Officer– Chief Executive Officer

9.1.5 Development Application – Crisp Wireless Telecommunication Equipment Lot 757 Parker Range Road & Nicholson Road, Moorine Rock, WA

File Reference	3.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Applicants Supporting Information

Purpose of Report

To consider a Development Application from Crisp Wireless to extend their fixed wireless network within the Shire of Yilgarn by building a 30 metre tower and telecommunication communication hut at Lot 757 Parker Range Road & Nicholson Road, Moorine Rock, WA.

Background

The Shire is in receipt of a Development Application from Crisp Wireless seeking approval to extend their fixed wireless network within the Shire of Yilgarn.

The application relates to a privately owned property and Crisp Wireless have obtained permission from the landowner to erect telecommunication equipment on site. The property is zoned rural/mining and the Town Planning Scheme 2 (TPS2) defines rural/mining as;

“The Rural/Mining Zone is 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”

Although the rural/mining zone to be used for agricultural, residential and public recreation, additional uses can be considered subject to complying with the provisions of the scheme.

The “Zoning Tables” in the TPS2 specifies the uses permitted in various zones. The permissibility of any use is determined by cross reference between the list of classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

"P" means that the use is permitted by the Scheme.

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

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

TABLE 1 - ZONING TABLE

ZONES							
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
40	Radio/TV. Installation	SA	AA	AA		AA	AA

There is no specific use listed in the zoning table for telecommunication towers however radio and television installations are considered similar in nature in terms of their impact on visual amenity. Council is advised that the Shire considers that the proposal meets the objectives of the scheme and the current Shire of Yilgarn Strategic Community Plan.

An economic strategy of the Strategic Community Plan states that “The Shire continue to provide an efficient and effective approval process” and “Support initiatives progressed by the local business community.”

Comment

The reporting officer considers the use to fall within the AA use under the “Zoning Table” and Council has the ability to either approve or reject the application.

There are significant shortfalls with regards to the delivery of reliable internet connection in regional Western Australia. Given that the aim of the application is to improve the delivery of reliable internet in regional and remote areas, it is the reporting officer’s view that the establishment of additional infrastructure will be of benefit to the community.

The WAPC State Planning Policy 5.2 – Telecommunications Infrastructure acknowledges the importance of providing telecommunications services to the community through the rollout of new networks but seeks for telecommunication towers to be developed in a sustainable manner that minimises the visual impact within the locality.

The proposed location of the tower is considered to have marginal visual impact on the surrounding area given that the tower is obscured by the surrounding vegetation buffer.

Additionally, given the remoteness, distance from residential properties and limited infrastructure requirements, it is the reporting officer’s view that the proposal will have minimal impact on the amenity of the area.

Statutory Environment

Shire of Yilgarn Town Planning Scheme 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 processes

Policy Implications

Nil

Financial Implications

Applicable Development Application fees

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Development non-compliant with relevant planning legislation.	Low 4	DA to be determined by Council as per TPS2
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council approve the proposed development for the establishment of a telecommunication hut and the construction a 30 m communications tower at Lot 757 Parker Range Road & Nicholson Road, Moorine Rock, WA.

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
Author	Ben Forbes-Finance Manager
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 30 September 2022

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

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

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 30 September 2022.

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
Author	Wes Furney-Finance Officer
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41159 to 41159 totalling \$76,855.09
- Municipal Fund - EFT 13109 to 13216 totalling \$545,236.82
- Municipal Fund – Cheques 2010 to 2028 totalling \$273,198.29
- Municipal Fund Direct Debit Numbers:
 - 17205.1 to 17205.12 totalling \$24,297.49
 - 17263.1 to 17263.12 totalling \$24,340.00
- Trust Fund - Cheques 402639 to 402666 totalling \$36,724.02

The above are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Transactions require two senior managers to approve.	Moderate (8)	Transactions require two senior managers to sign cheques or approve bank transfers.
Financial Impact	Reduction in available cash.	Moderate (5)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Non or late payment of outstanding invoices and/or commitments	Moderate (9)	Adherence to Timely Payment of Suppliers Policy
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

- *Municipal Fund – Cheques 41159 to 41159 totalling \$76,855.09*
- *Municipal Fund - EFT 13109 to 13216 totalling \$545,236.82*
- *Municipal Fund – Cheques 2010 to 2028 totalling \$273,198.29*
- *Municipal Fund Direct Debit Numbers:*
 - *17205.1 to 17205.12 totalling \$24,297.49*
 - *17263.1 to 17263.12 totalling \$24,340.00*
- *Trust Fund - Cheques 402639 to 402666 totalling \$36,724.02*

The above are presented for endorsement as per the submitted list.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write-off of Outstanding Rates & Charges Post Public Auction

File Reference	8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off outstanding rates and charges after the proceeds of sale from the recent public auction of properties seized for non-payment are applied and transfer to new ownership is completed.

Background

On the 17th September a public auction was held consisting of 8 auction lots being rate assessments seized for non-payment. The contracts of sale for all the auction lots indicated that the auction lots were being offered “as is” and that deposits required from the successful bidders would be 10% of the final bid. All deposits have been received prior to the writing of this report.

The assessments offered were:

Assessment Number	Assessment Address and Description of Improvements	Rates & Charges Outstanding	Auction Sale Price
A2091	99 Canopus St, Southern Cross (Vacant Land)	\$9,768.12	\$1,000.00
A7310	13 Overington St, Marvel Loch (Vacant Land)	\$8,873.19	\$1,000.00
A7960	15 Williamson St, Marvel Loch (Vacant Land)	\$19,695.15	\$3,200.00
A8110	41 Lenneberg St, Marvel Loch (Vacant Land)	\$11,468.21	\$1,000.00
A12070	40 Griffiths St, Bodallin (Derelict Residence & Shed)	\$10,363.65	\$10,500.00
A4010	25 Taurus St, Southern Cross (Duplex Residences)	\$39,061.58	\$51,000.00
A7180	19-21 Lenneberg St, Marvel Loch (Residence & 3 Room SPQ)	\$16,513.86	\$34,000.00
A7250	28 Horan St, Marvel Loch (Residence)	\$16,069.74	\$13,500.00

The auction sale price for 40 Griffiths Street, Bodallin is indicated in **RED** as the successful bidder has since requested to not go through with the purchase as the residence is in a worse state than they expected and is not salvageable. The officer recommendation will include a request for approval to return this deposit as the contracts of sale for all auction lots stipulated that deposits were to be non-refundable.

Comment

As can be seen from the auction results listed above, several of the assessments will need to have an outstanding balance cleared once settlement is finalised. The two assessments that sold for in excess of the outstanding amounts will result in full payment however, it must be noted that any excess from these sales cannot be used to offset the write-offs resulting from the

other assessments. In essence, each auction lot is an individual transaction limited to that assessment and cannot be pooled.

The methodology for disbursing funds from the sale, as set out in the *Schedule 6.3 (5)* of the *Local Government Act 1995*, is as follows:

1. Council's costs, charges and expenses incurred in progressing the collection process to auction, including the cost of the auction; then
2. The assessments unpaid rates and service charges; then
3. Costs and other charges due to or imposed in favour of the Crown; then
4. Councils transfer of title (settlement) costs; then
5. Any mortgages registered on the property; and finally
6. The previous owner.

As it stands, the following is an estimate of what the sale of each assessment will have as it relates to any write-off's to be carried out:

A2091 - 99 Canopus St, Southern Cross					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	500.00	3,370.00	3,870.00	-	3,870.00
Sewerage	210.00	1,466.00	1,676.00	-	1,676.00
Emergency Services Levy	93.00	552.00	645.00	-	645.00
Legal Charges	1,382.95	-	1,382.95	1,000.00	382.95
Interest - Rates	1,965.01	-	1,965.01	-	1,965.01
Interest - ESL	10.31	218.85	229.16	-	229.16
			9,768.12	1,000.00	8,768.12

A7310 - 13 Overington St, Marval Loch					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	500.00	3,000.00	3,500.00	-	3,500.00
Sewerage	300.00	1,601.00	1,901.00	-	1,901.00
Emergency Services Levy	93.00	484.00	577.00	-	577.00
Legal Charges	1,217.96	-	1,217.96	1,000.00	217.96
Interest - Rates	1,500.19	-	1,500.19	-	1,500.19
Interest - ESL	9.04	168.00	177.04	-	177.04
			8,873.19	1,000.00	7,873.19

A7310 - 15 Williamson St, Marval Loch					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	648.98	4,922.14	5,571.12	1,271.16	4,299.96
Sewerage	366.08	3,216.52	3,582.60	-	3,582.60
Domestic Rubbish	340.00	2,673.00	3,013.00	-	3,013.00
Emergency Services Levy	93.00	616.00	709.00	-	709.00
Legal Charges	1,928.84	-	1,928.84	1,928.84	-
Interest - Rates	4,605.18	-	4,605.18	-	4,605.18
Interest - ESL	11.51	273.90	285.41	-	285.41
			19,695.15	3,200.00	16,495.15

A8110 - 41 Lenneberg St, Marval Loch					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	500.00	3,735.00	4,235.00	-	4,235.00
Sewerage	300.00	1,794.00	2,094.00	-	2,094.00
Emergency Services Levy	93.00	616.00	709.00	-	709.00
Legal Charges	1,726.66	-	1,726.66	1,000.00	726.66
Interest - Rates	2,418.14	-	2,418.14	-	2,418.14
Interest - ESL	11.51	273.90	285.41	-	285.41
			11,468.21	1,000.00	10,468.21

A7250 - 28 Horan St, Marval Loch					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	625.38	3,572.35	4,197.73	4,197.73	-
Sewerage	352.77	1,750.54	2,103.31	2,103.31	-
Domestic Rubbish	340.00	1,700.00	2,040.00	1,059.51	980.49
Emergency Services Levy	93.00	413.00	506.00	506.00	-
Legal Charges	5,517.69	-	5,517.69	5,517.69	-
Interest - Rates	1,589.25	-	1,589.25	-	1,589.25
Interest - ESL	7.71	108.05	115.76	115.76	-
			16,069.74	13,500.00	2,569.74

A7180 - 19/21 Lenneberg St, Marval Loch					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	778.78	3,172.38	3,951.16	3,951.16	-
Sewerage	439.30	1,757.20	2,196.50	2,196.50	-
Domestic Rubbish	340.00	1,360.00	1,700.00	1,700.00	-
Emergency Services Levy	93.00	338.00	431.00	431.00	-
Legal Charges	7,288.45	-	7,288.45	7,288.45	-
Interest - Rates	1,199.37	-	1,199.37	1,199.37	-
Interest - ESL	10.33	78.18	88.51	88.51	-
Settlement Costs- Estimate	1,738.08	-	1,738.08	1,738.08	-
			18,593.07	18,593.07	-

TO BE DISBURSED TO OTHER PARTIES **15,406.93**

A4010 - 25 Taurus St, Southern Cross					
SHIRE RATE OR CHARGE	CURRENT \$	AREARS \$	TOTAL \$	PROCEEDS APPLIED	TO BE WRITTEN OFF
Rates	1,923.34	10,709.26	12,632.60	12,632.60	-
Sewerage	1,237.50	6,999.84	8,237.34	8,237.34	-
Domestic Rubbish	680.00	4,068.00	4,748.00	4,748.00	-
Emergency Services Levy	96.20	500.00	596.20	596.20	-
Legal Charges	6,284.88	-	6,284.88	6,284.88	-
Interest - Rates	6,911.94	-	6,911.94	6,911.94	-
Interest - ESL	15.07	172.15	187.22	187.22	-
Settlement Costs- Estimate	2,518.94	-	2,518.94	2,518.94	-
			42,117.12	42,117.12	-

TO BE DISBURSED TO OTHER PARTIES **8,882.88**

As previously indicated, the successful bid received for 40 Griffith St Bodallin has been withdrawn, as such this property has not sold meaning that the rates and charges currently accrued (totalling \$10,363.65) will remain at this time. Council now can attempt sell this property by private treaty.

It should also be noted that the above indicated assessments do not include the costs associated with the transfer of title to the new owners as these amounts would only add to the amounts to be written off. The average costs of these transfers are in the vicinity of \$1,700 each. No write-

offs will occur until the full settlement and transfer of the titles into the new owner's name has occurred and full payment is received.

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.

Schedule 6.3 — Provisions relating to sale or transfer of land where rates or service charges unpaid

3. Power of sale

The power of sale includes —

- (a) power to sell the whole or part of the land either together or in lots —
 - (i) by public auction; or
 - (ii) by private contract, if having been offered for sale by public auction, it has not been sold,
 subject to such terms and conditions with respect to the payment of the purchase money or any other matter, including power to fix a reserve price, as the local government thinks fit; and
- (b) power to vary a contract of sale by agreement with the other party to the contract, and to buy in at auction; and
- (c) power to rescind a contract for sale on default by the other party to the contract, and to resell without being answerable for loss occasioned by the rescission and resale; and
- (d) power to make such thoroughfares and to grant such easements of right-of-way or drainage over the land as the circumstances of the case require and the local government thinks fit.

5. Application of purchase money

Where a local government has exercised its power of sale it is required to apply the proceeds of sale in the following manner —

- (a) firstly — in payment of the costs, charges and expenses properly incurred by the local government in or incidental to the sale or attempted sale or the exercise of any other power conferred upon the local government by Part 6, Division 6, Subdivision 6 or this Schedule; and
- (b) secondly — in payment of —
 - (i) unpaid rates or service charges, for the time being due to or imposed by the local government in respect of the land; and
 - (ii) costs and other money, if any, due to or imposed in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State; and
 - (iii) other amounts due to the local government under this or another written law, in respect of the land at the time of the sale, but where the payments required by paragraph (a) to be made have been made, and the balance of the money then remaining is not sufficient for the payment in full of the items required by this paragraph to be made, the local government is to distribute the balance of the money so remaining, between the Crown, the department, the agency, the instrumentality, and the local government, *pro rata* with the amounts of their claims, respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality as the case requires, consents to rank after the local government; and
- (c) thirdly — in payment of the vendor's costs and expenses of and incidental to conferring upon the purchaser a title to the land; and
- (d) fourthly — in or towards the discharge of a charge, if any, on the land under a written law relating to the construction of drains and fittings to connect the land with a sewer; and
- (e) fifthly — in or towards the discharge of other mortgages and encumbrances on the land, both registered and unregistered, according to their priorities at law so far as they can be ascertained by the local government; and
- (f) sixthly — in payment of the residue of the money within 12 months after the local government has received it to —
 - (i) the person who would, but for the proceedings for sale, be entitled to the land; or
 - (ii) if there are several persons who would be so entitled, then to those persons in the proportions in which they would be respectively so entitled,

but if —

- (I) a person is entitled to an estate in reversion or remainder in the land, the local government may pay that residue into the Supreme Court under section 99 of the *Trustees Act 1962*; and
- (II) within that period of 12 months the local government has not paid the residue to the person entitled to it, it is to, on the expiration of that period, pay that residue into the Supreme Court under that section of that Act; and
- (III) at the expiration of 6 years after the money is so paid into the Supreme Court, proceedings have not been commenced or are not pending and the Court has not made an order to the contrary the money is to be paid into the Consolidated Account.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Strategic Community Plan 2020 - 2030

Objective - Civic Leadership.

Outcome 4.1 – A trustworthy and cohesive Council that functions efficiently & effectively.

Strategy 4.1.2 – Maintain a high level of corporate governance, responsibility & accountability.

Policy Implications

Council Policy

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

Financial Implications

Write-off of \$46,174.41 of rates and other charges.

The 2022/2023 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which \$5,053.01 has been utilised to date.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and associated Regulations.	Low (2)	Ensure write-offs are endorsed by Council.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council

- pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approves the write-off of the amounts of rates and other charges associated with the individual assessments as follows:*

- A2091 – 99 Canopus Street, Southern Cross - \$ 8,768.12*
- A7310 – 13 Overington Street, Marvel Loch - \$ 7,873.19*
- A7310 – 15 Williamson Street, Marvel Loch - \$16,495.15*
- A8110 – 41 Lenneberg Street, Marvel Loch - \$10,468.21*
- A7250 – 28 Horan Street, Marvel Loch - \$ 2,569.74*

and

- approves the return of the deposit amount of \$1,050.00 received from the bidder on 40 Griffiths Street Bodallin on the withdrawal of their bid.*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Use of Common Seal - Transfer of Land (Sale for Rates)

File Reference	1.1.12.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the affixing of Councils Common Seal to seven Transfer of Land (Sale for Rates) documents and to seek approval for the Shire President and Chief Executive Officer to sign the same.

Background

On the 17th September a public auction was held consisting of 8 auction lots being rate assessments seized for non-payment with 7 being subsequently sold.

Comment

BKS Conveyancing has been engaged to undertake the settlement and transfer of title for the 7 assessments sold. Conveyancing paperwork has been received that requires the affixing of Councils Common Seal and for the Shire President and Chief Executive Officer sign on Councils behalf.

Statutory Environment

Local Government Act 1995

Division 3 — Documents

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and

(b) the CEO,

each of whom is to sign the document to attest that the common seal was so affixed.

- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

[Section 9.49A inserted: No. 17 of 2009 s. 43; amended: No. 16 of 2019 s. 68.]

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Nil

Policy Implications

Council Policy

1.4 – Use of Council’s Common Seal

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure documentation is appropriately endorsed.
Reputational	Nil	Nil	Nil

Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council

- approves the affixing of its Common Seal to Transfer of Land (Sale for Rates) documents resulting from the sale by public auction for non-payment of rates for the following assessments:*

- A2091 – 99 Canopus Street, Southern Cross*
- A7310 – 13 Overington Street, Marvel Loch*
- A7310 – 15 Williamson Street, Marvel Loch*
- A8110 – 41 Lenneberg Street, Marvel Loch*
- A7250 – 28 Horan Street, Marvel Loch*
- A4010 – 25 Taurus Street, Southern Cross*
- A7180 – 19-21 Lenneberg Street, Marvel Loch*

and

- authorises the Shire President and the Chief Executive Officer to sign the seven Transfer of Land (Sale for Rates) and other associated documentation, listed in point 1, on its behalf.*

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 Request for Tender to Replace the Dynapac CP 2700 Multi Tyre Roller

File Reference	6.6.8.11 & 6.6.5.14
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Glen Brigg – Exec Manager Infrastructure
Attachments	Nil

Purpose of Report

To consider the sale of Councils existing Dynapac Multi Tyre Roller and purchase a replacement roller.

Background

Council's 2022/2023 budget makes provision to replace the 2014 Bomag Roller.

Staff discussed the ongoing issues with the 2016 Dynapac CP2700 multi tyre roller and the preferred option is to replace the 2016 Dynapac Multi Tyre Roller before the 2014 Bomag multi tyre roller. Staff utilised the Preferred Suppliers Services offered by the Western Australian Local Government Association (WALGA) purchasing network.

Council requested quotes from Westrac (Caterpillar), BT Equipment (Bomag) Wirtgen (Hamm) and 2016 Dynapac CP2700 was offered for outright sale through, the WALGA managed tender system. The machine attracted 4 offers for outright purchase.

Comment

Uptime

In simplistic terms, uptime is the time in which a machine (asset) is in operation. This means that while an asset is operational, it is able to produce output. Currently, many shires struggle to keep their assets running at optimal rates to ensure that production meets the goals set by management. It is paramount that asset uptime is optimized to meet these goals. The best way to increase uptime is to reduce downtime.

Downtime

The opposite of uptime, is when the asset is not in operation and therefore no output is being produced and activities come to a halt. Downtime of any one of five machines within roadwork operations can bring a full construction crew to a halt. Not all downtime is bad and some downtime is needed in order to service assets to prolong their life.

In recent years, there has been a shift from reactive maintenance to preventive maintenance, with many shires now looking towards predictive maintenance. These trends have yielded positive results and are playing major roles in the reduction of unplanned downtime.

Prices received for outright sale of the Dynapac CP2700 in the table below,

COMPANY	PRICE	GST	TOTAL
Allied Equipment Sales	\$35,500.00	\$3,550.00	\$39,050.00
Allused Pty Ltd	\$37,500.00	\$3,750.00	\$41,250.00
Manheim Pty Ltd	\$31,818.18	\$3,181.82	\$35,000.00
Smith Broughton	\$35,000.00	\$3,500.00	\$38,500.00

Westrac offered 2 variants which are both within the tender specifications. The only notable differences in the 2 Caterpillar units, is the total weight of each machine. The Shire can't utilise any roller exceeding 22 tonnes as they are limited to the weight carrying ability of the low loader when transporting. All machines when unballasted are well within weight range for transport.

COMPANY	MACHINE	PRICE Excluding GST	TRADE Excluding GST	CHANGEOVER Excluding GST
Westrac	CW34NN	\$193,219.09	\$46,800.00	\$146,419.09
Westrac	CW34NN	\$202,876.61	\$46,800.00	\$156,076.61
Wirtgen	HAMM HP280	\$178,052.63	\$28,000.00	\$150,052.63
BT Equipment	BOMAG BW28	\$184,379.00	\$52,000.00	\$132,379.00

All the new machines tendered are working in different local governments across Australia. Staff rang other shires for their opinions on the machines offered in tender. There were no notable bad comments regarding any of the brands. Westrac provide optional extended warranty (80 months 4,000 hours) reflected in the pricing. The Shire is well versed in Westrac's backup service, parts availability and resale values. Westrac service personnel are available through the Kalgoorlie Branch. The Caterpillar new CW34NN is in stock.

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Strategic Implications

Purchase is in line with the plant replacement program and asset management plan.

Policy Implications

Councils Ten Year, Plant Replacement Program

Finance Policy 3.5 Purchasing and Tendering

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Financial Implications

The 2022/23 budget makes provision of \$280,000 (GST exclusive) for the purchase of a new Multi Tyre Roller and an income amount (trade) of \$30,000 for the sale of councils 2014 Bomag Multi Tyre Roller for a total changeover of \$250,000

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Increased plant maintenance budget	High (15)	Keeping in line with the Plant Replacement Program will reduce the risk of expensive plant repairs.
Service Interruption	Levels of service, road construction and maintenance	High (10)	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

- 1. That, by Absolute Majority in accordance Local Government Act 1995 Local Government (Functions and General) Regulations 1996 that council does not replace the 2014 Bomag Roller for a total changeover of \$250,000 identified in the 2022/2023 budget.***
- 2. That council adopts to replace the 2016 Dynapac CP2700 multi tyre roller in the 2022/2023 financial year for a total changeover of \$156,076.61 excluding GST***
- 3. That council rejects all tenders for outright purchase through the WALGA Preferred Suppliers Asset Disposal Service for the Dynapac CP2700 multi tyre roller.***
- 4. That council accepts the tender from Westrac to purchase a new Caterpillar CW34NN for \$202,876.61 excluding GST, which includes extended warranty spare tyre and service tools.***
- 5. That council trades the existing Dynapac CP2700 multi tyre roller to Westrac for \$46,800 (excluding GST) for a total changeover of \$156,076.61 (excluding GST)***

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.2 Request for Tender to Replace the 2014 John Deere 670G Grader

File Reference	6.6.8.11
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Glen Brigg – Exec Manager Infrastructure
Attachments	Nil

Purpose of Report

To consider the sale of Councils existing 2014 John Deere 670G Grader and purchase of a replacement grader.

Background

Council's 2022/2023 budget makes provision to replace the 2014 John Deere 670G grader and staff have utilized the Preferred Supplier Service offered by the Western Australian Local Government Association (WALGA) purchasing network.

Council requested quotes from Komatsu, Westrac (Caterpillar), ADT Western Australia (Doosan). The John Deere 670G grader was offered for outright sale through, the WALGA managed tender system. The machine attracted 4 offers for outright purchase.

Comment

There are a number of benefits associated with having a strong asset life cycle management program within the shire. Here are four ways to use life cycle data to our advantage.

- **Define your assets and their conditions.** The right asset management program will enable you to record the establishment date, condition and cost-effectiveness of each piece of equipment. This data can be used to forecast an asset's estimated useful life and total cost of ownership.
- **Support a proactive approach to maintenance.** Asset life cycle management helps local government to actively manage the physical health of its machinery. Proactive maintenance enables organizations to better predict future scenarios, plan for asset failure, and take well-planned steps relating to maintenance and eventual replacement.
- **Support regulatory compliance in your organization.** With the help of infrastructure management software, staff can collect and utilize valuable life cycle data for each critical asset.
- **Prioritize equipment and machinery replacements.** Creating and maintaining a capital budget is an important part of managing assets, by staying up-to-date on asset conditions and life expectancies, staff can more accurately forecast funding needs and ensure maintenance reserves are sufficient.

An asset's lifecycle plays a major role in budget and operational efficiency. Due to the costly nature of most equipment, it's a good idea to continually monitor asset conditions and perform the maintenance tasks needed to keep them in proper working order.

Grader primary production life is 12,000 hours on major components. Beyond 10,000 Council runs a high risk of major component failure. The 2014 John Deere 670G grader that is due for replacement has excess of 10,300 hours.

Based on history, Caterpillar machinery has 96% uptime and 4% downtime. The grader due for replacement has increasing downtime compared to other units within the fleet. Staff have been tracking the productivity of the maintenance graders across the first quarter of 2022/23 financial year. The uptime is derived from machine hour meters, actual run time. The 2014 John Deere 670G grader has been down 3 weeks out of 12 weeks waiting for parts.

2014 John Deere	2016 John Deere	2017 Caterpillar
237 hours	272 hours	330 hours

Westrac were the only company to tender for the replacement grader offering a Caterpillar 140 and is within the tender specifications. Caterpillar have offered extended warranty (70 months 7,000 hours) and optional Autolube. The Autolube system helps ensure the machine is being greased as per manufacturers recommendations. The Autolube system helps increase productivity as the operator isn't manually greasing the machine each day. The Caterpillar 140 is identical to the one purchased earlier this year.

The 2014 John Deere 670G grader was offered for outright sale through WALGA's Preferred Suppliers Service for asset disposal. Prices received in the table below,

COMPANY	PRICE	GST	TOTAL
Allied Equipment Sales	\$135,000.00	\$13,500.00	\$148,500.00
Allused Pty Ltd	\$82,000.00	\$8,200.00	\$90,200.00
Manheim Pty Ltd	\$90,909.09	\$9090.91	\$100,000.00
Smith Broughton	\$125,000.00	\$12,500.00	\$137,500.00

Westrac's tendered price for the new Caterpillar 140 with the trade in price for the 2014 John Deere 670G in the table below,

COMPANY	PRICE	GST	TOTAL
Westrac	\$416,168.87	\$41,616.89	\$457,785.76
Trade 2014 John Deere 670G	\$145,500.00	\$14,550.00	\$160,050.00
Total Changeover (Inc GST)	\$270,668.87	\$27,066.89	\$297,735.76
Optional Extended Warranty	\$8,625.00	\$862.50	\$9487.50
Optional Autolube	12,192.05	\$1,166.19	\$13,411.26

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Strategic Implications

Purchase is in line with the plant replacement program and asset management plan.

Policy Implications

Councils Ten Year, Plant Replacement Program
Finance Policy 3.5 Purchasing and Tendering
Local Government Act 1995
Local Government (Functions and General) Regulations 1996

Financial Implications

The 2022/23 budget makes provision of \$400,000 (GST exclusive) for the purchase of a new grader and an income amount (trade) of \$75,000 for the sale of councils 2014 John Deere 670G grader for a total changeover of \$325,000

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Increased plant maintenance budget	High (15)	Keeping in line with the Plant Replacement Program will reduce the risk of expensive plant repairs.
Service Interruption	Levels of service, road construction and maintenance	High (10)	Nil
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

- 1. That, by Absolute Majority in accordance Local Government Act 1995 Local Government (Functions and General) Regulations 1996 that council rejects all tenders for outright sale for the 2014 John Deere 670G grader.*
- 2. That council accepts the tender from Westrac to purchase a new Caterpillar 140 grader for \$416,168.87 adding the optional Autolube \$12,192.05 and extended warranty \$8,625.00 for a total of \$436,985.92 (excluding GST)*
- 3. That council trades the existing 2014 John Deere 670G grader to Westrac for \$145,500 (excluding GST) for a total changeover of \$291,485.92 (excluding GST)*

10 APPLICATIONS 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