



Minutes

Ordinary Meeting of Council

***15 June
2023***

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.15pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	F Mudau	Finance Manager
	L Della Bosca	Minute Taker

Apologies: N Warren Chief Executive Officer

Observers: Mr. Ron Burro

Leave of Absence: Nil

4. DECLARATION OF INTEREST

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 18 May 2023

82/2023

Moved Cr Guerini/Seconded Cr Cobden

That the minutes from the Ordinary Council Meeting held on the 18 May 2023 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Special Meeting of Council, Monday 29 May 2023

83/2023

Moved Cr Guerini/Seconded Cr Rose

That the minutes from the Special Meeting of Council held on the 29 May 2023 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.3 Annual Electors Meeting, 20 April 2023

84/2023

Moved Cr Granich/Seconded Cr Cobden

That the minutes from the Annual Electors Meeting held on the 20 April 2023 be received.

CARRIED (7/0)

6.4 Shire of Yilgarn Tourism Advisory Committee, Wednesday 17 May 2023

85/2023

Moved Cr Rose/Seconded Cr Cobden

That the minutes of the Shire of Yilgarn Tourism Advisory Committee Meeting held on the 17 May 2023 be received

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr. Ron Burro, Chief Bush Fire Control Officer for the Shire of Yilgarn, attended Council to raise his concerns regarding the implementation of the Aboriginal Cultural Heritage Act 2021, and possible implications for the Bush Fire Brigade volunteers and Council for actions taken during emergency situations, of which may breach sections of the new Act.

Mr Burro, as the Chief Bush Fire Control Officer advised of his intention for Bush Fire Brigade volunteers to not attend any fires on crown land that are not a threat to life and limb.

Mr Burro sought Council's assistance in notifying the relevant state agencies of his concerns.

Council moved the following motion in support of the Bush Fire Brigade.

81/2023

Moved Cr Cobden/Seconded Cr Nolan

That a letter be sent to the Department of Planning, Lands and Heritage, Department of Biodiversity, Conservation and Attractions, the Department of Fire and Emergency Services and the Emergency Services Minister regarding the uncertainty around the interaction of the Aboriginal Cultural Heritage Act 2021 and the activities of the Shire of Yilgarn Bush Fire Brigade.

CARRIED (7/0)

8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the Central East Accommodation and Care Alliance meeting on the 29 May 2023.

9.1 Officers Report – Chief Executive Officer

9.1.1 Proposed Lunch Room –Lot 102 Bodallin South Road, Bodallin

File Reference	3.1.1.2
Disclosure of Interest	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations
Attachments	Nil

Purpose of Report

Council is to consider a planning application for a lunch room on Lot 102 Bodallin South Road, Bodallin.

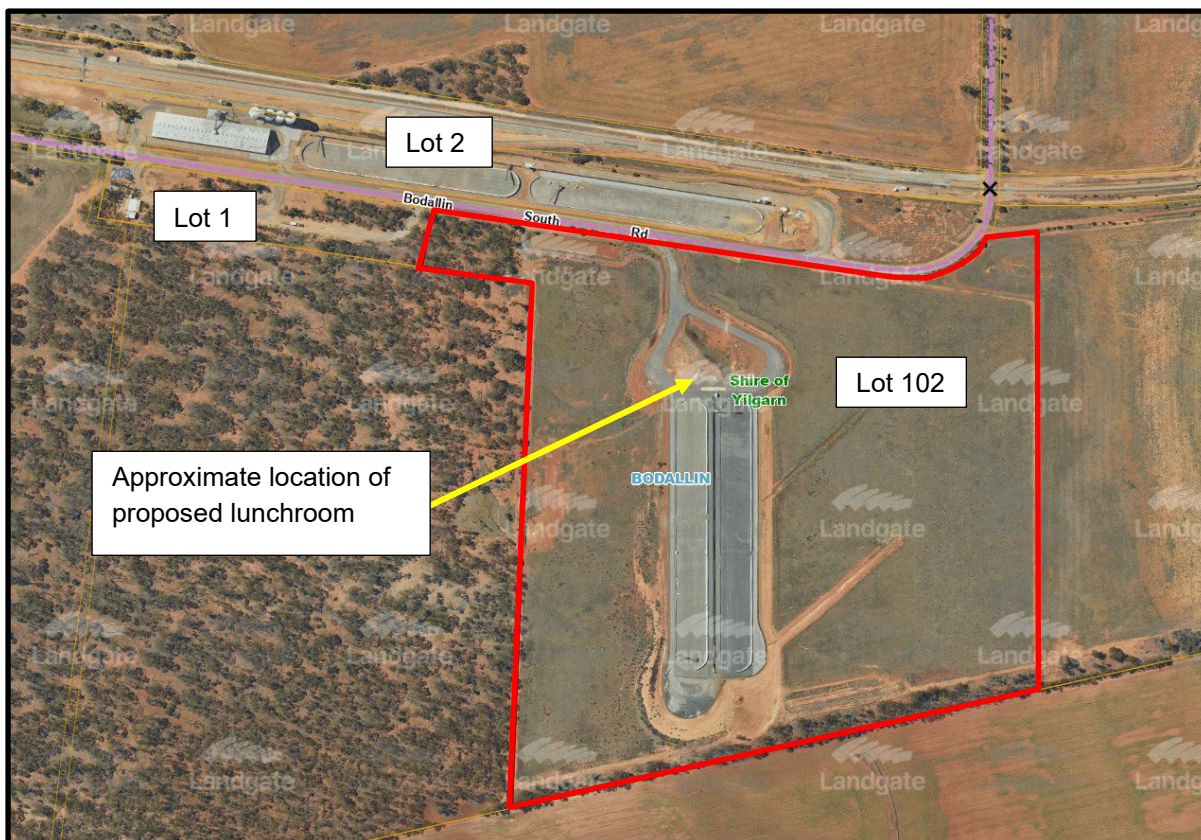
Background

- Location and Existing Development**

Lot 102 is located approximately 13 kilometres east of the local government boundary that the Shire of Yilgarn shares with the Shire of Westonia.

Lot 102 has been developed with bulkheads, a weigh bridge, and other associated infrastructure typically related to rural industry operations conducted by CBH. CBH infrastructure is also contained on Lots 1 and 2 to the north west of Lot 102.

A location plan is included overpage for ease of reference.



Above: Location plan showing Lot 102 in red outline

Comment

- Zoning**

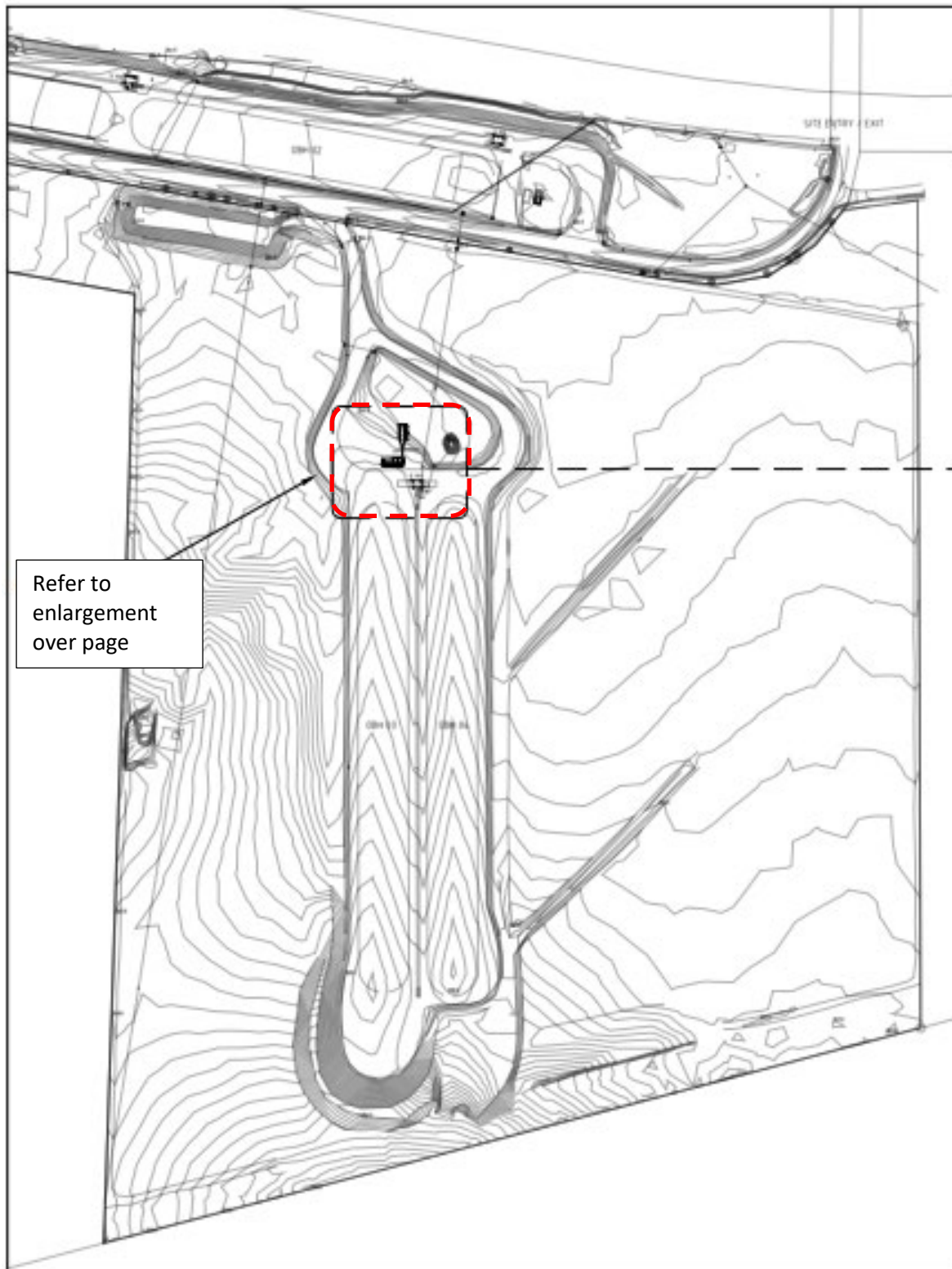
Lot 102 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

- Description of Application**

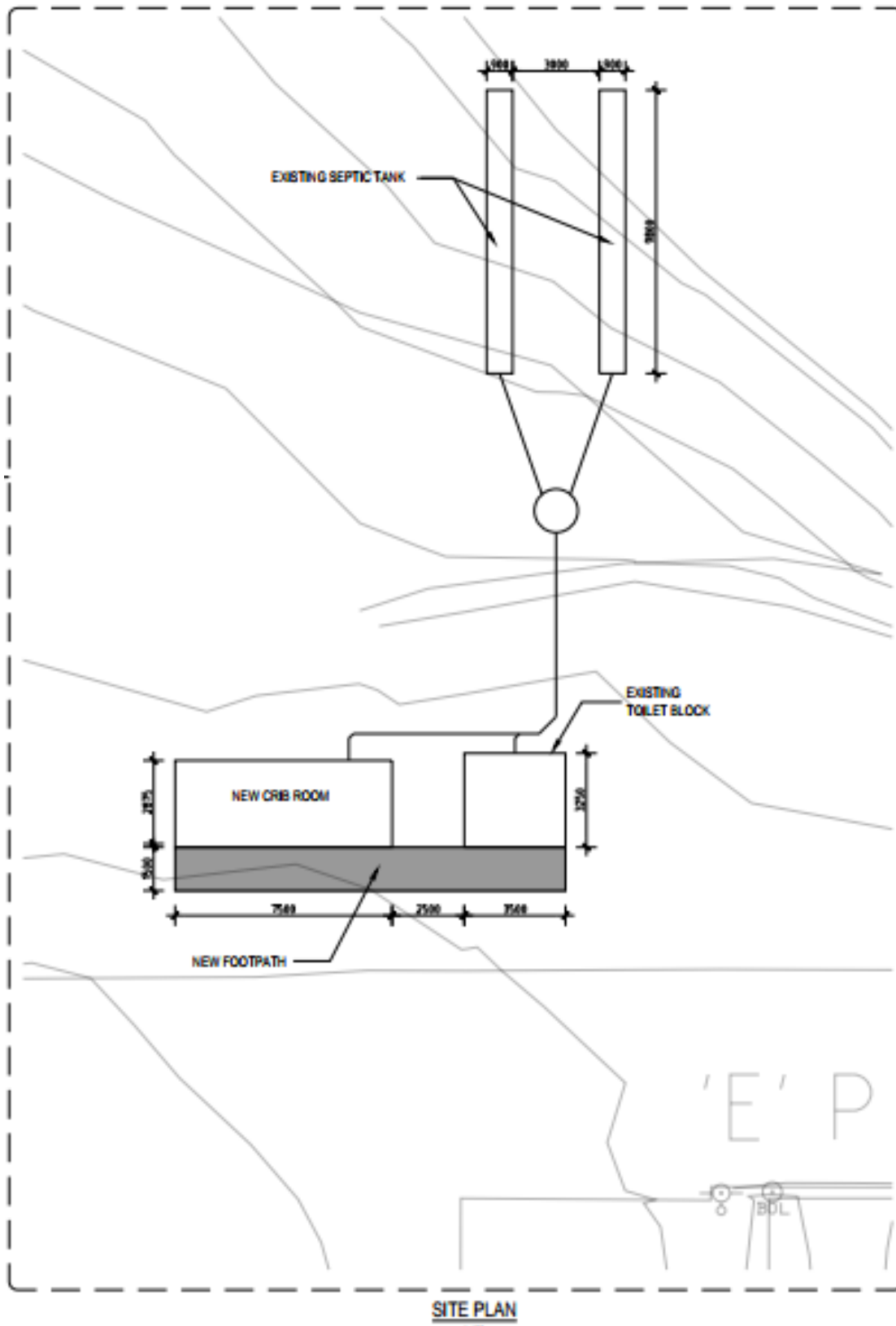
The new lunchroom will be located adjacent to an existing ablution building. It will have a floor area of 21m², and will cater for existing workers. The applicant advises that a maximum of 18 workers will be accommodated at any one time, and parking is available on an existing hardstand area north of a weighbridge.

The applicant also confirms that no other operations established on site will be affected by the proposed development.

A partial site plan is included **over page**.

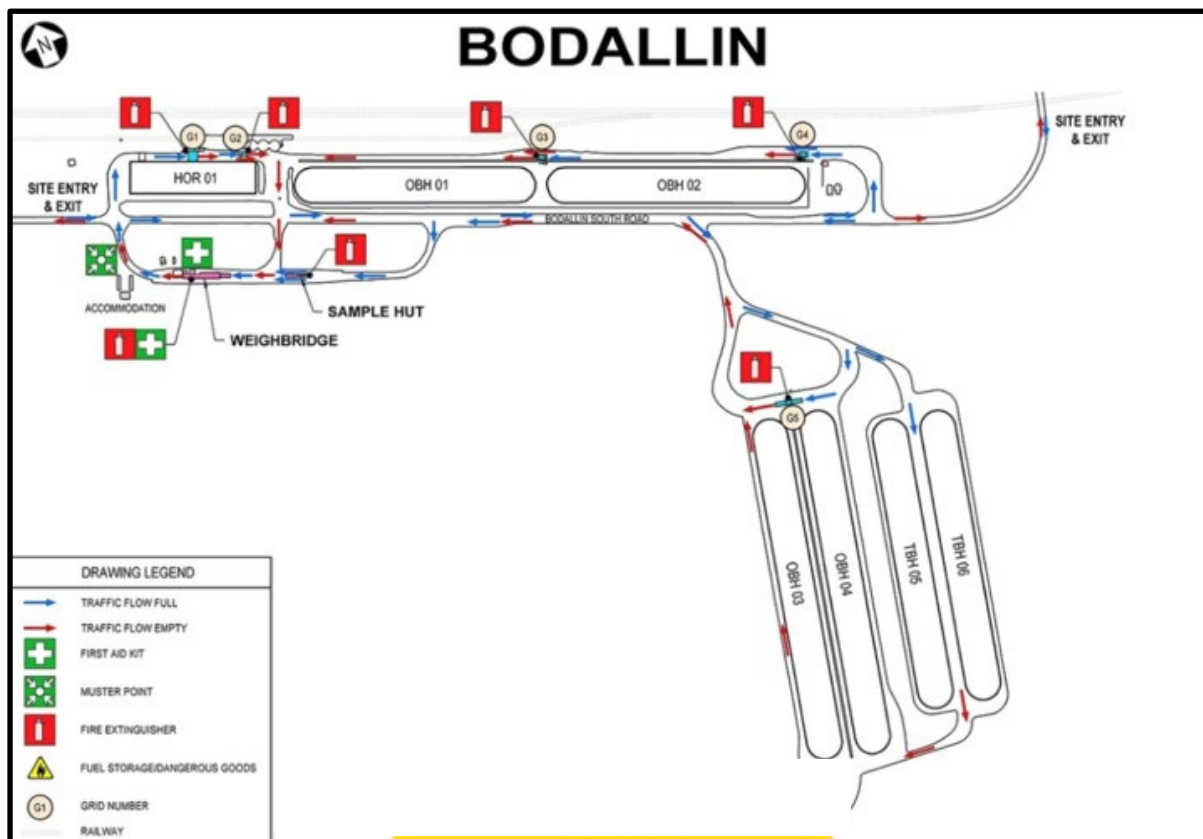


LOCALITY PLAN
1:2000



- **Existing Traffic Flow**

The applicant has lodged a diagram showing that the main traffic entries, internal accesses, and site egress will not be affected by the proposed development.



- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether the proposed development has any adverse impact on amenity, loading, access or traffic.

The proposed development is small scale, will be located adjacent to an existing building, is ancillary to the existing CBH operations, and will simply provide amenities for existing workers already on site.

Accordingly, it is recommended that the application be conditionally supported.

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.

Shire of Yilgarn Town Planning Scheme No 2 – explained in the body of this report.

Under Clause 3.1.1 the Scheme states that *‘The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses.’*

The existing CBH operations were likely considered as a Rural Industry. A Rural Industry is an ‘AA’ use in the Rural/Mining zone under Table 1 of the Scheme, which means the existing development would have required planning approval.

The lunchroom is not considered to be a separate land use, as it forms part of the established Rural Industry on Lot 102.

Strategic Implications

There are no known strategic implications associated with this report.

Policy Implications

There are no Shire Policies that are relevant to this application.

The Shires Policy Manual includes town planning policies which 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.

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

Officer Recommendation and Council Decision

86/2023

Moved Cr Nolan/Seconded Cr Rose

That Council:

A. Approve the application for a lunch room on Lot 102 Bodallin South Road, Bodallin subject to the following conditions and footnotes:

- The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.

2. *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.*
3. *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

Footnotes:

- (i) *This is a planning consent only. A separate building permit approval is required prior to commencing any site works or construction.*
- (ii) *Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*
- (iii) *The applicant should liaise with the Shires Environmental Health Officer in regards to connecting the lunch room into the existing on site effluent disposal system.*

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-May 2023

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Fadzai Mudau-Finance Manager
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 May 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 —

- 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 and Council Decision

87/2023

Moved Cr Cobden/Seconded Cr Rose

That Council endorse the various Financial Reports as presented for the period ending 31 May 2023.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – May 2023

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41213 to 41216 totalling \$1,412.76
- Municipal Fund - EFT 13964 to 14063 totalling \$716,109.25
- Municipal Fund – Cheques 2158 to 2175 totalling \$331,452.75
- Municipal Fund - Direct Debit Numbers:
 - 17833.1 to 17833.14 totalling \$22,937.04
 - 17874.1 to 17874.14 totalling \$23,862.61
- Trust Fund – Cheques 402675 to 402686 totalling \$6,460.98

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

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

Risk Matrix						
Consequence 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)
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Risk Matrix						
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		1	2	3	4	5
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation and Council Decision

88/2023

Moved Cr Close/ Seconded Cr Cobden

- *Municipal Fund – Cheques 41213 to 41216 totalling \$1,412.76*
- *Municipal Fund - EFT 13964 to 14063 totalling \$716,109.25*
- *Municipal Fund – Cheques 2158 to 2175 totalling \$331,452.75*
- *Municipal Fund - Direct Debit Numbers:*
 - *17833.1 to 17833.14 totalling \$22,937.04*
 - *17874.1 to 17874.14 totalling \$23,862.61*
- *Trust Fund – Cheques 402675 to 402686 totalling \$6,460.98*

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

CARRIED (7/0)

10 APPLICATIONS FOR LEAVE OF ABSENCE

89/2023

Moved Cr Rose/Cr Close

That Cr Granich be granted leave of absence from the July 2023 ordinary meeting of Council.

CARRIED (7/0)

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

90/2023

Moved Cr Guerini/Seconded Cr Cobden

That the Council meeting be close to the public under section 5.23(2) (b) and (c) of the Local Government Act 1995

CARRIED (7/0)

13 Reporting Officer– Executive Manager Corporate Services

13.1 Waiver of Interest – A11160

File Reference	8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Cameron Watson-Executive Manager Corporate Services
Attachments	Nil

Purpose of Report

Requests Councils approval to write off accrued overdue rates interest and waive future overdue rates interest on assessment A11160

Officer Recommendation and Council Decision

91/2023

Moved Cr Close/Seconded Cr Granich

That Council:

- 1. Approves the write off of the currently accrued late payment interest for assessment A11160***
- 2. Approves the waiver of all future late payment interest for assessment A11160 until such time as the current outstanding rate debt is cleared; and***
- 3. Authorises the termination of this agreement if the current owner of record fails to honour their commitment.***

CARRIED (7/0)

92/2023

Moved Cr Cobden Seconded Cr Rose

That the Council meeting be re-opened to the public.

CARRIED (7/0)

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.39pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 15 June 2023, are confirmed on Thursday, 20 July 2023 as a true and correct record of the June 2023 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT