



# *Council Meeting Agenda*

*17 November  
2022*

# SHIRE OF YILGARN NOTICE OF MEETING



Councillors:  
Please be advised that the

## **NOVEMBER 2022 ORDINARY MEETING OF COUNCIL**

Will be held in the Council Chamber on  
Thursday, 17 November 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**

11/11/2022

---

### **DISCLAIMER**

Please note this agenda contains recommendations which have not yet been adopted by Council. Any Plans or documents in agendas or minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material, as per the Copyright Act 1968.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including the resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Yilgarn must obtain, and should rely on, written notice of the Shire of Yilgarn's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done in a Council meeting.

Any advice provided by an employee of the Shire of Yilgarn on the operation of a written law, or the performance of a function by the hire of Yilgarn, is provided in the capacity of an employee, and to the best of the persons knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or representation by the Shire of Yilgarn. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Yilgarn should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

---

Antares Street, SOUTHERN CROSS WA 6426

Tel (08) 90491 001; Fax (08) 90491 429

E-mail: - [yilgarn@yilgarn.wa.gov.au](mailto:yilgarn@yilgarn.wa.gov.au)

## Table of Content

1 Declaration of Opening/Announcement of Visitors .....	3
2 Announcements from the Presiding Member .....	3
3 Attendance .....	3
4 Declaration of Interest .....	3
5 Public Question Time .....	3
6 Confirmation of Minutes .....	3
7 Presentations, Petitions, Deputations .....	4
8 Delegates' Reports .....	4
9 Officers' Reports .....	5
9.1 Chief Executive Officer .....	5
9.1.1 2022-2023 Christmas-New Year Closure .....	5
9.1.2 Council Meeting Dates 2023 .....	8
9.1.3 2022/2023 Community Funding Program .....	11
9.1.4 Proposed Purchase of Crown Land-Lot 3 (No 35)	
Corboy Street, Bodallin .....	14
9.1.5 Skeleton Weed YLAG Asset Disposal .....	21
9.1.6 Application to Keep More Than the Prescribed Number of	
Dogs-82 Antares Street .....	26
9.1.7 Yilgarn Tourism Advisory Committee-Recommendation to	
use Reserve Funds .....	29
9.1.8 Proposed Single House and Ancillary Dwelling-Lot 241	
(No 27) Polaris Street, Southern Cross .....	33
9.1.9 Tender-Satellite Townsite Playground Upgrades .....	42

9.2 Executive Manager Corporate Services.....	47
<b>9.2.1 Financial Reports October 2022.....</b>	<b>47</b>
<b>9.2.2 Accounts for Payment .....</b>	<b>50</b>
<b>9.2.3 Record Keeping Plan Review.....</b>	<b>54</b>
<b>9.2.4 Write off Outstanding Rates Historical administrative error.....</b>	<b>57</b>
9.3 Executive Manager Infrastructure.....	60
<b>9.3.1 Road Design to Upgrade Parkers Range Road and</b>	
<b>Marvel Loch Forrestania Road.....</b>	<b>60</b>
9.4 Executive Manager Regulatory Services .....	n/a
10 Application for leave of absence.....	65
11 Motions for which previous notice has been given.....	65
12 New business of an urgent nature introduce by decision of the meeting.....	65
13 Meeting closed to the public-Confidential Items.....	65
<b>13.1 Premier's Australia Day Active Citizenship Awards 2023.....</b>	<b>65</b>
14 Closure.....	67

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3. ATTENDANCE**

Members

Cr W Della Bosca  
Cr B Close  
Cr J Cobden  
Cr L Granich  
Cr G Guerini  
Cr P Nolan  
Cr L Rose

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:

**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, 20 October 2022- (Minutes Attached)

Recommendation

**That the minutes from the Ordinary Council Meeting held on the 20 October 2022 be confirmed as a true record of proceedings.**

**Voting Requirements: Simple Majority**

- 6.2 Wheatbelt East Regional Organisation of Councils (WEROC) CEO Committee,  
Thursday 13 October 2022- (Minutes Attached)

Recommendation

**That Council minutes from the WEROC CEO Committee Meeting held on the 13 October 2022 be received.**

**Voting Requirements:** Simple Majority

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

Shane Power – Regional Manager - Main Roads WA - Goldfields Esperance Region, will be providing an update to Council on works East of Southern Cross.

**8. DELEGATES' REPORTS**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 2022-2023 Christmas-New Year Closure

<b>File Reference</b>	<b>2.4.1.10</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present to Council for approval, the closure of the Administration Office over the 2022/2023 Christmas and New Year holiday period.

#### Background

Over past years Council has closed the administration office over the Christmas and New Year period to allow staff to have time off with family and friends. This time of the year is normally quiet and the closure has little impact upon the community as it is now an accepted practice.

#### Comment

The recommended administration closure dates are as follows,

Monday	Tuesday	Wednesday	Thursday	Friday
19/12/2022  Open	20/12/2022  Open	21/12/2022  Open	22/12/2022 Open in Morning Closed Midday for Staff Function	23/12/2022  Closed
26/12/2022  Public Holiday	27/12/2022  Public Holiday	28/12/2022  Closed	29/12/2022  Closed	30/12/2022  Closed
2/01/2023  Public Holiday	03/01/2023  Open	04/01/2023  Open	05/01/2023  Open	06/01/2023  Open

The above closure dates will be posted at the Shire Office, advertised in “Crosswords” and placed on the Shire website, to ensure the community have sufficient notice.

### Statutory Environment

Nil.

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Work fatigue of staff.	Low (3)	Closure period to allow good rest period and ability to refresh for 2023
Financial Impact	Nil	Nil	Nil
Service Interruption	Access to Shire administration Services will be reduced	Moderate (8)	Adequate public notice and accepted practice allows for community to ensure Shire administrative needs are addressed prior to closure
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

*That Council approves of the Shire Administration Office closing for the 2022/2023 Christmas and New Year break, from Midday on the 22 December 2022, and re-opening on the 3 January 2023, subject to staff undertaking adequate advertising to inform the community of the closure.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Council Meeting Dates - 2023

<b>File Reference</b>	<b>2.1.2.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present to Council for determination, the time and date of Ordinary Council meetings for 2023.

#### Background

Council is required to determine the time and date of Council meetings for 2023 to allow public notice to be provided in accordance with the *Local Government (Administration) Regulations 1996*.

#### Comment

Nil

#### Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates, time and place at which

–

- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

#### 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	
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Regulations.	Moderate (6)	Once set, public notice to be undertaken to comply with Regulations.
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 in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2023 calendar year: -*

*Monthly Ordinary Council meetings to commence at 4:00pm on the following dates: -*

<i>January 2022</i>	<i>No Meeting Scheduled</i>	
<i>Thursday, 16<sup>th</sup></i>	<i>February 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 16<sup>th</sup></i>	<i>March 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 20<sup>th</sup></i>	<i>April 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 18<sup>th</sup></i>	<i>May 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 15<sup>th</sup></i>	<i>June 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 20<sup>th</sup></i>	<i>July 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 17<sup>th</sup></i>	<i>August 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 21<sup>st</sup></i>	<i>September 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 19<sup>th</sup></i>	<i>October 2023</i>	<i>Mt. Hampton Hall</i>
<i>Thursday, 16<sup>th</sup></i>	<i>November 2023</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 21<sup>st</sup></i>	<i>December 2023</i>	<i>Council Chambers Southern Cross</i>

*Prior to the commencement of the Council Meeting, a Councillor Briefing Session will be conducted at 3.00pm.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 2022/2023 Community Funding Program

<b>File Reference</b>	<b>8.2.6.22</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider the Community Funding Grant applications for the 2022/2023 Financial year.

#### Background

The Shire of Yilgarn Community Funding Program was developed to:

- To provide a source of funding for non-profit community organisations operating within the district;
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

As part of the 2022/2023 Budget Council resolved to make available \$16,000 (excluding GST), with two categories of Funding available - 'Essential Equipment' (up to \$2,000) and 'Travel & Training Assistance' (up to \$500).

#### Comment

For the 2022/2023 Community Funding program, the following eligible applications were received:

<i><b>Applicant</b></i>	<i><b>Equipment / item</b></i>	<i><b>Funded Amount</b></i>	<i><b>Club Contribution</b></i>
<i>Southern Cross Motorcycle Club</i>	<i>2 x urns, 3 x digital clock. Square POS stand, printer &amp; 10 x bain marie trays.</i>	<i>\$1,720.39</i>	<i>\$0</i>
<i>Yilgarn Men's Shed</i>	<i>Ozito landscaping/maintenance equipment (lawnmower, blower, vacuum, trimmer and batteries) and 2 storage cupboards</i>	<i>\$1,336.01</i>	<i>\$0</i>
<i>Yilgarn Agricultural Society</i>	<i>Square Terminal and Tablet</i>	<i>\$1,478.00</i>	<i>\$100.00</i>
<i>Bullfinch Shooting Club</i>	<i>2 ipads, 2 cases for ipads and 2 charging stations</i>	<i>\$1,406.00</i>	<i>\$0</i>

<i>Moorine Rock Tennis Club</i>	<i>Concrete Slab for Basketball half court</i>	<i>\$2,000.00</i>	<i>\$1,900.00</i>
<i>Yilgarn Netball Association</i>	<i>New junior uniforms and bibs</i>	<i>\$2,000.00</i>	<i>\$182.95</i>
<i>St Joseph's Primary School Parents &amp; Friends</i>	<i>Laptop, bag, hard-drives and Microsoft office</i>	<i>\$1,200.00</i>	<i>\$0</i>

The total amount to be funded by the Shire of Yilgarn equates to \$11,140.40, which is within the \$16,000 included in the 2022/2023 budget.

### Statutory Environment

Nil.

### Strategic Implications

#### 2020-2030 Strategic Community Plan

An Inclusive, Secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire - Provide support to local sport, recreation and community groups

### Policy Implications

Council Policy Manual 2020 - 6.9 Community Funding Program.

### Financial Implications

Council has included \$16,000 in the 2022/23 Budget. The total of eligible applications received totals \$11,140.40.

### Risk Implications

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x Likelihood)</b>	<b>Mitigation Action</b>
<b>Health/People</b>	Community groups suffer due to lack of equipment or funding	Moderate (6)	Funding available to assist local clubs
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 following grants from the Community Funding Program for the 2022/2023 financial year:-*

<i>Applicant</i>	<i>Equipment / item</i>	<i>Amount</i>
<i>Southern Cross Motorcycle Club</i>	<i>2 x urns, 3 x digital clock. Square POS stand, printer &amp; 10 x bain marie trays.</i>	<i>\$1,720.39</i>
<i>Yilgarn Men's Shed</i>	<i>Ozito landscaping/maintenance equipment (lawnmower, blower, vacuum, trimmer and batteries) and 2 storage cupboards</i>	<i>\$1,336.01</i>
<i>Yilgarn Agricultural Society</i>	<i>Square Terminal and Tablet</i>	<i>\$1,478.00</i>
<i>Bullfinch Shooting Club</i>	<i>2 ipads, 2 cases for ipads and 2 charging stations</i>	<i>\$1,406.00</i>
<i>Moorine Rock Tennis Club</i>	<i>Concrete Slab for Basketball half court</i>	<i>\$2,000.00</i>
<i>Yilgarn Netball Association</i>	<i>New junior uniforms and bibs</i>	<i>\$2,000.00</i>
<i>St Joseph's Primary School Parents &amp; Friends</i>	<i>Laptop, bag, hard-drives and Microsoft office</i>	<i>\$1,200.00</i>

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Proposed purchase of Crown land –Lot 3 (No 35) Corboy Street, Bodallin

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Disclosure of Interest</b>	<b>Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i></b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>1. Post Office Plans 2. Summary of Scheme Amendment process</b>

#### Purpose of Report

Council is to consider providing a letter of support for Mr Singh who proposes to purchase Lot 3 (No 35) Coyboy Street, Bodallin from the State of Western Australia for future development of a local post office.

#### Background

- Location**

Lot 3 is located in Bodallin. The closest intersection is Corboy Street and Chadwick Street – refer aerial over page.

- Regional Road**

Corboy Street appears to form part of the Great Eastern Highway road network which is under the care and control of Main Roads Western Australia (MRWA). Any future development of Lot 3 should be referred to MRWA for advice.





- Planning Application and proposed Crown land purchase**

Mr Kanwalpreet Singh has lodged a planning application seeking approval to develop Lot 3 (No 35) Corboy Street, Bodallin with a post office. The plans lodged are included as Attachment 1.

The planning application for Lot 3 has not been signed by the owner of the land, which is the State of Western Australia.

Any planning application that has not been executed by the owner of the land is not valid, and cannot be accepted or processed by the Shire. It is understood that Mr Singh intends to liaise with the Department of Planning, Lands and Heritage (DPLH) to purchase the land.

Any person or private entity can lodge a Crown Land Enquiry form to DPLH to enquire about purchasing crown land. The form requires that person or entity to advise whether they have liaised with the local government, and to attach any letters of support by the relevant Shire.

The process to purchase Crown land is lengthy, and entails costs associated with document preparation fees, Landgate registration fees, land valuation (purchase price), compensation and negotiation costs (for any interest in the land such as native title), survey and plan preparation costs, and relocation or protection of services etc

- Zoning and Land Use Permissibility**

Lot 3 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Part of the planning assessment for any future application for a post office involves determining which land use definition from the Scheme 'best fits' the proposal. A post office typically involves activities of an administrative or clerical nature, such as sorting letters and storing parcels.

A post office is most appropriately classified as an 'office' under the Scheme which is defined as:

*'means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.'*

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

There is no symbol against the land use of 'office' in the Rural/Mining zone under Table 1, which means the land use is not permitted.

**TABLE 1 - ZONING TABLE**

ZONES							
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
USE CLASSES							
32	Office		P	AA		AA	

Essentially this means that Council has no discretion to approve a post office on Lot 3, unless a Scheme Amendment was pursued to change the zoning or land use permissibility under Table 1.

## Comment

At this early stage, due to the costs involved, there is no guarantee that the purchase of Lot 3 will proceed. If it does proceed, then either Mr Singh or the Shire would need to facilitate a Scheme Amendment before any development application for a post office can be legally considered.

TPI does not recommend that the Shire initiate a scheme amendment, due to the potential costs involved to provide supporting documents to address servicing, bushfire mitigation and access. If the Shire is supportive of Mr Singh funding a scheme amendment, then Council can consider waiving any scheme amendment fee to assist with the process.

A summary of the scheme amendment process is included as Attachment 2.

Notwithstanding the above, it is recognised that a post office would have wider community benefits. It is therefore recommended that the Shire support Mr Singh's ambitions to purchase Lot 3, with advice on the planning implications and constraints.

## Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 60 of the 'deemed provisions' requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Clause 62 (1)(b) of the deemed provisions requires planning applications to be signed by the owner of the land on which the proposed development is to be located.

*Shire of Yilgarn Town Planning Scheme No 3* – explained in the body of this report.

## Strategic Implications

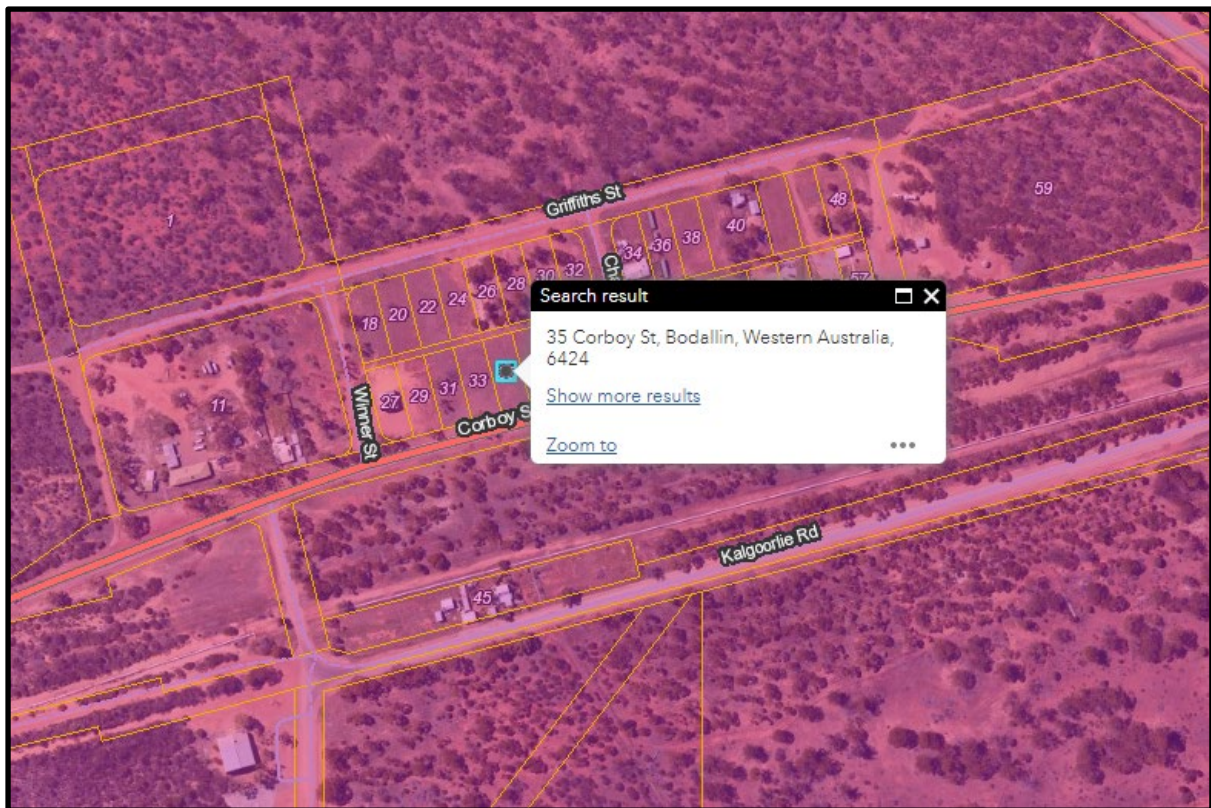
<b>Goal</b>	A prosperous future for our community.
<b>Outcome</b>	Businesses in the Shire remain competitive and viable.
<b>Strategy</b>	Continue to provide an efficient and effective approval process.



### Policy Implications

- **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Lot 3 is within a declared bushfire zone (shown in pink on the Department of Fire and Emergency Services mapping below).



Under State Planning Policy 3.7 any future development may be required to be supported by a Bushfire Attack Level Assessment unless otherwise exempted by Council. Exemptions can be considered under specific circumstances such as where workers are seasonal and spend limited time on site, where there is no land use intensification or where there is no increase of fire risk.

The Western Australian Planning Commission can require any scheme amendment to be accompanied by a Bushfire Management Plan and / or Bushfire Attack Level report.

### Financial Implications

Nil.

### Risk Implications

There are no direct risks associated with the purchase of Lot 3, as the request will be processed by DPLH. There is a risk that Mr Singh may not be able to obtain planning approval for a future post office, due to current planning constraints. This risk can be conveyed to Mr Singh so he can make an informed decision about potentially purchasing Lot 3.

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

### *That Council:*

#### *1. Note that:*

- (a) A planning application has been lodged for a post office on Lot 3 (No 35) Corboy Street, Bodallin however it is not valid as it has not been signed by the owner of the land, being the State of Western Australia.*
- (b) Lot 3 is zoned Rural/Mining under the Shire of Yilgarn Town Planning Scheme No 3. An office (which includes a post office) is not permitted in the Rural/Mining zone.*

#### *2. Authorise the Chief Executive Officer to write to Mr Singh and:*

- (a) Provide detailed advice on the planning constraints associated with Lot 3 due to the zoning, scheme provisions, declared bushfire prone area and need for consultation with Main Roads WA for any new access.*
- (b) Convey general support for the purchase of Lot 3 through the Department of Planning, Lands and Heritage however advise that the proponent would need to pursue a formal amendment to the Shire of Yilgarn Town Planning Scheme No 3 to facilitate any future post office development, as Council does not have discretion to consider the proposal in the Rural/Mining zone under the existing Scheme provisions.*
- (c) Advise that all costs associated with a Scheme Amendment are to be borne by the applicant, with the exception that the Shire will waive the Scheme Amendment fee.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Skeleton Weed YLAG Asset Disposal

<b>File Reference</b>	<b>7.2.3.3</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to endorse the disposal of assets held by the Shire of Yilgarn on behalf of the Yilgarn Local Action Group to the Shire of Goomalling and Department of Primary Industries and Regional Development.

#### Background

The Yilgarn Local Action Group, (YLAG), is a volunteer committee responsible for the management of Skeleton Weed within the Shire of Yilgarn.

The YLAG have two employed staff, who undertake a skeleton weed control program set by the Department of Primary Industries and Regional Development (DPIRD).

The Shire of Yilgarn originally became involved with the YLAG, by providing administrative support. This involved primarily holding funds for use by the YLAG. This has however evolved into the Shire employing the YLAG staff and holding YLAG assets.

The recent Funding Agreements from DPIRD have sought for the Shire to indemnify the Department for any loss associated with the program. Advice from the Shire's insurer, LGIS, has detailed our policy does not cover third party liabilities, and as such, with the indemnification of the Department, the Shire could be held liable for any loss resulting from the undertaking of the program.

Furthermore, with the implementation of the Work Health and Safety Act 2020, the Shire and Management hold significant liability for the safety of the YLAG employees, something that is thought to be outside of the original "administrative" involvement of the Shire with YLAG.

As such, the Shire of Yilgarn has advised the Department of Primary Industries and Regional Development (DPIRD) of its refusal to sign the funding agreements and therefore cease an operational involvement with the Skeleton Weed program within the Yilgarn area. There are two other Local Governments taking the same action with their YLAG's.

As a result, DPIRD have arranged for the Shire of Goomalling to take over control of the YLAG staff until the end of June 2023.

As such, the current Shire held YLAG assets are to be transferred to the Shire of Goomalling and DPIRD as per the Departments wishes.

## Comment

As per Section 3.58 of the Local Government Act 1995, for these assets to be disposed of, public notice is required.

It is intended to dispose of the assets for nil remuneration. The assets were purchased using YLAG funds, and as such, there is a nil effect to the Shire in disposing of these assets for nil return.

At the October 2022 Ordinary Council meeting, the following resolution was carried:

**260/2022**

**Moved Cr Cobden/Seconded Cr Guerini**

*That Council endorse commencing the valuation and public notice requirements, as per Section 3.58(3) of the Local Government Act 1995, to dispose of the following assets to the relevant entities for nil remuneration:*

- *2019 Toyota Hilux SR 4x4 (YL364) to be disposed to the Shire of Goomalling; and*
- *Boom Spray to be disposed to the Department of Primary Industries and Regional Development.*

**CARRIED (5/0)**

Valuations were received from Redbook for the vehicle and Yilgarn Agencies for the boom spray, with the following values provided:

Asset name	Valuation	To be disposed to:
2019 Toyota Hilux SR 4x4 (YL364)	\$46,550.00	Shire of Goomalling
Boom spray equipment	\$24,500.00	Department of Primary Industries and Regional Development

The proposed disposal was advertised in the Kalgoorlie Miner on Wednesday 2/11/2022, in addition to notices place on the Shire of Yilgarn Website, Facebook page and notice boards.

Notices called for public submissions by the 16<sup>th</sup> November 2022.

At the time of agenda settlement, no submissions were received. A verbal update will be provided to Councillors during the Council meeting, once the submission period ends.

Councillors are however reminded, the assets were purchased with scheme money and therefore it is unlikely any submission received would result in Council not transferring the assets.



## Statutory Environment

### 3.58. Disposing of property

(1) *In this section —*

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

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

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

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

*(a) the names of all other parties concerned; and*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out not more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

### 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	Non-compliance with LG Act regarding disposal of assets	Moderate (6)	Disposal of assets as per Section 3.58 of LG Act.
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, having complied with the requirements of Section 3.58(3) of the Local Government Act 1995, endorse the disposal of the following assets to the relevant entities for nil remuneration:*

- *2019 Toyota Hilux SR 4x4 (YL364) to be disposed to the Shire of Goomalling; and*
- *Boom Spray to be disposed to the Department of Primary Industries and Regional Development.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.6 Application to Keep More Than the Prescribed Number of Dogs – 82 Antares Street

<b>File Reference</b>	<b>5.2.1.8</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider an application to keep more than the prescribed number of dogs at 82 Antares Street, Southern Cross.

#### Background

The Shire is in receipt of an application from the tenant at 82 Antares Street, Southern Cross, to keep more than the prescribed number of dogs at the premises, being three.

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

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

The dogs applied for are:

<b>Breed</b>	<b>Sex</b>	<b>Sterilised</b>	<b>Name</b>	<b>Age</b>
American Bulldog*	Male	No	Conan	2 Years
American Bulldog*	Male	No	Gracie	2.5 years
Staffy Cross	Male	No	Shadow	7 years

\*Currently registered to the premises

In response to the application seeking the need to keep more than the prescribed number of dogs, the applicant has advised the lady whom was looking after the dog for the last 4 years is now unable to for personal reasons, and since the applicant and another family member originally owner the dog, the dog has returned to the applicant care.

## Comment

The last application received by the Shire of Yilgarn to keep more than the prescribed number of dogs was tabled at the June 2017 Ordinary Council meeting. The application sought to keep three small terrier dogs across two lots (one title) and also provided a note from a medical practitioner stating the three dogs would be beneficial for the owner's wellbeing, however they were not assistance animals. Councillors voted against the application.

In keeping with the previous precedence, it is recommended that Council should again reject the application to keep more than the prescribed number of dogs at 82 Antares Street, Southern Cross.

It is to be noted, the applicant may seek to appeal the decision through the State Administrative tribunal.

## Statutory Environment

### *Dog Act 1976*

#### *Part V — The keeping of dogs*

##### *26. Limitation as to numbers*

- (1) *A local government may, by a local law under this Act —*
- (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district;*

### *Shire of Yilgarn Dogs Local Law 2017*

#### *3.2 Limitation on the number of dogs*

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

## 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	Decision making not in keeping with previous precedence	Moderate (6)	Decision in keeping with previous precedence.
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 rejects the application to keep more than the prescribed number of dogs at 82 Antares Street, Southern Cross, citing the previous precedence set in this regard as the reasoning behind the decision.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.7 Yilgarn Tourism Advisory Committee -Recommendation to use Reserve Funds

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

#### Purpose of Report

For Council to consider a recommendation from the Yilgarn Tourism Advisory Committee to utilise Reserve funds for the purpose of Tourism related expenditure.

#### Background

At the Yilgarn Tourism Advisory Committee meeting, held on the 9 November 2022, the purchase and installation of a public information board and bin covers was discussed. The designs for each are as per images below.



The idea for the information board was raised by a committee member at the July 2022 committee meeting, with it being noted that there was nowhere central in Southern Cross for events and other community type information to be displayed for the community and travellers. The committee had a general consensus that an information board would provide travellers



with a means of identifying what may be on in the area, especially those who are not well versed with technology. Staff were tasked with obtaining a quote for the supply.

The use of the information board would be governed by the Shire, such that information to be displayed would need to be submitted to the Shire, and must fit the criteria of being related to an event or community related information. This would ensure the board did not become aesthetically unappealing and information remained current.

At the July committee meeting, it was also raised as to the purchase of bin covers. Again, providing an opportunity to display Tourism related information. Staff were tasked with obtaining a quote for the supply.

At the November Committee meeting, it was determined that the bin covers would be used to display local attraction, including lakes, rock formations and historical sites, with a small amount of text describing the sites on one panel, a map identifying its location on another panel and an image or two depicting the site on the remaining two sides.

Staff had sought quotes for the supply, including design work, of one gabled information board and six bin covers. The price was \$38,505.50. The Shire would also need to allow \$3,500 for the installation.

The installations would occur along Antares Street, being the location the majority of tourists would frequent, to maximise exposure.

#### Comment

The 2022/2023 budget does not have an allocation for this expenditure, however, the Shire's Tourism Reserve currently holds \$253,916.43.

As per the description in the 2022/2023 Shire of Yilgarn Budget, the Tourism reserve is "To be used to fund tourism in the Yilgarn District".

A change to the adopted budget requires a decision of Council by absolute majority.

At the November committee meeting, the following recommendation was carried:

***Moved O. Truran, Seconded K. Crafter***

***That the Yilgarn Tourism Advisory Committee request the Shire of Yilgarn Council to utilise \$42,005.50 from the Tourism Reserve, to fund the purchase and installation of one gabled public information board and six bin covers, to be utilised along Antares Street, for the purpose of providing tourists with information relating to events and attractions throughout the district.***

***Carried 5/5***

#### Statutory Environment

Local Government Act 1995



### 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

\$42,005.50 from the Tourism Reserve

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Lack of support to local business in attracting tourists to area.	Moderate (6)	Tourism related infrastructure including information for travellers assists with building the Shires Tourism profile, and attracting travellers to the area.
Service Interruption	Nil	Nil	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)

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
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 notes the request from the Yilgarn Tourism Advisory Committee and endorses, by absolute majority, the use of \$42,005.50 from the Tourism Reserve, to fund the purchase and installation of one gabled public information board and six bin covers, to be utilised along Antares Street, for the purpose of providing tourists with information relating to events and attractions throughout the district.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.8 Proposed Single House and Ancillary Dwelling –Lot 241 (No 27) Polaris Street, Southern Cross

<b>File Reference</b>	<b>3.1.7.5</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Disclosure of Interest</b>	<b>Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i></b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>1. Plans 2. Photographs of proposed single house</b>

#### Purpose of Report

Council is to consider a planning application for a single house and ancillary dwelling on Lot 241 (No 27) Polaris Street, Southern Cross. Both buildings are second hand Transportable Dwellings that are proposed to be refurbished with all new external materials.

The proposed main dwelling has been refurbished. The ancillary dwelling is in the process of being refurbished.

#### Background

- Location**

Lot 241 is located in Southern Cross townsite. The closest intersection is Polaris Street and Pavonis Street.

A location plan is included over page for convenience.



### Comment

- Zoning and Land Use Permissibility**

Lot 241 is zoned 'Residential' with an 'R10' density code under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

The density code dictates the permissible site requirements, such as setbacks, under the Residential Design Codes (R Codes) which operate as a State Planning Policy.

Part of the planning assessment for any application involves determining which land use definition from the Scheme 'best fits' the proposal. The application proposes two transportable dwellings for use as a single house and ancillary dwelling.

A 'single house' is defined in the Residential Design Codes as '*a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property*'.

An 'ancillary dwelling' is defined in the Residential Design Codes as '*self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house*'.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Under Table 1, a single house is permitted in a Residential zone. Ancillary accommodation (now defined as ancillary dwelling in the R Codes) is listed as an 'AA' use in the Residential zone which means it requires development approval.

Notwithstanding the above, the Scheme has a separate definition for a Transportable Dwelling which is defined as *'means a residential dwelling which has been constructed (whether within the District or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use as a residential dwelling.'*

A Transportable Dwelling is defined in the Scheme, but it is not listed under Table 1. TPI recommends that the Transportable Dwellings be processed as a 'use not listed' (in Table 1) as:

- (i) The Scheme has a specific definition for Transportable Dwellings so differentiates them from a single house and ancillary accommodation due the nature of the structure(s);
- (ii) The Scheme has specific controls and provisions pertaining to Transportable Dwellings.

In processing the two dwellings as a 'use not listed' Council has three options under Clause 3.2.5 as follows:

Option 1 - Determine that the use is consistent with the objectives and purposes of the Residential zone and is therefore permitted.

TPI does not recommend Option 1. As a 'single house' and 'ancillary accommodation' is listed under Table 1 (and a Transportable Dwelling is not), there may be a planning argument that those definitions more closely describe the proposed land uses.

Where a land use is listed in Table 1, it can be excluded from being considered as a more general land use.

Option 2 - Determine that the proposed use may be consistent with the objectives and purpose of the Residential zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval.



TPI recommends Option 2 which requires the application to be advertised for public comment.

Option 3 - Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

TPI does not recommend Option 3 for the reasons outlined in Option 1.

- **Consultation**

Shire Administration has advertised the application for public comment, and written to nearby and surrounding landowners.

Advertising closes on the 24 November 2022. At the time of writing this report no submissions had been received.

- **State Planning Policy 7.3 - Residential Design Codes**

The Residential Design Codes (R-Codes) operate as a State Planning Policy produced by the Western Australian Planning Commission. The R-Codes provide a basis for the control and assessment of residential development throughout Western Australia.

The R Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for single dwellings and ancillary dwellings. The 'Deemed to Comply' requirements relate to building setbacks, site open space, privacy and overlooking, site works, retaining walls, and other general site controls.

Both transportable dwellings comply with the 'deemed to comply' requirements of the Residential Design Codes as applicable to a single house and ancillary dwelling.

- **Assessment Comments**

As the application complies with the Residential Design Codes, the main planning consideration is whether the proposed development will have any negative impact on the amenity of the locality or general streetscape.

A summary and assessment as per the Scheme provisions is included below.

Clause	Scheme Requirement	TPI (Officer Comment)
5.3.1	Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a	This clause does not specifically state that a transportable dwelling requires development approval.

	residential dwelling whether in whole or in part.	
5.3.2	<p>Notwithstanding the provisions of Sub-Clause 5.3.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:-</p> <p>a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate;</p> <p>b) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.</p>	<p>Whilst amenity is a subjective issue, TPI is of the view that the proposed development will not have a negative impact having regard that:</p> <ul style="list-style-type: none"> <li>- The proposed development complies with the 'deemed to comply' requirements of the Residential Design Codes.</li> <li>- All external cladding and materials will be new.</li> <li>- Significant front setbacks are proposed.</li> </ul> <p>The transportable dwellings are second hand. The proposed house has been re-clad with all new external materials. The ancillary dwelling is proposed to be reclad with all new external materials. Both dwellings will be completely refurbished prior to being transported to site.</p>
5.3.3	<p>The approval to be obtained from Council pursuant to Sub-clause 5.3.2 may be granted on condition, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.</p>	<p>Despite this provision it is legally problematic to impose conditions on development approvals for bonds.</p> <p>There are other mechanisms to deal with compliance issues under the relevant planning legislation.</p> <p>A condition can be imposed on any development approval to ensure that both dwellings are refurbished prior to be transported to the lot.</p>

## Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

Clause 61 lists development that is exempt from the need for planning approval, including a single house and ancillary dwelling that complies with the Residential Design Codes, and is not a heritage place.

Division 2, Schedule 2, Part 2 outlines the procedure for making, advertising and adopting a local planning policy.

*Shire of Yilgarn Town Planning Scheme No 3* – explained in the body of this report.

Clause 1.8.2 : Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

Clause 3.2.4 : Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

## Strategic Implications

Approval of the development may set a precedent for similar refurbished transportable dwellings to be established in the residential zone in the Southern Cross townsite.

## Policy Implications

The Shire has a Policy Manual dating back to at least June 2012, and the policies appear to have been reviewed on an annual basis.



Based on the Shire Minutes, the Policy Manual was initially divided into two parts to cover policies of the Council that related to matters other than staff, and Council Staff Policies that specifically related to staff and employment.

The Policy Manual has been adopted in accordance with Section 2.7(2) of the *Local Government Act 1995*.

At some point, the Policy Manual was expanded to include some town planning and building policies, however those policies have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

Essentially this means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.

A summary and comments of relevant Shire Policies is included below.

Policy	Policy Requirement	TPI (Officer Comment)
4.2 Building on Residential Townsite Lots	<p>Planning consent will not be granted by the Council to applicants wishing to construct more than one (1) residential building on a residential lot within the townsite of the Shire unless;</p> <p>a) setbacks and uses of the proposed buildings meet the requirements of the Shire of Yilgarn Town Planning Scheme (as amended from time to time), the National Building Code of Australia, and any other relevant Town Planning, Building or Health regulations;</p> <p>b) the residential buildings are constructed in a similar manner in terms of style, finish, appearance and method of construction as determined by the Council. Applicants are required to present such details including plans and photographs of proposed and existing buildings for Council assessment.</p>	<p>The proposed dwellings comply with the setback requirements of the Residential Design Codes.</p> <p>This section of Polaris Street contains vacant lots. The applicant has lodged photographs of the proposed dwelling, but does not have photos of the ancillary dwelling as it is being reclad with new external walls and windows.</p> <p>Refer <b>Attachment 2</b>.</p>

Policy 4.9 Transportable Dwellings and Additional Rural/Mining Dwellings Policy	Where a second hand or used transportable dwelling is proposed to be transported and placed on a lot in the district, it is still required to seek and obtain Council approval.	The applicant has lodged a planning application seeking approval.
--	---	---

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

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)

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

#### *That Council:*

1. *Determine that the proposed transportable dwellings may be consistent with the objectives and purpose of the Residential zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval.*
2. *Note that:*
  - (a) *Shire Administration has commenced advertising of the planning application for Lot 241 (No 27) Polaris Street, Southern Cross. The application is being advertised for public comment until the 24 November 2022.*
  - (b) *The dwellings comply with all the 'deemed to comply' site requirements applicable under State Planning Policy 7.3 : Residential Design Codes.*
3. *Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for transportable dwellings (a single house and ancillary dwelling) on Lot 241 (No 27) Polaris Street, Southern Cross.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.9 Tender - Satellite Townsite Playground Upgrades

<b>File Reference</b>	<b>6.6.6</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Confidential – Final Tender Assessment</b>

#### Purpose of Report

To inform Council of the outcome from the request for tenders for the Satellite Townsite Playground Upgrade project, and for Council to endorse the preferred Tenderer.

#### Background

At the May 2022 Ordinary Council meeting, Councillors endorsed two projects to be completed under the Local Roads and Community Infrastructure funding, provided by the Federal Government.

The following resolution was carried:

**60/2022**

***Moved Cr Cobden/Seconded Cr Close***

***That Council endorses the submission of the following projects to the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications for approval under the Local Roads and Community Infrastructure Round 3 Program:-***

- 1. Southern Cross Sports Complex Upgrade \$1,237,044.00***
- 2. Yilgarn Satellite Townsite Playground/Open Space Upgrades \$650,000.00***

**CARRIED (7/0)**

The Yilgarn Satellite Townsite Playground/Open Space Upgrades project (the Project) sought to replace or install playground and open space equipment at the Satellite townsites, to provide current facilities to the local communities and travellers.

As the Project was estimated to be above \$250,000, as per the Shire's Tendering and Purchasing Policy, tenders were required to be called for the Project.

Staff produced a detailed tender request and design brief for the project.

Tenders were called, as per the requirements of the Local Government Act 1995, with submissions closing on the 10 October 2022.

## Comment

At the close of the statutory advertising period, submissions were received from the following entities:

- Hansen Pty Ltd T/A Forpark Australia;
- Erutan Pty Ltd (Nature Playgrounds)
- Oasis Outdoor Structures; &
- Omnitech Playgrounds.

The Tender document advised the following criteria would be utilised to assess and rate submissions

Description of Value and Qualitative Valuation Criteria	Total Assessment Weighting
<b>1. Total Value</b> a) Total value of project.	25%
<b>2. Relevant Experience</b> a) Provide details of similar work. b) Provide scope of the Tenderer's involvement including details of outcomes. c) Provide details of issues that arose during the project and how these were managed. d) Demonstrate competency and proven track record of achieving outcomes. e) Project reference sheet.	10%
<b>3. Design, Materials and Install Methodology</b> a) Design of open space/playground areas b) Proposed materials (quality) c) Installation methodology d) Ability to meet the design brief	40%
<b>4. Estimated Project Timeframes</b> a) Completion by June 2023	5%

<b>5. Tenderers Resources</b> <ul style="list-style-type: none"> <li>a) Curriculum vitae of key staff inclusive of membership to any professional or business association, qualifications etc;</li> <li>b) Any contingency measures or backup of resources including personnel (where applicable).</li> <li>c) OHS Survey.</li> <li>d) Safety Record.</li> <li>e) Resources Schedule.</li> </ul>	10%
<b>6. References</b> <ul style="list-style-type: none"> <li>a) Two References (10%)</li> </ul>	10%

The submissions were assessed and rated against the allocated weightings as follows:

Criteria	Forpark Australia	Nature Playgrounds	Oasis Outdoor Structures	Omnitech Playgrounds
Total Value 25%	25	22.5	17.75	22.5
Relevant Experience 10%	9	7	2	5
Design, Materials and Install Methodology 40%	32	27	32	28
Estimated Project Timeframes 5%	5	5	5	0
Tenderers Resources 10%	10	6	3	4.5
References 10%	10	9	10	10
<b>TOTAL</b>	<b>91</b>	<b>76.5</b>	<b>70</b>	<b>70</b>

The detailed assessment will be provided to Councillors separately as it contains commercially confident information.

Copies of the tender submissions are available for Councillors perusal upon request, and are not provided as attachments as they contain commercially confidential information.

Based on the assessment of the submissions, the preferred tenderer is Hansen Pty Ltd T/A Forpark Australia, with a total fixed sum value of \$495,039.71 including gst.

### Statutory Environment

*Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996.*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2016-2026 – Civic Leadership Objectives – Dynamic and visionary leadership guiding our community into the future - Maintain a high level of corporate governance, responsibility and accountability.

### Policy Implications

Shire of Yilgarn Purchasing and Tendering Policy – Policy Number 3.5.

### Financial Implications

Local Roads and Community Infrastructure funding allocation in the 2022/2023 Annual Budget.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Possibility of poor value for money	Moderate (9)	Tendering process ensure the Shire is testing the open market to ensure the best value for money supplier.
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with purchasing legislation and Policy	Moderate (9)	Call for tenders as per requirements of Policy and Legislation.
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 note the submissions received for the Yilgarn Satellite Townsite Playground/Open Space Upgrades project, and endorse the award of tender to Hansen Pty Ltd T/A Forpark Australia, with a fixed sum tendered price of \$495,039.71.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Ben Forbes-Finance Manager</b>
<b>Attachments</b>	<b>Financial Reports</b>

#### 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 October 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		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 endorse the various Financial Reports as presented for the period ending 31 October 2022.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Wes Furney-Finance Officer</b>
<b>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41170 to 41179 totalling \$7101.00
- Municipal Fund - EFT 13217 to 13309 totalling \$583,038.96
- Municipal Fund – Cheques 2029 to 2047 totalling \$327,497.31
- Municipal Fund Direct Debit Numbers:
  - 17282.1 to 17282.12 totalling \$23,218.13
  - 17339.1 to 17339.12 totalling \$22,407.28
- Trust Fund - Cheques 402667 to 402670 totalling \$1,375.57

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



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 41170 to 41179 totalling \$7101.00*
- *Municipal Fund - EFT 13217 to 13309 totalling \$583,038.96*
- *Municipal Fund – Cheques 2029 to 2047 totalling \$327,497.31*
- *Municipal Fund Direct Debit Numbers:*
  - *17282.1 to 17282.12 totalling \$23,218.13*
  - *17339.1 to 17339.12 totalling \$22,407.28*
- *Trust Fund - Cheques 402667 to 402670 totalling \$1,375.57*

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Record Keeping Plan Review

<b>File Reference</b>	<b>1.4.5.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson – Exec Manager Corporate Services</b>
<b>Attachments</b>	<b>Record Keeping Plan 2022 Record Keeping Plan Evaluation Checklist</b>

#### Purpose of Report

This report presents Council with the reviewed and amended Recordkeeping Plan (RKP) for consideration and adoption prior to submission to the State Records Commission via the State Records Office for approval.

#### Background

The current Recordkeeping Plan was not presented to Council for endorsement and approved by the State Records Office in January 2015.

Due to the recent COVID-19 pandemic, approval has been given by the State Records Office to extend the 5-year review requirements

#### Comment

The State Records Act 2000 states that Recordkeeping Plans are to be reviewed at least once every five years. Government organisations are required to review their RKPs and submit a report of the review to the State Records Commission, via the State Records Office, prior to the expiration of the 5-year period.

The purpose of the review is to enable government organisations to comply with Section 28 of the Act and to ensure that their recordkeeping systems are continually evaluated and improved in order to meet compliance requirements and continuing business needs.

#### Statutory Environment

##### State Records Act 2000

#### Division 4 — Reviews of and periodic reports about plans

##### 28. Review of plans

- (1) A government organization may review its record keeping plan at any time.
- (2) A government organization must review its record keeping plan whenever there is any significant change to the organization's functions.

- (3) The Commission may require a government organization, other than a Schedule 3 organization, to review its record keeping plan.
- (4) The relevant Minister may require a Schedule 3 organization to review its record keeping plan.
- (5) Not more than 5 years is to elapse between the approval of a government organization's record keeping plan and a review of it or between one review and another.
- (6) When a government organization, other than the Commission or a Schedule 3 organization, has reviewed its record keeping plan it must submit a report of the review to the Commission.
- (7) When a Schedule 3 organization has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.

### Strategic Implications

Nil

### Policy Implications

Council Policy

6.11 – Records Management

### 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 State Records Act 2000.	High (12)	Ensure Councils Recordkeeping Plan is reviewed in a timely manner.
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:***

- 1. Adopts the Recordkeeping Plan as required by the State Records Act 2000; and*
- 2. Submits the amended Recordkeeping Plan to the State Records Commission for approval.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Write off of Rates – Historical administrative error

<b>File Reference</b>	<b>A1190 &amp; 8.1.1.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Ben Forbes-Finance Manager</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

This report seeks Councils approval for the write off of outstanding rates that exist due to administrative error.

#### Background

The ratepayer was a pensioner in the past, and availed themselves of their entitlement to defer a portion of their rates. The ratepayer then lost their pensioner status on 5 October 2020 (as advised by Water Corporation on 10 March 2021), whilst they still occupied the property as their primary residence.

In processing the issuance of rates for the 2022 financial year, the ratepayer's deferred balance was incorrectly reclassified as a current debt and referred for collection due to its material amount.

From the below legislative extracts, and due to the ratepayer fulfilling an agreed upon payment plan at the time, the debt shouldn't have been sent for collection.

Councillors should note that additional controls and authorising procedures have been put in place to ensure that this error is not made in the future.

#### Comment

The outstanding rates that must be considered for assessment A1190 are:

Charge type	Amount
Legal fees	\$1,008.50
Interest	\$349.92
<b>Total</b>	<b>\$1,358.42</b>

#### 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.

#### Rates & Charges (Rebates and Deferments) Act 1992

#### **43. Circumstances where deferment may be allowed**

- (1) In relation to any prescribed charge, the administrative authority may, subject to subsections (1a), (1b) and (2), allow payment of a prescribed charge to be deferred where —
  - a) the person liable to pay the charge is an eligible pensioner or is registered as an eligible pensioner during a rating year; and
  - b) the conditions to which a rebate of that charge is subject have been met; and
  - c) (c) the land to which the charge related belongs to one person only, unless subsection (3) or subsection (4) applies,

but the administrative authority under section 47 may decline to allow the payment to be deferred.

#### **44. Deferred payment of rates by eligible pensioner**

- (2) Prescribed charges, liability for the payment of which is deferred under this Act, become payable and may be recovered by the administrative authority if the person liable for the payment —
    - (a) dies, unless section 45(1) applies; or
    - (b) ceases to be a person entitled to the land; or
    - (c) ceases to occupy the land as their ordinary place of residence, unless —
      - i. a person to whom section 31(1) applies continues to reside there; or
      - ii. residence there by that person ceased by reason of ill-health, frailty or other cause not within the control of that person; or
      - iii. residence there by that person ceased upon that person ceasing to live together with a spouse or de facto partner there, but that spouse or de facto partner remains there, and section 45(2) applies;
- or

*(d) being a person to whom section 19 applies, is notified in writing that under section 21 the administrative authority has determined that the allowing of deferment can no longer be justified,*

*whichever happens first.*

The recommendation that follows is consistent with the legislative requirements.

### **Strategic Implications**

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

### **Policy Implications**

#### Council Policy

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

### **Financial Implications**

Write off of \$1,358.42 in receivables due to administrative error.

The 2022/2023 adopted annual budget has an inclusion of \$40,000 for written off debts.

### **Officer Recommendation**

*That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of legal fees of \$1,008.50 and interest of \$349.92 for assess*



### 9.3 Reporting Officer– Executive Manager Infrastructure

#### 9.3.1 Road Design to Upgrade Parker Range and Marvel Loch Forrestania Roads

<b>File Reference</b>	<b>6.1.1.134 &amp; 6.1.1.004</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Glen Brigg- Executive Manager Infrastructure</b>
<b>Attachments</b>	<b>Design and Scope of Works</b>

#### Purpose of Report

Covalent Lithium Pty Ltd is seeking approval for their road design to upgrade Parkers Range Road and Marvel Loch-Forrestania Road. This decision is for the design element and does not include any road user agreement prior to start of construction.

#### Background

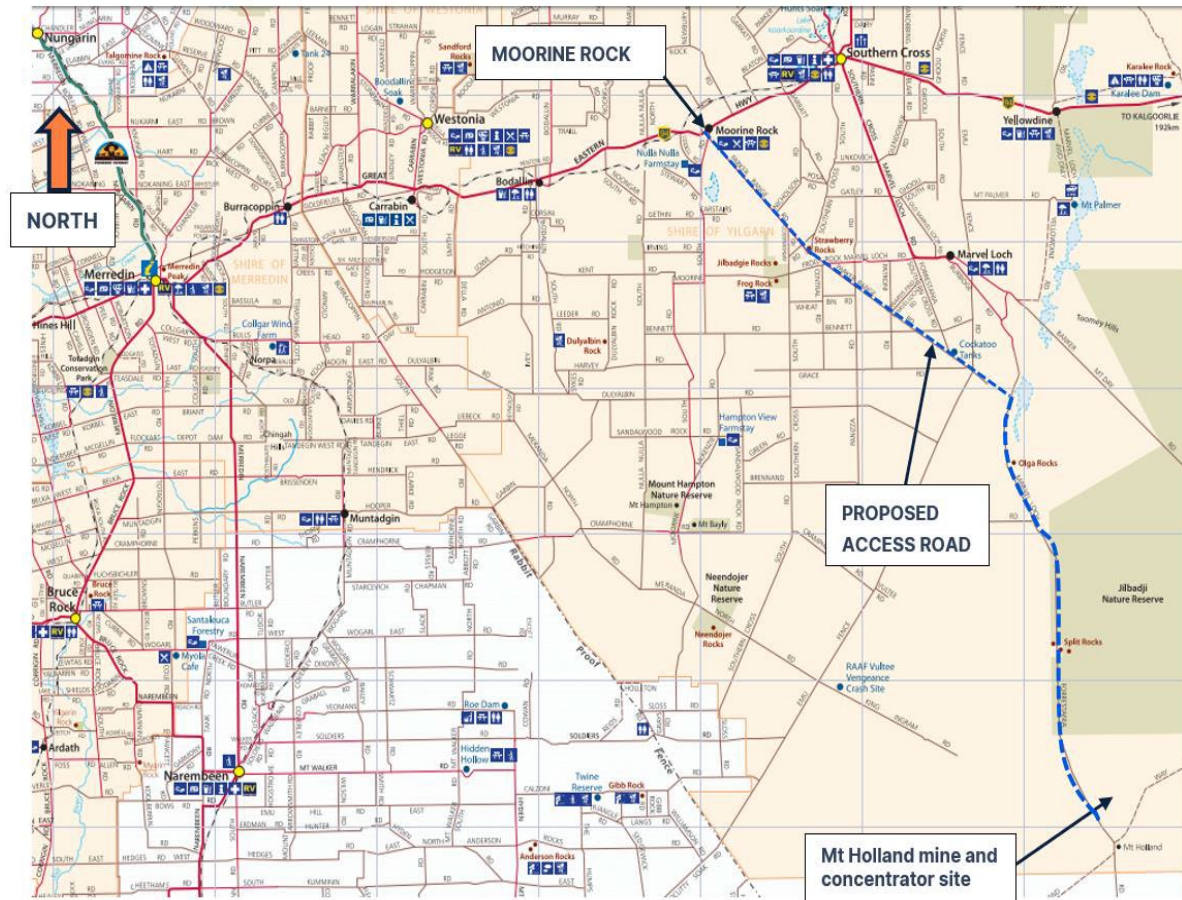
To support the refinery operations Covalent Lithium is required to transport approximately 435,000 tonnes of lithium hydroxide per annum from the Mt Holland mine site to Kwinana, and residual ore returned to the Mt Holland mine site.

Through a detailed evaluation process conducted in close consultation with the Shire of Yilgarn the route utilising Marvel Loch – Forrestania Road and Parkers Range Road was selected as the preferred route.

Key selection criteria used in the evaluation included the safety of all road users (geometry, number of users, proportion of the route through farmland etc), total distance and the quality of the existing road.

Alternative options, in particular utilising the Southern Cross South Road option, were not selected due in part to:

- a significant amount of additional construction effort required through the King Ingram portion of the works (39km stretch)
- including required solutions to multiple subsurface issues identified through the pipeline installation program;
- the additional construction distance of this route
- several additional give way/stop locations along this route impacting transit timelines, or requiring amendments to traffic right of way
- increased risk associated with higher number of road users and potential traffic interactions as a greater portion of the route is through agricultural land
- ongoing cost of maintaining and using a longer road network; and additional round trip travel time due to the longer transit distance.



Due to the existing condition of the roads, the Shire of Yilgarn engaged Rod Munns (RMECS) to review the route and prepare a report indicating recommended upgrades. These recommendations were used by the Covalent design consultant to develop a concept design.

This proposal outlines the additional measures that Covalent intend to implement which exceeds the original base requirement proposed by RMECS including line markings, reconstruction of the sealed section of Parkers Range Road and sealing the full route to eight metres.

Following a comprehensive review of industry guidelines, discussions with logistics providers, construction contractors, design consultants and the Shire of Yilgarn, Covalent is committed to exceeding the minimum standard and conducting an operation using infrastructure that is safe for all.

It is for this reason that detailed discussions with the Shire executives, Covalent has further increased the carriageway from the 10 metres recommended by industry consultants, to 11 meters and sealing the entire route to 8 metres.

## Comment

The Shire of Yilgarn Councillors are responsible for making important decisions about the Shire on behalf of the community. The Shire of Yilgarn is responsible for the maintenance of all sealed and unsealed roads within the shire, which includes approximately 300km of sealed roads and 2360 kilometres of gravel roads which is under its management.

The designated haul road should be designed in conjunction with the trucks using the road to deliver a specific level of performance, operation and long-term maintenance requirements. If not, the critical production asset will become a significant operating liability.

A designated haul route is one of many critical components within the mining production process. Roads in poor condition whether due to lack of maintenance or lack of construction quality, impacts on productivity and the safety road of users.

A good designated haul route design is done with integrated design approach of sizing, construction quality and future maintenance to ensure safety and quality in the field. The design requires an analysis of several components that meet, a set of criteria where the absence or the deficiency of one, can harm others.

Key design considerations are as follows:

- Project objectives
- Transport and community needs
- Road hierarchies based on different speed and functional requirements
- Level of service, project reliability, pavement design life, structural capacity, and level of maintenance and rehabilitation
- Required levels of usage, including traffic volume, traffic loading, future trends and functional road classification
- Planning regulations, use of recycled materials, air, noise, water pollution, erosion and sediment control
- Levels of service required including skid resistance, ride quality, road geometry and visibility in wet and dry conditions
- Required functional and structural performance, pavement type, composition and future maintenance practices
- Land use and zoning areas

Covalent Lithium are seeking final approval from the Shire of Yilgarn to move forward with their design to the tendering stage. Covalent Lithium have provided design drawings and proposed scope of works, these have been workshopped with the Shire of Yilgarn's Executive Manager of Infrastructure and the Shire of Yilgarn's consultants. Any approval will be subject a road maintenance agreement being executed before the start of any construction.

## Statutory Environment

The Land Administration Act 1997 Section 55 and Local Government Act 1995 Section 3.53(2) gives the Shire of Yilgarn management responsibility for roads within its boundaries.

## Strategic Implications

Strategic Community Plan

## Policy Implications

5.2 Heavy Haulage on Local Roads. (This policy is under review).

## Financial Implications

There are no immediate financial implications and the Shire of Yilgarn seeks a road user agreement prior to any construction.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Road will be subject to increased deterioration if not fit for purpose	(12)	Applicant accepts responsibility to carry out all road upgrades, vegetation pruning necessary to qualify the road for the RAV network level required.
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

*That, by Simple Majority pursuant to Section 3.53 (2) of the Local Government Act 1995 approves Covalent Lithium's road construction design for the purpose of upgrading of Parker Range and Marvel Loch Forrestania Roads and that council requires a road user agreement prior to any construction.*

**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**

**Recommendation**

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

**CONFIDENTIAL**

**13 Officers Report – Chief Executive Officer**

**13.1 Premier’s Australia Day Active Citizenship Awards 2023**

<b>File Reference</b>	<b>1.3.6.2</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren- Chief Executive Officer</b>
<b>Attachments</b>	<b>CONFIDENTIAL</b>

**Purpose of Report**

To consider Premier’s Australia Day Active Citizenship Award nominations.

**Background**

Nominations for the following categories in the Premier’s Australia Day Active Citizenship Awards closed on Monday, 7 November 2023:

- a) Premier’s Australia Day Active Citizenship Award
- b) Premier’s Australia Day Active Citizenship Award for a person under 25 years
- c) Premier’s Australia Day Active Citizenship Award for a community group or event

**Comment**

Copies of the confidential nominations have been provided to Councillors for their consideration and to choose a worthy recipient/s, which will allow staff to request the Australia Day Council to prepare the certificate/s prior to the presentation on Thursday, 26 January 2023.

**Statutory Environment**

Nil.

### 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		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 considers the nomination/s received for the Premier's Australia Day Awards.*



## 14 CLOSURE