



# *Minutes*

## *Ordinary Meeting of Council*

*18 May  
2023*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.05pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Wayne Della Bosca extended his thanks and appreciation to the Shire staff, especially Jodie Karra, for the organisation of both the dawn and 11am ANZAC Day services. The services were well executed and received.

## 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 G Brigg L Della Bosca	Chief Executive Officer Executive Manager Infrastructure Minute Taker
Apologies:	C Watson F Mudau	Executive Manager Corporate Services Finance Manager
Observers:	Mrs. Kaye Crafter	
Leave of Absence:	Nil	

## 4. DECLARATION OF INTEREST

The CEO Nic Warren declared an impartiality interest in agenda item 9.1.1-Southern Cross District High School-Waiver of Fees and Charges. The CEO is the Chairperson of the Southern Cross District High School Board.

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 5.1. PUBLIC QUESTION TIME

Mrs. Kaye Crafter attended Public Question Time and posed the following question;

**Question:** Can Council consider placing extra signage, especially for directions to Bullfinch, to help stop heavy vehicles taking a wrong turn or missing a turn? Quite often trucks are unsure of the direction to take to Bullfinch and are ending up on Arcturus Street having to back up to turn around.

**Answer:** *The Shire President passed the question on to the CEO for comment. The CEO answered that Shire staff are currently undertaking a full asset pickup, including signage, of which will identify deficiencies in signage. If it is deemed a safety risk, staff will address as a priority, otherwise, all non-urgent signage will be installed through a programmed process to minimise costs to ratepayers.*

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 20 April 2023

**64/2023**

**Moved Cr Nolan/Seconded Cr Granich**

***That the minutes from the Ordinary Council Meeting held on the 20 April 2023 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

### 6.2 Great Eastern Country Zone, Monday, 17 April 2023

**65/2023**

**Moved Cr Cobden/Seconded Cr Guerini**

***That the minutes of the GECZ Meeting held on 19 April, 2023 be received***

**CARRIED (7/0)**

### 6.3 Wheatbelt East Regional Organisation of Councils Inc (WEROC), Wednesday, 26 April 2023

**66/2023**

**Moved Cr Guerini/Seconded Cr Cobden**

***That the minutes of the WEROC Meeting held on 26 April, 2023 be received***

**CARRIED (7/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

## 8. DELEGATES' REPORTS

Cr Wayne Della Bosca announced the following;

- Attended the ANZAC Day services on the 25 April 2023.
- Attended the WEROC meeting on the 26 April 2023.
- Attended the Local Action Group meeting on the 27 April 2023.

Cr Nolan Announced the following;

- Attended the April 2023 Ag Care meeting.

Cr Rose announced the following;

- Attended the Shire of Yilgarn Tourism meeting on the 17 May 2023

Cr Cobden announce the following;

- Attended the CEACA Discussion on the 12 April 2023
- Attended the ANZAC Day services on the 25 April 2023
- Attended the Shire of Yilgarn Tourism meeting on the 17 May 2023

Cr Granich announced the following;

- Attended the ANZAC Day services on the 25 April 2023
- Attended the St Johns Committee meeting on the 2 May 2023

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Southern Cross District High School – Waiver of Community Bus Hire Fees

<b>File Reference</b>	<b>8.2.6.27</b>
<b>Disclosure of Interest</b>	<b>The CEO discloses an impartiality interest as the current Chairperson of the Southern Cross District High School Board.</b>
<b>Author</b>	<b>Nic Warren - CEO</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To submit to Council a request from the Manager Corporate Services of the Southern Cross District High School (SXDHS), for the waiving of Community Bus Hire fees associated with student's attendance at a Country Week Carnival in Perth.

#### Background

The Shire is in receipt of a request from the Southern Cross District High School, seeking a waiver of fees and charges associated with hiring the community bus, for the purpose of commutinf year 7-10 students to County week 2023.

As detailed by the School:

*Country Week is an annual event coordinated by School Sport WA that takes place in the final week of Term 3 each year. It involves students from District High schools across Western Australia travelling to Perth to compete against one another in various sports.*

*Throughout the week, students will participate in a number of sporting and non-sporting activities. The aim of this educational experience is to provide our students with the opportunity to further develop their social and cultural competence, whilst being active and encouraging physical activity.*

*We are working on income options to cover costs. Country Week is held during Term 3, 2023. Parents will contribute financially to enable their child to attend, however, the total cost of the camp far exceeds this amount. As such, students and their families will also be participating in a number of fundraising events over the course of the next few months.*

*We live in an amazing mineral rich area of Western Australia, but it has come to our attention that many school children in this area are quite disadvantaged in a social and cultural sense.*

*We understand that the Shire of Yilgarn support the 'Youth' in our district and ask If you feel that you may be in a position to support our secondary students to attend Country Week 2023. A financial contribution in the form of a waiver of charges for the use of the Community bus and trailer hire and fuel costs would be greatly appreciated by our students.*

## Comment

Council have previously waived the hire fees for the community bus for this purpose, most recently in 2022.

Council's Delegation No. LGA14 only allows the CEO to waive hire fees for an amount less than \$500.00. The request by the SXDHS to waive hire fees for the Community Bus would be between \$800 - \$900.

The school community is also actively fundraising to assist students to attend the Country Week 2023 event to lessen the financial burden on parents.

## Statutory Environment

### Delegation Register

#### LGA14 Donations and Waiver of Hire Fees

<b>Date Adopted:</b>	17 March 2016
<b>Document Control:</b>	Amended – 20 April 2023 Amended - 21 April 2022 - <a href="#">Link</a> Amended – 21 February 2019 - <a href="#">Link</a> Adopted – 17 March 2016 - <a href="#">Link</a>
<b>Policy Reference:</b>	
<b>Delegate:</b>	CEO
<b>Sub-Delegated:</b>	No
<b>Chief Executive Instruction/Procedure:</b>	N/A
<b>History:</b>	Previously LGA30

#### Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

#### Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

### Extent of Delegation:

Council delegates its authority and power to consider requests for Donations and Waiver of Hire Fees,  
Subject to-

- a) The donation and /or waiver of hire fees request is:
  - a. less than \$500
  - b. for a non-profit group that is located in the Shire of Yilgarn



- c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

**Conditions Imposed:**

Nil

**Legislation:**

**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.

**Strategic Implications**

Shire of Yilgarn Strategic Community Plan – Social – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

**Policy Implications**

Nil.

**Financial Implications**

Requested Donation/Waiving of Hire Fees between \$800 - \$900.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Yilgarn youth disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing the opportunities associated with Country Week.
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Reputation damage by not seizing an opportunity to adhere to the Strategic Community Plan in relation to Social outcomes	Low (3)	Waiver enables the shire to continue it's commitment to the Strategic Community Plan.
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 and Council Decision**

**67/2023**

***Moved Cr Guerini/Seconded Cr Close***

***That Council waives the fees associated with hire of the community bus, for the Southern Cross District High School, to allow students to attend the 2023 Country Week event in Perth.***

***Council are to note the bus hire bond will still be payable.***

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Concept Plans for Community Centre

<b>File Reference</b>	<b>10.2.1.1</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 budget commitment for the 2023/2024 annual budget, for the production of concept plans for the Southern Cross Community Centre.

### Background

As discussed at the April 2023 Councillor Discussion Session, there has been some consideration from staff, stemming from a suggestion from Cr Rose, that the Community Hall could be better utilised as a multi-use space.

### Community Centre

The Community Centre, built in 1995 still has a significant useful life, however is generally underutilised, due to alternative spaces for events and a declining population resulting in a reduction of private functions at the Centre.

The building has an expected life of 80 years. At this stage the building is 28 years old, and as such, has 53 years of useful life remaining.

### Administration Building

The Shire of Yilgarn Administration building was constructed in 1967/68. This building has an expected useful life of 50 years, and as the building is now 54 years old, it is at the end of its useful life.

The building was initially built for Council Offices and a Medical Centre and as such, given the expansion of Shire staff over the last 50 years, is generally not fit for purpose and has a lot of wasted space.

As the building is aging it has required some extensive maintenance and capital works. Looking to the future there is still extensive works to be carried out, with a \$500,000 estimate for the 10-year maintenance plan.

## **CRC Building**

Whilst not owned by the Shire, minor maintenance and operational costs are funded by the Shire of Yilgarn.

Furthermore, it requires an employee to be present during opening hours.

## **Future Considerations**

It has been considered that the Administration offices, including chambers and meeting rooms, and CRC could be combined into the Community Centre, whilst still retaining the main hall and stage area, with adequate space for the volume of patrons generally attending events.

### **Comment**

Some of the foreseen benefits include:

- Reduces the number of buildings the Shire is maintaining (removes Shire office and CRC)
- Enables better use of staff, by having front counter able to manage majority of CRC functions;
- Enables better layout of Shire office through purposeful design;
- Provides open space within the town centre with removal of admin building, enabling a better aesthetics;
- No need to relocate Shire staff when upgrading admin building, can continue to use current offices during construction of new building.
- Financially is a better solution, can use existing frame so construction costs are reduced.
- Combining and providing better community facilities.

Some of the foreseen issues include:

- Some members of the community may see it as diminishing the community hall, generally seen as the most significant building within a townsite;
- A reduction in hall space will reduce the maximum number of persons permitted at events in the hall, however, recent events indicate there will still be adequate space given current attendances.

At the discussion session, Council asked that an item be brought to the next Council meeting, committing to obtain concept plans, from which thorough community consultation could be conducted.

A quote has been received, including travel, inspection, site measure, site survey, model and drafting existing building and additions and internal renovation design. This is the basis of the proposed 2023/2024 budget commitment.

It is being tabled as a budget commitment, as the funds won't be invoiced until 2023/2024 due to the short amount of time remaining in the current financial year, and the estimated timeframes provided by the consultant.

### Statutory Environment

Nil

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

\$22,000 to be included in the 2023/2024 budget

### Risk Implications

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

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

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 and Council Decision

**68/2023**

***Moved Cr Rose/Seconded Cr Cobden***

***That Council, by absolute majority, commit to the inclusion of \$22,000 in the 2023/2024 annual budget, for the purpose of obtaining concept plans for the redevelopment of the Southern Cross Community Centre.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Update to Delegation Register - LGA28

<b>File Reference</b>	<b>2.3.3.6</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 endorse changes to the Shire of Yilgarn Delegation Register LGA28.

#### Background

To assist in the effective administration of the Shire, Council has granted various delegations to the Chief Executive Officer. Delegations made under the Local Government Act 1995 can only be made to the Chief Executive Officer or Council Committees. Where appropriate, the Chief Executive Officer can on-delegate to other Officers.

#### Comment

LGA28 relates to the Payments from Municipal Fund and Trust Funds. Due to recent staffing changes, an amendment is required to bring in line with current position titles.

The proposed delegation is below showing changes in red.

#### Statutory Environment

##### **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.*

##### **5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*



### **9.10. Appointment of authorised persons**

- (1) *In this section —*  
**law** means any of the following —
- (a) *this Act;*
  - (b) *the Caravan Parks and Camping Grounds Act 1995;*
  - (c) *the Cat Act 2011;*
  - (d) *the Cemeteries Act 1986;*
  - (e) *the Control of Vehicles (Off-road Areas) Act 1978;*
  - (f) *the Dog Act 1976;*
  - (g) *subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);*
  - (h) *a written law prescribed for the purposes of this section;*
- specified** means specified in the instrument of appointment.
- (2) *The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.*
- (3) *An appointment under subsection (2) is subject to any specified conditions or limitations.*
- (4) *The CEO must give to each person appointed under subsection (2) an identity card that —*
- (a) *on the front of the card, sets out —*
    - (i) *the name and official insignia of the local government; and*
    - (ii) *the name of the person; and*
    - (iii) *a recent photograph of the person;*
- and*
- (b) *on the back of the card, specifies each law to which the person's appointment relates.*
- (5) *A person appointed under subsection (2) (the **authorised person**) must —*
- (a) *carry their identity card at all times when performing functions under a specified law; and*
  - (b) *produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.*
- (6) *A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.*

*[Section 9.10 inserted: No. 16 of 2019 s. 64.]*

#### **Strategic Implications**

Nil.

#### **Policy Implications**

Where a Policy exists for an activity/function that has been delegated, the Chief Executive Officer is to adhere to that Policy.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure that Council Officers are aware of their obligations relating to delegations	Moderate (9)	An up-to-date Delegations Register approved by Council and disseminated to appropriate staff
<b>Financial Impact</b>	Allows Officers to be aware of their delegation responsibilities	Moderate (9)	Approved delegations ensure minimal impact
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Compliance with Section 5.42 of the Local Government Act	Moderate (6)	Annual review of Register
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

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

### Officer Recommendation and Council Decision

69/2023

*Moved Cr Guerini/Seconded Cr Cobden*

*That Council, by Absolute Majority, endorse the changes to delegation LGA28 - Payments from Municipal Fund and Trust Fund as presented.*

### LGA28 Payments from Municipal Fund and Trust Fund

<b>Date Adopted:</b>	17 March 2016
<b>Document Control:</b>	Amended – 15 May 2023 Amended – 20 April 2023 Amended - 21 April 2022 - <a href="#">Link</a> Amended – 16 September 2021 - <a href="#">Link</a> Amended – 21 February 2019 - <a href="#">Link</a> Adopted – 17 March 2016 - <a href="#">Link</a>
<b>Policy Reference:</b>	3.5 Purchasing and Tendering Policy 3.6 Signing of Cheques
<b>Delegate:</b>	CEO
<b>Sub-Delegated:</b>	Yes
<b>Chief Executive Instruction/Procedure:</b>	Subdelegated to: <ul style="list-style-type: none"> <li>- Executive Manager Corporate Services</li> <li>- Executive Manager Infrastructure</li> <li>- Works Manager <del>Supervisor</del></li> <li>- Finance Manager</li> <li>- Mechanic</li> <li>- Building maintenance Officer</li> <li>- <del>Technical &amp; Works Coordinator</del> <del>Asset Management Officer</del></li> </ul>
<b>History:</b>	Previously LGA20

**Legal (Parent):**

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

**Legal (Subsidiary):**

- Local Government Act 1995, Section 6.7(2)
- Local Government Act 1995, Section 6.8
- Local Government Act 1995, Section 6.10
- Local Government Act 1995, Section 3.1
- Local Government (Financial Management) Regulations, Regulations 5, 11, 12 and 13.

**Extent of Delegation:**

1. Sign and issue purchase orders to incur liabilities from the Municipal Fund or the Trust Fund on behalf of the Shire,

Subject to-

- (a) Compliance with Council Purchasing and Tendering Policy & Council Signing of Cheques Policy; and
- (b) Purchase orders only being issued for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency.

2. Authorise and make payments by cheque or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund,

Subject to-

- (a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the President in an emergency; and
- (b) Compliance with the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.

**Conditions Imposed:**

Authority is delegated subject to the following limits:

- |  |           |
|--|-----------|
| - Executive Manager Corporate Services         | \$150,000 |
| - Executive Manager Infrastructure             | \$150,000 |
| - Works Manager <del>Supervisor</del>          | \$15,000  |
| - Finance Manager                              | \$10,000  |
| - Mechanic                                     | \$10,000  |
| - Building Maintenance Officer                 | \$5,000   |
| - <del>Technical &amp; Works Coordinator</del> | \$5,000   |
| - <del>Asset Management Officer</del>          |           |

Authority to make payments in accordance with Council Policy

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports-April 2023

<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>Fadzai Mudau-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 30 April 2023

- 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 —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

- (b) 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 and Council Decision

70/2023

*Moved Cr Close/Seconded Cr Cobden*

*That Council endorse the various Financial Reports as presented for the period ending 30 April 2023.*

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – April 2023

<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>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41209 to 41212 totalling \$820.46
- Municipal Fund - EFT 13868 to 13963 totalling \$570,445.21
- Municipal Fund – Cheques 2141 to 2157 totalling \$259,506.64
- Municipal Fund - Direct Debit Numbers:
  - 17774.1 to 17774.13 totalling \$23,826.82
  - 17798.1 to 17798.13 totalling \$23,568.14

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)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

**71/2023**

***Moved Cr Cobden/Seconded Cr Rose***

- ***Municipal Fund – Cheques 41209 to 41212 totalling \$820.46***
- ***Municipal Fund - EFT 13868 to 13963 totalling \$570,445.21***
- ***Municipal Fund – Cheques 2141 to 2157 totalling \$259,506.64***
- ***Municipal Fund - Direct Debit Numbers:***
  - ***17774.1 to 17774.13 totalling \$23,826.82***
  - ***17798.1 to 17798.13 totalling \$23,568.14***

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2023/24 Councillor Sitting Fees

<b>File Reference</b>	<b>2.1.1.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson–Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>Nil</b>

### Purpose of Report

To set Councillors Sitting Fees for 2023/24.

### Background

Section 7B (2) of the Salaries and Allowances Act 1975 requires the Salaries and Allowances Tribunal, at intervals of not more than 12 Months, to inquire into and determine: -

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings;
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The amount of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

The Tribunal continues to utilise the four band Local Government classification model adopted in 2012 with the Shire of Yilgarn falling under Band 3.

For the 2023/2024 financial year, the tribunal has determined that remuneration, fees, expenses and allowance ranges for Band 3 Councils will increase by 2.5% from those determined for the 2022/23 financial year.

### Council Meeting Attendance Fees per Meeting

Where a Local Government decides, by Absolute Majority, to pay a Council Member a fee referred to in section 5.98(1)(b) of the Local Government Act for attendance at a Council Meeting, the following per meeting fee range will be applicable;

Band	For a council member other than mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
3	\$205	\$430	\$205	\$660

### Committee Meeting and Prescribed Meeting Fees per Meeting

Where a Local Government decides to pay a Council Member a fee referred to in: -

- (a) section 5.98(1)(b) of the Local Government Act for attendance at a Committee Meeting; or
- (b) section 5.98(2A)(b) of the Local Government Act for attendance at a Meeting of the type prescribed in regulation 30(3A) of the Local Government (Administration) Regulations 1996.

the following per meeting fee range will be applicable;

For a council member (including mayor or president)		
Band	Minimum	Maximum
3	\$100	\$215

A recent legal opinion commissioned by the Town of Cambridge has clarified the situation that if a committee of Council is open to non-Councillors/Staff then a sitting fee cannot be paid to any committee member. In the Shire of Yilgarn's case, this opinion would only apply to Councils Audit & Risk Committee as all other committees that Council has an involvement in are community advisory committees only and do not attract a sitting fee for Councillors as it stands.

It should also be noted that a Local Government may decide, by Absolute Majority, that instead of paying Council Members a per Meeting Attendance Fee it may, instead, decided it will pay all Council Members who attend Council, Committee or proscribed meetings a fixed annual fee.

The benefits of this to Council are that there are significantly reduced administrative requirements involved, in that payments to Councillors are usually only made on either an annual, bi-annual or quarterly basis. Additionally, the record keeping requirements of collating Councils attendance forms with time saving on the associated financial processing.

There is a downside to Council electing to utilise a fixed annual fee for Councillor sitting fees which is, if there was to be a consistently absent Councillor, there would be no mechanism to adjust their sitting fees.

At this time, it is not recommended that Council utilise annual sitting fees as it may require amending Council Policy 1.5 – Elected Member Entitlements.

### **Annual Allowance for mayor or president of a local government**

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act the following allowance range will be applicable;

For a mayor or president		
Band	Minimum	Maximum
3	\$1,070	\$38,450

### Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the Local Government Act the annual allowance for a Deputy President is determined to be 25% of the Presidents Allowance.

### Travel Expenses

The Salaries & Allowances Determination has Councillor travel reimbursements for actual distances travelled being paid at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Award 2021*, being

Engine Displacement (in cubic centimetres)			
Area & Details	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan Area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of State	99.01	70.87	58.37

For members with Electric Vehicles, the 1600cc Motor Vehicle Allowance rate should be applied.

### **Comment**

For reference, the following are the 2022/2023 financial years Elected Member meeting attendance fees and expense reimbursement / allowances:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel	- Per Kilometre	As per Local Government Officers’ (Western Australia) Award 2021 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

Travel expense reimbursement rates are reimbursed at the "Rest of State" levels included at section 30.6 of the Local Government Officers' (Western Australia) Award 2021 and have remained unchanged from those of 2022/2023.

ICT Allowance is made up of \$480 in telecommunications (based on \$40 monthly post-paid Telstra data plan) and \$700 hardware replacement/upgrade (based on cost of iPad Pro 12.9” 128Gb WIFI over 2 years).

## Statutory Environment

### Local Government Act 1995 –

#### **5.98. Fees etc. for council members**

(1A) In this section —

***determined*** means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

- (a) the fee determined for attending a council or committee meeting; or
- (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

- (a) the fee determined for attending a meeting of that type; or
- (b) where the local government has set a fee within the range determined for meetings of that type, that fee.

(2) A council member who incurs an expense of a kind prescribed as being an expense —

- (a) to be reimbursed by all local governments; or
- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

- (a) where the extent of reimbursement for the expense has been determined, to that extent; or
- (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.

(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
  - (a) the annual local government allowance determined for mayors or presidents; or
  - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
  - (a) make any payment to; or
  - (b) reimburse an expense of,a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
  - (a) council members only; or
  - (b) council members and employees.

*[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]*

#### **5.98A. Allowance for deputy mayor or deputy president**

- (1) A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

*\* Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

*[Section 5.98A inserted by No. 64 of 1998 s. 37; amended by No. 2 of 2012 s. 15.]*

#### **5.99. Annual fee for council members in lieu of fees for attending meetings**

A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

*\* Absolute majority required.*



*[Section 5.99 amended by No. 2 of 2012 s. 16.]*

**5.99A. Allowances for council members in lieu of reimbursement of expenses**

- (1) A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —
  - (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
  - (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

\* *Absolute majority required.*

- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
  - (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;
  - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

*[Section 5.99A inserted by No. 64 of 1998 s. 38; amended by No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]*

*Local Government (Administration) Regulations 1996 —*

**30. Meeting attendance fees (Act s. 5.98(1) and (2A))**

*[(1), (2) deleted]*

- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
  - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
  - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;

- (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
- (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

*[(3B) deleted]*

- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
  - (b) the council member is paid an annual fee in accordance with section 5.99; or
  - (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

*[(3)-(5) deleted]*

*[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]*

### **31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))**

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
- (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
  - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

*[(2)-(5) deleted]*

*[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]*

### **32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))**

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
- (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
  - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one

other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and

- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

[(2) deleted]

[Regulation 32 amended in Gazette 13 Jul 2012 p. 3219.]

[33-34AB. Deleted in Gazette 13 Jul 2012 p. 3219]

### Salaries and Allowance Act 1975

#### **7B. Determinations as to fees and allowances of local government councillors**

- (1) In this section —

***elected council member*** means a person elected under the *Local Government Act 1995* as a member of the council of a local government.

- (2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —

- (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected council members for attendance at meetings; and
- (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
- (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members.

- (3) Section 6(2) and (3) apply to a determination under this section.

[Section 7B inserted by No. 2 of 2012 s. 39.]

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**

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

### Financial Implications

Any resolution on the value of sitting fees and Members expenses will form part of the 2023/2024 Budget.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act, associated Regulations and current SAT determination.	Moderate (6)	Ensure compliance with Act, Regs and SAT determination.
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 and Council Decision

72/2023

*Moved Cr Rose/Seconded Cr Close*

*That Council adopts the following elected members sitting fees, expense reimbursements/allowances and President & Deputy Presidents allowances for the 2023/2024 financial year:*

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel Reimbursement	- Per Kilometre	As per Local Government Officers’ (Western Australia) Award 2021 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 2023/24 Schedule of Fees & Charges

<b>File Reference</b>	<b>8.2.5.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson–Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>Proposed 2023/2024 Schedule of Fees &amp; Charges.</b>

#### Purpose of Report

To consider the fees & charges to be applied in 2023/24.

#### Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year to be adopted with the annual Budget.

As the Budget will not be adopted until after 1<sup>st</sup> July 2023, Council is requested to consider the schedule of fees and charges prior to the Budget adoption so that the agreed fees & charges can be taken into consideration when preparing the Budget and to allow the fees & charges to be applied from 1<sup>st</sup> July 2023.

#### Comment

A copy of the current fees & charges and proposed changes are included in the attachments. The items in **Red** are proposed to be deleted and the items in **Green** are proposed to be included or have been amended.

It is intended that the proposed fees and charges remain predominantly unchanged from those imposed in 2022/2023, however a summary of the recommended changes follows:

- Page 1 – Removed of the “Electronic Advice of Sale (Rate Enquiry Only) & (Full Service) individual fees and add a “Rate Enquiry Fee – Property Information Report”. This will remove confusion as to the level of enquiry and impose one fee.
- Page 1 – Add a Wholesale sale of merchandise charge for the sale of several local publications to the Wheatbelt Visitors Centre in Merredin.
- Page 4 – Remove the Disk Cleaning service previously provided by the CRC as the relevant machine no longer works and will not be replaced as very few patrons use compatible storage media any more.
- Page 6 – Increase the fees associated with the dumping of Asbestos contaminated materials and general Commercial Waste at the Southern Cross Waste Facility to better reflect the ongoing costs associated with the handling of these types of materials.
- Page 8 – Increase the per PAX cost of the aerodrome terminal usage to adequately cover the costs associated with increased passenger numbers.

- Page 10 – Increase the annual shopfront rentals for 11 Antares St in line with CPI inflation.
- Page 10 – Increase the Per Hour Labour Hire fees in line with the increase in staff wages.
- Page 10 – Increase the Plant Hire rate for several plant items inline with their associated increase in operating costs.
- Page 10 – Description modification for Minor Plant to indicated that only generators of 10 kVA or less are to be hired, this is due to the larger generators being allocated for periods of power loss and would not be effective as an alternate power source during blackout if out on hire.

## Statutory Environment

### Local Government Act 1995 –

#### **6.16. Imposition of fees and charges**

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

*\* Absolute majority required.*

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

*\* Absolute majority required.*

#### **6.17. Setting level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - (a) the cost to the local government of providing the service or goods; and

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

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

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

### Financial Implications

There are no financial implications as a result of this report however the adopted Schedule of Fees & Charges will influence the level of 2023/2023 Budgeted income.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Fee or Charge level excessive or inadequate.	Moderate (9)	Regular review.
Service Interruption	Nil	Nil	Nil



<b>Compliance</b>	Compliance with the Local Government Act and associated Regulations.	Low (2)	Regular review.
<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 and Council Decision

73/2023

*Moved Cr Cobden/Seconded Cr Rose*

*That Council adopts the 2023/2024 Schedule of Fees and Charges as presented.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.4 Reporting Officer– Executive Manager Infrastructure

### 9.4.1 Construction of One New Executive House

<b>File Reference</b>	<b>2.4.1.13</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Glen Brigg-Executive Manager Infrastructure</b>
<b>Attachments</b>	<b>Nil</b>

### Purpose of Report

For Council to consider tenders received to construct one executive style house.

### Background

Council allocated \$595,277 in the 2022/2023 budget to construct one new executive style house at 9-11 Libra Place Southern Cross. Staff advertised the request for tender, state wide which closed on the 14<sup>th</sup> of April 2023. Council only received one tender from Modular WA.

### Comment

A Building Asset Management Plan (BAMP) will outline key elements involved in managing Council's building assets, associated with caravan parks, community centres, Council depots, elderly persons units, Council offices, child care centres, public halls, public toilets, recreation reserve buildings, senior citizens centres, staff accommodation and miscellaneous 'other' buildings.

A Building Management Plan will combine management, financial, engineering and technical practices to ensure that the level of service required by user groups is provided at the lowest long, term cost to the community within the limits of Council's fiscal constraints.

. The key elements of infrastructure asset management are:

- providing a defined level of service and monitoring performance;
- managing the impact of growth through demand management and infrastructure investment;
- taking a lifecycle approach to developing cost-effective management strategies for the long-term that meet the defined level of service;
- identifying, assessing and appropriately controlling risks; and
- linking to a 10 year financial plan which identifies required, affordable expenditure and how it will be financed.

Staff are still developing a Building Asset Management Plan, but aging housing stocks with high maintenance requirements has prompted staff to test the market to build one New Executive House. With this in mind there were a number of clauses added to the tender

documents to ensure Coutil were not bound to a tender that did not suit the Shire's needs. For example:

#### **Section 1.16 Evaluation Process**

- e) Submissions that are initially evaluated as having pricing, significantly high will not proceed beyond the Initial Screening phase of the evaluation process

#### **Section 1.20 Value Considerations**

- The tendered price will be considered along with related factors affecting the total cost to the Principal (eg the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome).

#### **Section 1.8 Acceptance of Tenders**

- The Principal is not bound to accept the lowest Tender and may reject any Tender submitted.

Housing assets, like other resources available, must be managed to ensure that optimal benefit is realised from the assets. This includes attention to issues such as:

- asset quality – ensuring that maintenance is scheduled and effective based on regular condition reports; and
- fit for purpose – that assets are available for use in line with the financial plan and strategic direction.
- Well maintained housing can have a long life. Management of housing assets requires a long-term view, which can start at design and construction, through maintenance, refurbishment or restoration, to disposal or demolishing to make way for newer housing that meets the needs of tenants. Therefore, good asset management needs to consider all stages of an asset's utilisation.

The tendered price offered by Modular WA exceeds Councils 2023/2024 budget allocation when fully established and as such it is rejected. Furthermore, it is also noted the tendered dwelling is not considered an "Executive Style", and does not fit with the Shire's expectations for an executive style premises.

#### **Statutory Environment**

Local Government Act 1995 3.57 – tenders for providing goods or services and the Local Government (functions & general) Regulations, section 4

#### **Strategic Implications**

Asset Management Practices

### Policy Implications

Finance Policy 3.5 Purchasing and Tendering  
Local Government (Functions and General) Regulations 1996

### Financial Implications

The 2022/23 budget makes provision of \$600,000 (GST exclusive) to construct one Executive House. Pricing offered will exceed this allocation when fully established.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	New housing project exceeds the 2022/2023 budget allocation	High (15)	Rejecting the tender will reduce any impact on the 2022/2023 budget
Service Interruption	Nil	High (10)	Nil
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

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

**Officer Recommendation and Council Decision**

**74/2023**

***Moved Cr Cobden/Seconded Cr Granich***

***That Council, by Absolute Majority, in accordance with the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 rejects the tender from Modular WA to construct one new executive house***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.4 Reporting Officer– Executive Manager Infrastructure

### 9.4.2 RAV Route Determination Bullfinch Evanston Road

<b>File Reference</b>	<b>6.1.1.016</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>Nil</b>

### Purpose of Report

For Council to consider a request to amend the Restricted Access Vehicle (RAV) rating for Bullfinch Evanston Road from SLK 101.348 to SLK 133.70

### Background

The Shire of Yilgarn have been referred an application from Main Roads Heavy Vehicle Services, submitted by MLG Oz Pty Ltd, seeking support for Heavy Vehicle Services to inspect Bullfinch Evanston Road from SLK 101.348 to SLK 133.70 for a Route Determination RAV 10.3, (level 3 of the Accredited Mass Management Scheme).

Bullfinch Evanston Road from SLK 0.00 to SLK 101.348 is approved for RAV Network 7.3 (level 3 of the Accredited Mass Management Scheme) and is used to service the Marda mine site. Ramelius have a road user agreement which makes them responsible for repairing and maintaining the road.

Ramelius has established the Die Hardy mine 33 kilometres north of Marda mine. The Route Determination application is from SLK 101.348 to SLK 133.70 to the Die Hardy Mine turnoff. This section of road has no assigned Restricted Access Vehicle Network level.

Ramelius will be operating two RAV 10.3 vehicles out loading from Die Hardy and stockpiling on the Marda ROM. Ramelius then reload the ore into RAV 7.3 vehicles to haul to Westonia.

Staff engaged Rod Munns - Road Engineer, to inspect and compile a report for Council, to determine if the road fits within the guidelines for RAV 10.3 access. Report attached.

### Comment

A substantial increase in axle loading from heavy vehicle combination traffic on a road that is not designed to carry the additional axle-loading will result in multiple adverse effects in the form of:

- increased routine maintenance and resurfacing
- reduction in the level of service (road quality) as the road pavement deteriorates
- reduction in the pavement life Impact of heavy vehicle traffic on road pavements
- increased reconstruction and or rehabilitation costs due to the increase in required structural capacity
- increased lateral instability and damage along roads due to heavy wheel loads tracking close the edge of the road

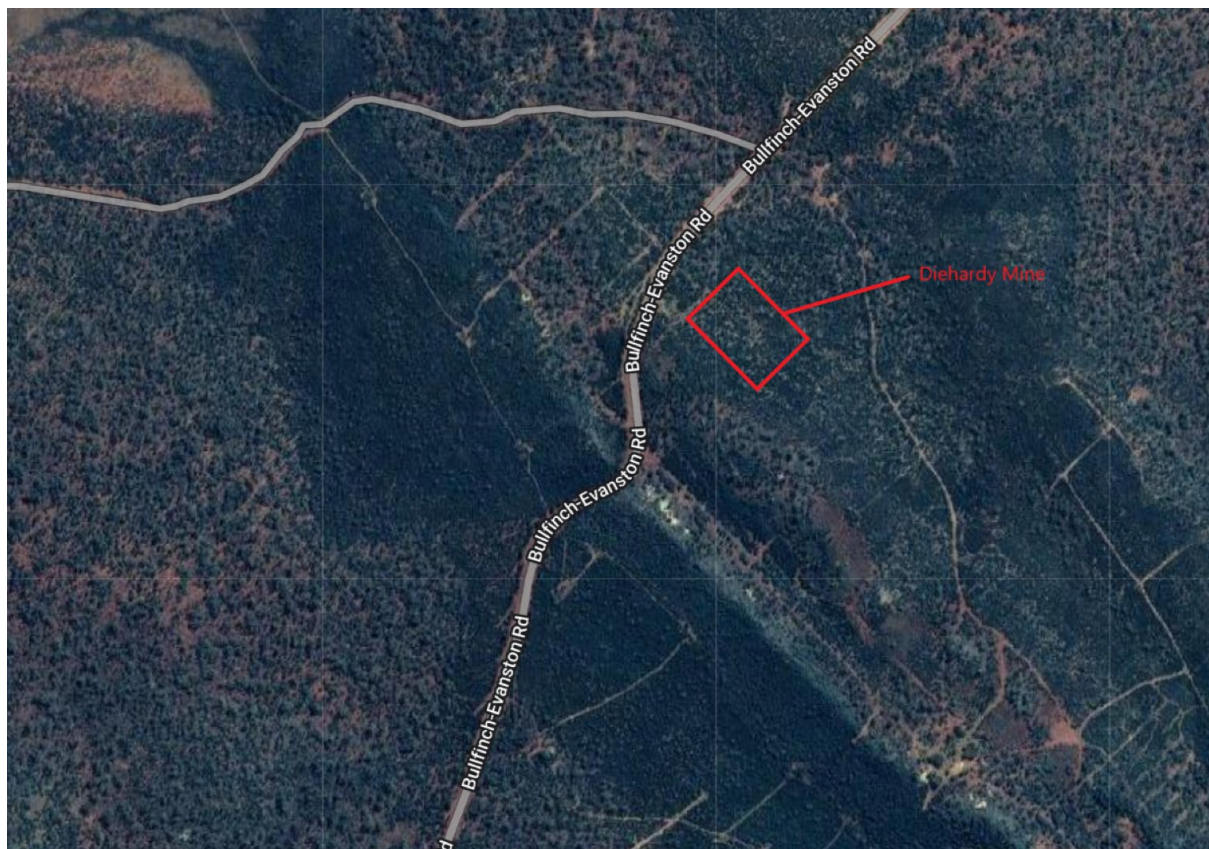


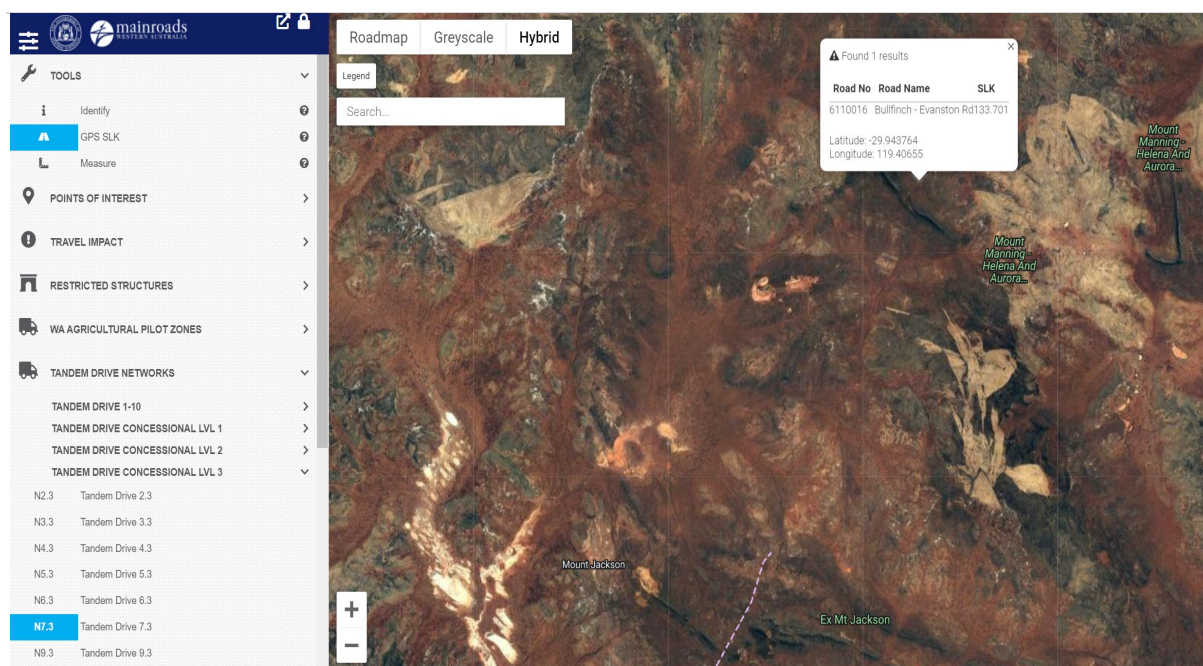
New developments or land use activities can generate increases in heavy commercial vehicle traffic which may have adverse impacts on road pavements. Typical impacts resulting from an increase in the number and /or weight of vehicles using the road include:

- a need for extra pavement width
- a change is in surfacing type or pavement thickness
- an increase in maintenance, and
- a reduction in the pavement life, requiring road pavement upgrading, which may include strengthening works or reconstruction of the pavement.

Ramelius has engaged a contractor to upgrade this section of road, to meet the RAV 10.3 guidelines set out by Heavy Vehicle Services and as required by the Shire's engineer report.

Ramelius's Road User Agreement will be extended to include all maintenance and repairs along this section of road. Ramelius have established a water source in preparations for future maintenance of this road.





## Statutory Environment

The Road Traffic Act 1974 and the Road Traffic (Vehicle) Regulations 2014 govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

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

There is no current policy for Restricted Access Vehicle (RAV) or Accredited Mass Management Scheme (AMMS).

## Financial Implications

There are no immediate financial implications, however a change in RAV Network Rating for all or part of the road has the potential to reduce the life of the road and increase the maintenance requirements of the road.



### 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	High (12)	Applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.
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 and Council Decision**

**75/2023**

***Moved Cr Guerini/Seconded Cr Close***

- 1. That, by Simple Majority pursuant to the Road Traffic Act 1974 and Section 3.53 (2) of the Local Government Act 1995, Council supports Heavy Vehicle Services to inspect Bullfinch Evanston Road from SLK 101.348 to SLK 133.70 for a route determination N10.3 (Level 3 of the accredited Mass Management scheme)***
- 2. Depending on the need for access, Council will support RAV Network 10.3 (level 3 of the Accredited Mass Management Scheme) if the applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.***
- 3. Council will issue a one off, CA 07 (Letter of Authority) to MLG Oz Pty Ltd as the only RAV 10.3 user on this section of the Bullfinch Evanston Road and Ramelius will be responsible for all road repairs and maintenance.***

**CARRIED (7/0)**

## 10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**76/2023**

***Moved Cr Guerini/Seconded Cr Rose***

***That the new business of an urgent nature be accepted by Council for consideration.***

**CARRIED (7/0)**

Prior to the Council meeting, during Councils Discussion Session, Council had been informed that Ramelius Resources are looking to haul ore from Symes Find to Westonia, originally considering an ore haul route that would utilise the Moorine South Road onto Stubbs Road then onto the Great Eastern Highway. Rod Munns was engaged to undertake a route assessment which determined a significant amount of work would be needed on the intersection of Moorine Rock South Road and Stubbs Road and the sweeping bend near Gill Road would be required. The Shire's EMI, Engineer Rod Munns and Ramelius representatives met onsite on the 9<sup>th</sup> May to discuss the Stubbs Road intersection. It was discussed onsite whether haulage could instead continue through Moorine South Road to the Highway. It was flagged with Ramelius that due to it being within the Moorine Rock townsite, Council may have concerns. After discussion council moved a motion as below;

**77/2023**

***Moved Cr Cobden/Seconded Cr Guerini***

***Council object to Restricted Access Vehicles hauling through the Moorine Rock townsite, via Moorine South Road direct to Great Eastern Highway.***

***And***

***Council rejects the request from Edna May Pty Ltd (Ramelius Resources) to amend the RAV network to include access to Great Eastern Highway via Moorine South Road for Tri Drive Quad Axle Trailer PBS Level 3 – 42m.***

***And***

***Council advises Edna May Pty Ltd (Ramelius Resources) that it's preference for haulage from the Symes Find to Great Eastern Highway is via Moorine South Road onto Stubbs Street.***

**CARRIED (7/0)**

### 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

78/2023

*Moved Cr Guerini/Seconded Cr Close*

*That the Council meeting be close to the public under section 5.23 (b) and (c) of the Local Government Act 1995*

**CARRIED (7/0)**

Mrs. Kaye Crafter left the meeting at 5.38pm

### 13 Confidential Items - Meeting Closed to the Public

#### 13.1 Proposed Support For Commercial Operation

<b>File Reference</b>	<b>1.3.5.3</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>

#### Officer Recommendation and Council Decision

79/2023

*Moved Cr Close/Seconded Cr Guerini*

*That Council, by absolute majority, commit to a \$6,000 annual contribution (excluding gst) to the operator of the Southern Cross Chemist, paid monthly, for a period of two years, and transferrable in the event the ownership changes hands. The payment is conditional on the operator of the pharmacy maintaining agreed opening hours, being not less than current advertised opening hours.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

80/2023

*Moved Cr Guerini/Seconded Cr Close*

*That the meeting be reopened to the public*

**CARRIED (7/0)**

Mrs Kaye Crafter re-joined the meeting at 5.45pm

## 14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.46pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 18 May 2023, are confirmed on Thursday, 15 June 2023 as a true and correct record of the May 2023 Ordinary Meeting of Council.

**Cr Wayne Della Bosca**  
**SHIRE PRESIDENT**