



Minutes

Ordinary Meeting of Council

*17 August
2023*

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The presiding member declared the meeting open at 5pm

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

Apologies: Nil

Observers: Mrs. Kaye Crafter

Leave of Absence: Nil

4. DECLARATION OF INTEREST

Cr Philip S Nolan declared a financial interest pursuant to section 5.60A of the Local Government Act 1995 in relation to agenda item 9.1.4, 'Covalent Lithium Road User Agreement' due to potential financial gain by supplying material for road construction.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the July 2023 Ordinary Meeting of Council, the following question was posed by Jacque Drzymulski;

Question: Can the oven in the Sports Complex be replaced as it is old and very hard to cook with, making catering in the sport's complex kitchen difficult.

Answer during the Meeting: The Shire President referred the question to the CEO. The CEO advised the Shire would look into the oven and cook top to determine what the best course of

action is to address the difficulties experienced.

Follow up information for Council and Observers

Shire staff sought to have the oven inspected by a gasfitter to determine if there are any interim measures that could be undertaken to assist with operation of the unit.

Furthermore, staff are seeking pricing for replacement of the unit. Pending costs, then funding options will be considered. The Shire has already been approached by a local mining entity who have shown an interest in funding the replacement.

Mrs. Drzymulski has been provided an update via email.

5.1. PUBLIC QUESTION TIME

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

Question: Is the Shire of Yilgarn responsible for the maintenance of the Koolyanobbing road from the railway line crossing, inclusive of the crossing, into the Koolyanobbing mine camp? The road is becoming worn with increasingly growing pot holes. There is also a section of road past the railway crossing which is very narrow with a large drop off onto the shoulder which could be difficult to navigate should heavy traffic have to pass on the section.

Answer The Shire President replied that the Executive Manager Infrastructure would look into the issue and also contact the Australian rail track corporation regarding the issues on the railway crossing.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 20 July 2023

125/2023

Moved Cr Guerini/Seconded Cr Cobden

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

CARRIED (7/0)

6.2 Intractable Waste Disposable Facility (IWDF), Mount Walton East Community Liaison Committee (CLC), Thursday, 29 June 2023

126/2023

Moved Cr Cobden/Seconded Cr Rose

That the minutes from the IWFD Mount Walton East CLC Meeting held on the 29 June 2023 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended a Road Use Agreement meeting with Covalent on the 31 July 2023

Cr Rose announced the following;

- Attended a public forum in Katanning discussing farming and issues with live export and the Aboriginal Cultural Heritage Act.
- Attended the Bullfinch Progress Association meeting on the 12 August 2023
- Attended the Mt Hampton Progress Association meeting on the 14 August 2023

Cr Cobden Announced the following;

- Attended a Road Use Agreement meeting with Covalent on the 31 July 2023

9.1 Officer Report – Chief Executive Officer

9.1.1 Proposed Single House –Lot 241 (No 27) Polaris Street, Southern Cross

File Reference	3.1.1.2
Author	Liz Bushby, Town Planning Innovations
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	1. Plans 2. Photographs of proposed transportable dwelling

Purpose of Report

Council is to consider a planning application for a transportable dwelling on Lot 241 (No 27) Polaris Street, Southern Cross. The house is second hand and has been refurbished with all new external materials.

Background

- Location**

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

A location plan is included over page for convenience.

- Existing Approval from 2022**

Council considered an application for a single house and ancillary dwelling on Lot 241 at the Ordinary Council Meeting held on the 17 November 2022. The dwellings were also second hand and were proposed to be refurbished.

At the November 2022 meeting, Council resolved as follows:

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

single house and ancillary dwelling) on Lot 241 (No 27) Polaris Street, Southern Cross.'

The owner did not proceed with the development, and has lodged an application for a different transportable dwelling.



Above: Location Plan

Comment

- Zoning and Land Use Permissibility**

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

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

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

A 'single house' is defined in the Residential Design Codes as '*a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for*

support of a wall or for access or services and excludes dwellings on titles with areas held in common property’.

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

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

Under Table 1, a single house is permitted in a Residential zone.

TABLE 1 - ZONING TABLE

ZONES							
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
USE CLASSES					r to Appendix		
43	Residential Single House Attached House Grouped Dwelling	P AA AA	AA AA				P AA AA

The Scheme has a separate definition for a ‘transportable dwelling’ which is defined as ‘*means a residential dwelling which has been constructed (whether within the District or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use as a residential dwelling.*’

It is a flaw that the Scheme has a definition for a ‘transportable dwelling’ but does not list ‘transportable dwelling’ in Table 1. This is problematic as:

- The development could be construed as a single house, which is essentially one house on a lot. As a single house is permitted in the Residential zone it could be argued that this development is permitted.
- There could be a legal argument that the development is a single house, and cannot be processed as a ‘use not listed’. A ‘use not listed’ is one that is not specifically mentioned in the zoning table, and cannot reasonably be determined as falling under one of the uses already listed in Table 1 (such as a single house).

The Shire would be disadvantaged if second hand transportable dwellings were treated as permitted in the Residential zone.

It is therefore recommended that the development be classified as a ‘transportable dwelling’ and a ‘use not listed’ in Table 1 based on the fact that the Scheme does differentiate between a single house and transportable structures.

In processing the dwelling as a ‘use not listed’ Council has three options under Clause 3.2.5 as follows:

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

TPI does not recommend Option 1.

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

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

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

TPI does not recommend Option 3.

- **Consultation**

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

Advertising closes on the 24 August 2024. At the time of writing this report no submissions had been received.

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

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

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

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

The transportable dwelling complies with the 'deemed to comply' requirements of the Residential Design Codes.

- **Assessment Comments**

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

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

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

Statutory Environment

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

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

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

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

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

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

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

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

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

Strategic Implications

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

The fact that a ‘transportable dwelling’ is defined in the Scheme, but is not listed in Table 1, causes a conflict as the dwelling could be construed as a single house which is permitted development in a Residential zone. If Council seeks to refuse any transportable dwelling in the future, and a decision is challenged at the State Administrative Tribunal, the Scheme provisions may disadvantage the Shire.

Policy Implications

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

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

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

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

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

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

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

	proposed and existing buildings for Council assessment.	
Policy 4.9 Transportable Dwellings and Additional Rural/Mining Dwellings Policy	Where a second hand or used transportable dwelling is proposed to be transported and placed on a lot in the district, it is still required to seek and obtain Council approval.	<p>The applicant has lodged a planning application seeking approval.</p> <p>A Policy cannot override the Town Planning Scheme, and it is the Scheme that determines whether planning approval is required.</p>

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

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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

127/2023

Moved Cr Granich/Seconded Cr Rose

That Council:

- Determine that the proposed transportable dwelling may be consistent with the objectives and purpose of the Residential zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval.*
- Note that:*
 - Shire Administration has commenced advertising of the planning application for Lot 241 (No 27) Polaris Street, Southern Cross. The application is being advertised for public comment until the 24 August 2023.*
 - The dwelling complies with all the 'deemed to comply' site requirements applicable under State Planning Policy 7.3 : Residential Design Codes.*
- Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a transportable dwelling on Lot 241 (No 27) Polaris Street, Southern Cross.*

CARRIED (6/1)

* Cr Nolan voted against the decision

9.1 Officers Report – Chief Executive Officer

9.1.2 CEACA Constitution Change

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	1 – Amendments to Constitution
	2 – Explanatory Statement

Purpose of Report

For Council to consider a proposed change to the Central East Accommodation & Care Alliance (CEACA) constitution.

Background

CEACA was established to conduct research in conjunction with the Wheatbelt Development Commission and Regional Development Australia (RDA) Wheatbelt, which found there was significant under-resourcing of housing, health care beds and other age-appropriate related resources across the region. Formed in 2012, CEACA's current membership includes the Shires of Bruce Rock, Kellerberrin, Merredin, Mt Marshall, Mukinbudin, Westonia, Wyalkatchem and Yilgarn.

Royalties for Regions grants ensured funding for the construction of 71 two-bedroom units across 11 shires in the Central East Wheatbelt Region. All 71 CEACA units were designed in accordance with the Liveable Housing Guidelines, which have been developed by industry leaders in consultation with community members and provide assurance that a home is easier to access, navigate and live in, as well more cost effective to adapt when life's circumstances change.

The first occupants moved into the units in October 2019 and the last of the sites, Bruce Rock, saw their first tenants enter the units in July 2020.

In January 2020, CEACA became a registered charity and as such, not only provide benefits to the elderly and disabled population in the Wheatbelt, but also to others who are experiencing hardship, are on low incomes or are otherwise struggling to find suitable, affordable accommodation in the region to remain living close to family and contribute to their local community.

With the 71 units completed and tenanted, CEACA's focus will move to investigating and developing partnerships and models to provide better care services across the region.

CEACA is currently exploring further funding opportunities, as well as looking at the possibility of managing accommodation owned by certain Member Shires.

At the CEACA Management Committee meeting held on the 29th May 2023, amendments to the CEACA constitution was tabled and considered, as follows:

4.1 Amendments to the Constitution

The Executive Officer spoke of the draft amendments to the Constitution and advised as follows:

- *Jackson McDonald reviewed the document and updated the membership terms as well as wording to ensure it was modern and up to date for charitable and tax for compliance. Changes are tracked.*
- *The document has been tabled to obtain approval for the draft changes and will be submitted for approval of CEACA members immediately after the August Management Committee meeting.*
- *Department of Communities has a copy of the draft and will advise if the wording is compliant with their requirements, should CEACA decide to apply for Registered Community Housing Provider status.*
- *75% of Members must approve the changes. A Members Meeting will be held in August.*

General discussion ensued.

ACTION ITEMS

- *The Executive Officer will continue with the review and set a date for a Members Meeting to finalise.*
- *All Members review the draft and discuss with their Councils to ensure full transparency and authority.*

RESOLUTION

It was resolved by the Members that the draft changes to the Constitution be approved for presentation at a Members Meeting in August 2023 or at the 2023 CEACA AGM.

CARRIED

Comment

CEACA's Executive staff have since provided a proposed amended constitution, as well as explanatory notes, of which both are attached.

The changes proposed, as per explanatory notes include:

1. **Vision of the Association (Paragraph 1.2)**
 "ageing population" changed to "current and future population".
 This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.
2. **Objects and Purpose of Association (Paragraph 1.3)**
 "aged" changed to "people in need including disadvantaged, aged and individuals with disabilities".
 This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

3. **Definitions (Paragraph 2.1)**
Various changes to bring the Constitution in line with the current standard clauses of charitable entities in respect of ACNC and Taxation related matters.
4. **Applying for Membership (Paragraph 5.4)**
Applicants to apply for a 3-year term.
5. **Becoming a Member (Paragraph 5.6)**
“and terms of Membership” added to the paragraph heading.
Membership terms to be 3-year terms.
6. **Resigning as a Member (Paragraph 7.2)**
A Member which resigns is liable to pay the remaining Membership fees, if any, related to a 3-year term.
7. **Annual Membership Levy (Paragraph 9.2)**
Annual membership levy to be paid annually or as otherwise determined by the Management Committee.
A Member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.
8. **Secretary and Treasurer (Paragraphs 11.5 and 11.6)**
With the approval of the Management Committee, the Secretary and Treasurer may delegate their duties to the Executive Officer of the Association.
9. **Special Resolutions (Paragraph 19.1)**
“sell transfer or otherwise dispose of any land owned by the Association” is added to the list of items requiring a special resolution (at least 75% approval of Members).
10. **Cancellation and Distribution of Surplus Property (Paragraph 29)**
Changes to the wording to comply with the current standard in accordance with ACNC and ATO requirements.
11. **Generally**
The lawyers have reviewed the Constitution and proposed wording changes where appropriate to comply with the current standard in accordance with the ACNC and ATO.

The reporting officer supports the proposed amendments, and recommends Council’s endorsement, however it should be noted as per proposed Clause 5.6(c), membership will transition to three year terms (commencing on the 1 July 2023 for Shire of Yilgarn), with the Shire required to pay any membership fees owing if resigning within the term.

The current annual membership fee is \$15,000 but this has been reduced from \$20,000. Estimated costs over the three years from 1 July 2023 is between \$45,000 to \$60,000. The 2023/2024 budget already has provision for annual membership fee.

Statutory Environment

Nil

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Commitment of annual fees for three year terms. Current annual fee is \$15,000, which has been reduced from \$20,000.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Lack of housing options are support services for in-need community members	High (15)	Council's ongoing involvement with CEACA helps to assist with providing housing options and support services in the district.
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)

Office Recommendation and Council Decision

128/2023

Moved Cr Close/Seconded Cr Guerini

That Council endorse the proposed amendments to the Central East Accommodation & Care Alliance Inc constitution, as presented.

And

That Council note the proposed constitution amendments will require the Shire of Yilgarn to commit funding for a minimum period of three years for each term. Currently annual fees are \$15,000.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Development Application - Proposed Workforce Accommodation (Parkers Camp) – Lot 1006 (adjacent to Burbridge Road), Marvel Loch

File Reference	3.1.1.2
Author	Liz Bushby, Town Planning Innovations
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	1. Layout Plans 2. Internal Layout Plans

Purpose of Report

Council is to consider a planning application for workforce accommodation on Lot 1006 which has frontage to Burbridge and Emu Fence Road, in Marvel Loch. The buildings will be second hand transportable structures.

Background

- **Location**

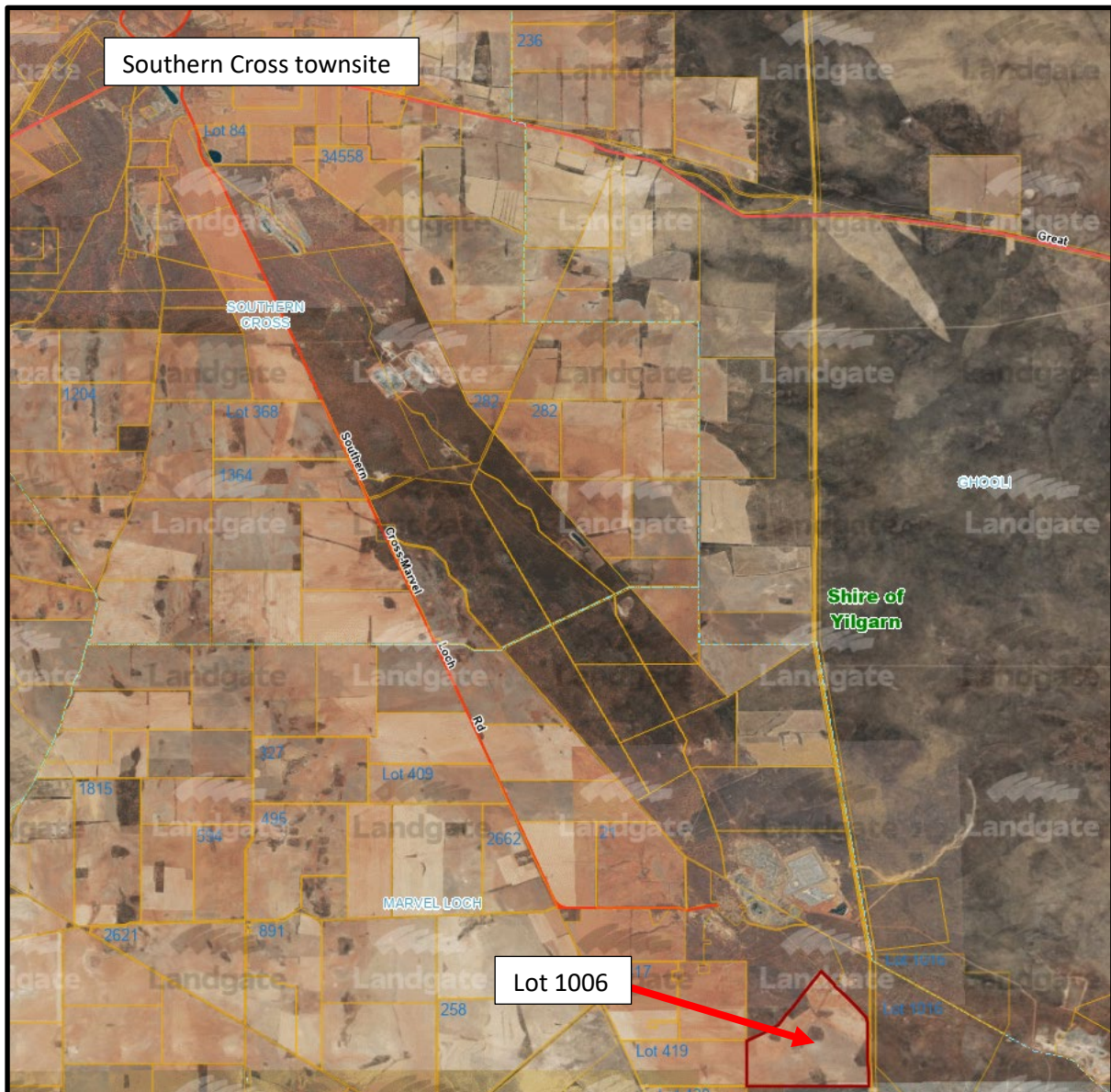
Lot 1006 is located in Marvel Loch, and has been developed with workers accommodation and supporting infrastructure, including a waste water treatment plant. The existing accommodation is known as ‘Parkers Camp’.

The applicant has advised that existing development includes:

- Accommodation for 99 people;
- A kitchen and dining room;
- One wet mess and beer garden;
- Two laundries and a toilet block;
- Recreation rooms such as common room and gymnasium;
- An office and medical room;
- Storage buildings and a maintenance shed;
- A locker room;
- Deisel generators and fuel storage; and
- A waste water treatment plant.

The lot has an approximate area of 804 hectares. It is approximately 32 kilometres to the south east of the Southern Cross.

A broad location plan and an aerial are included over page for convenience.



Above: Broad Location Plan

- **Owners Signature**

The applicant has lodged a planning application form, however as the Certificate of Title is in a company name, they have been requested to provide corrected owners signatures consisting of 2 Directors, or 1 Director and 1 Secretary.

At the time of writing this report, the applicant was organising the correct signatures. The application will not be determined until a corrected application form is lodged.



Above: Aerial Plan

Comment

- **Description of Application**

The application proposes;

- An additional 34 four room accommodation buildings which will cater for 136 workers;
- 3 new laundries;
- A new locker room and gymnasium;
- Expansion of the existing dining room area by approximately 95m²;
- A café alfresco area adjacent to the existing mess; and
- A new storage shed.

Site plans are included as **Attachment 1**. The applicant has advised that Stage 1 (eight buildings) will be second hand structures, whereas State 2 will be new buildings.

In support of the application the applicant has advised that;

- The proposed camp expansion is required to move operation teams closer to the Parker Range mine site from existing camps at Koolyanobbing and Windarling, and to facilitate construction teams for construction of the Parker Range haul road.
- There will be no change to the food preparation processes that occur at the camp. There will be a minor increase in food waste volumes due the increase of workers, however it can be managed within existing facilities and processes.
- The camp will continue to operate for 24 hours per day, 7 days per week.
- The new accommodation will cater for an additional 100 people. The total number of persons to be accommodated at the camp will be approximately 235 persons.
- Truck and traffic movements will increase slightly to accommodate the additional people. However, there will be a decrease in people travelling from Koolyanobbing and Windarling, therefore traffic increase is expected to be insignificant.
- There will be no change to the types of goods stored at the camp and no change to the type of machinery used.

- **Zoning and Land Use Permissibility**

Lot 1006 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Part of the planning assessment for any application involves determining which land use definition from the Scheme 'best fits' the proposal. The application proposes transportable buildings to be made available for workforce accommodation, associated with the mining industry. It also proposes other uses and development to support the main accommodation camp.

The land use of 'workforce accommodation' is not defined in the Scheme, or listed in Table 1 under the Scheme.

Table 1 lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 1 outline the permissibility of land uses in different zones.

As 'workforce accommodation' is not listed in Table 1, it can be processed as what is referred to as a 'Use Not Listed'.

In processing the workforce accommodation as a 'Use Not Listed' Council has three options under Clause 3.2.5 of the Scheme as follows:

Option 1 - Determine that the workforce accommodation use is consistent with the objectives and purposes of the Rural/Mining zone and is therefore permitted.

TPI does not recommend Option 1. If Council determines that workforce accommodation is permitted in the Rural/Mining zone, it will set a precedent for all future similar applications to also be treated as a permitted use in the same zone.

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

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

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

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

- **Advertising**

The application has to be advertised for a minimum of 28 days. Shire Administration has commenced advertising the application through a notice published on the Shire website, and a letter sent to a nearby landowner. Advertising will close on the 24 August 2023.

TPI has informally liaised with the Department of Health who has advised that '*a new wastewater application is required for the expansion*'.

- **Setbacks and Site Requirements**

There are no specific setbacks or site requirements outlined in the Scheme. The setbacks of existing development in the locality appears varied.

- **Car Parking**

The Scheme has no specific car parking ratios for 'workforce accommodation' under Table 2 of the Scheme. Notwithstanding the above, Council can reasonably require car parking to be provided on site.

The applicant has advised that any traffic increase will be marginal and will be managed within existing facilities. Any increase of traffic associated with the increased accommodation will partially be mitigated by a decrease of traffic from the existing camps at Koolyanobbing and Windarling.

Car parking is not considered to be an impediment to the development. Lot 1006 has sufficient area to accommodate carparking on site.

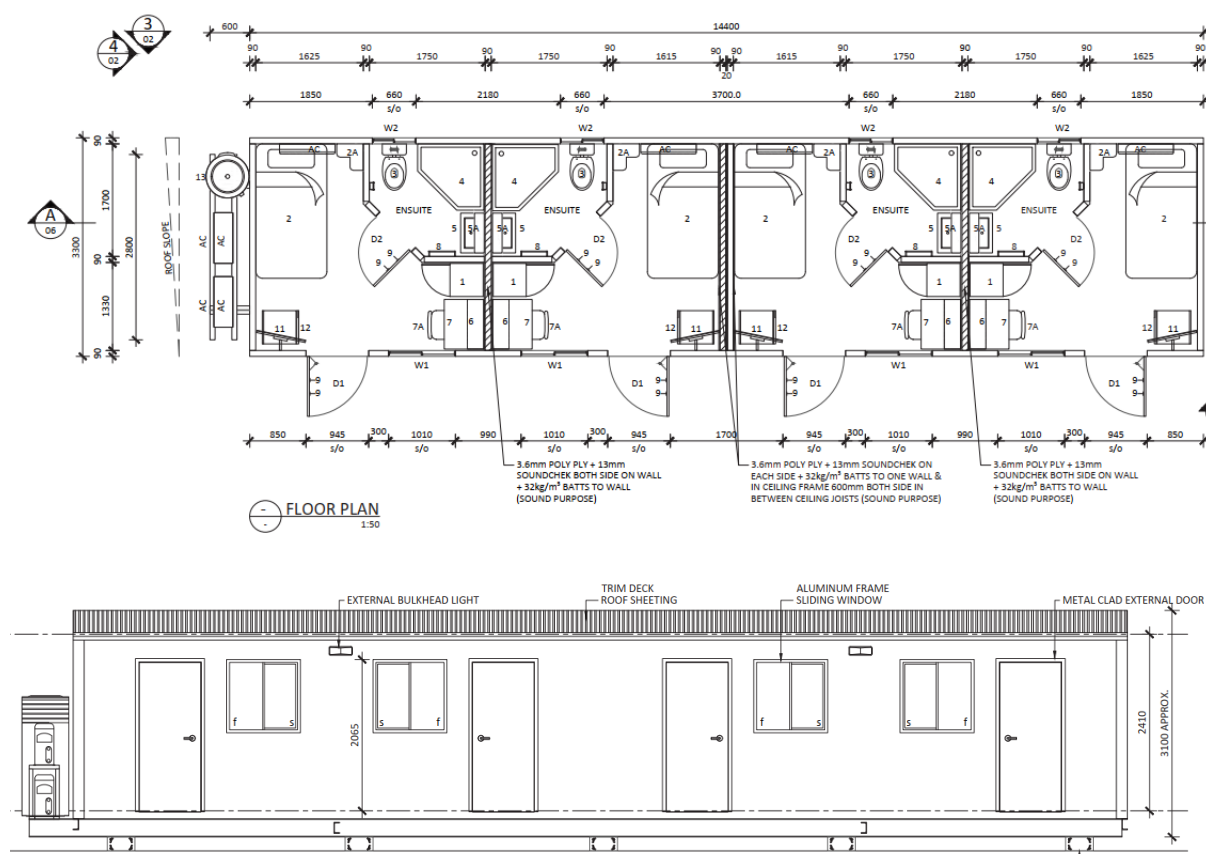
- Elevations and floor plans**

The applicant has provided elevations and floor plans that are typical of accommodation at Parkers Camp. They have advised that the expansion will be consistent with these plans, however they can provide more definitive details to the Shire upon procurement.

The Shire has the ability to approve application ‘subject to later approval of details’.

Having regard that there is an established camp on the lot, the isolated location of the property, and that the development is expanding an existing camp, the Shire can issue an approval subject to conditions requiring lodgement of additional plans.

The ‘typical’ floor plan and elevations supplied are included below.



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.

The application is classified as a ‘complex application’ under the Regulations. A ‘complex application’ is defined as *‘an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located’*.

Under Clause 64 (6)(a) of the Regulations, a ‘complex application’ must be advertised for a minimum of 28 days.

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

Under the Model Provisions of the Regulations, which is a model template used for new or amended town planning schemes, the term ‘workforce accommodation’ is defined as *‘means premises, which may include modular or relocatable buildings, used -*

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.’*

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

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

Strategic Implications

There are no known strategic implications associated with the proposed development.

Policy Implications

- ***Western Australian Planning Commission (WAPC) Position Statement on Workforce Accommodation***

Whilst not a State Planning Policy, the WAPC has a Position Statement that outlines:

- (a) The development requirements for workforce accommodation under the *Planning and Development Act 2005* and associated Regulations.
- (b) That local governments can include scheme provisions addressing the suitability of sites, access, capability with surrounding development and facility design.
- (c) That local governments can prepare and adopt local planning policies to guide workforce accommodation developments.

- **Shire of Yilgarn Policy Manual**

The Shire has a Policy Manual dating back to at least June 2012.

The Policy Manual includes some town planning and building policies, however those policies have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

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

There are no known local planning policy implications associated with this development.

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

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

Officer Recommendation and Council Decision

129/2023

Moved Cr Rose/Seonded Cr Cobden

That Council:

- Determine that the proposed workforce accommodation may be consistent with the objectives and purpose of the Rural/Mining zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval.***
- Note that Shire Administration has commenced advertising of the planning application for Lot 1006 (adjacent to Burbridge Road) in Marvel Loch. Advertising closes on the 24 August 2023.***
- Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for workforce accommodation on Lot 1006 (adjacent to Burbridge Road) in Marvel Loch.***

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Covalent Lithium Road Use Agreement

File Reference	3.2.1.31
Disclosure of Interest	None
Voting Requirements	Absolute Majority (Revoke), Simple Majority (New Motion)
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Cr Philip S Nolan declared a financial interest pursuant to section 5.60A of the Local Government Act 1995 in relation to agenda item 9.1.4, 'Covalent Lithium Road User Agreement' due to potential financial gain by supplying material for road construction.

Cr Nolan left the meeting at 5.21pm

Purpose of Report

For Council to endorse the commencement of construction of the Covalent Lithium Haul Road prior to execution of a Road Use Agreement.

Background

The Shire of Yilgarn have been working with Covalent Lithium over a number of years, in relation to the development of the lithium mine at Mount Holland, and subsequently, the upgrade of Shire roads for hauling purposes.

The Shire and Covalent Lithium have undertaken significant negotiations relating to the road use agreement, with a number of iterations of the agreement produced to date.

At a session with Covalent and Councillors on the 31 July 2023, a number of items were discussed which related to the road use agreement, of which are currently being progressed by staff.

One item discussed related to a previous requirement of Council that construction of the haul road is unable to commence until such time as the Road Use Agreement was executed.

At the November 2022 Ordinary Council meeting, the following was resolved:

276/2022

Moved Cr Nolan/Seconded Cr Cobden

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

CARRIED (6/0)

Covalent raised concerns with this requirement, stating they needed to commence the construction works in mid-August to ensure the first stage of sealing works could be completed prior to Winter 2024.

Comment

Councillors present on the 31st July 2023 session discussed that as Covalent are currently responsible for maintenance of the haul road, and that a cost liability for the Shire doesn't eventuate until such time as a seal is put in place, it was the consensus that a decision could be put to the next Council meeting, of which allows Covalent to commence construction works, without an executed road use agreement, however sealing works are not permitted to commence until such time as an agreement is in place.

As a decision has already been resolved in this regard, Council will need to move a rescinding motion before a new motion can be considered.

Statutory Environment

Nil

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Liability of road upgrade without agreement in place.	Moderate (9)	Without a seal the works to be completed will be a benefit to the Shire.
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)

Revoking of Previous Decision

130/2023

Moved Cr Guerini/Cr Cobden

That Council, by Absolute Majority, revoke the requirement in decision 276/2022 that requires a road user agreement prior to any construction commencing for the Covalent Lithium haul road works.

The original decision read:

276/2022

Moved Cr Nolan/Seconded Cr Cobden

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

CARRIED (6/0)

CARRIED BY ABSOLUTE MAJORITY (6/0)

Officer Recommendation and Council Decision

131/2023

Moved Cr Guerini/Seconded Cr Granich

That Council endorse construction works for the Covalent Lithium Haul Road, involving the upgrade of Parker Range Road and Marvel Loch Forrestania Road, to commence prior to having an executed Road Use Agreement, on the condition no sealing works are permitted to commence unless a road use agreement is executed.

CARRIED (5/1)

*Cr Close is recorded as being against the decision

Cr Nolan rejoined the meeting at 5.28pm

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-July 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 July 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

132/2023

Moved Cr Cobden/Seconded Cr Close

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – July 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 41230 to 41232 totalling \$691.30
- Municipal Fund - EFT 14212 to 14284 totalling \$556,971.44
- Municipal Fund – Cheques 2196 to 2214 totalling \$265,000.82
- Municipal Fund - Direct Debit Numbers:
 - 18030.1 to 18030.14 totalling \$4,965.19
 - 18031.1 to 18031.14 totalling \$18,999.62
 - 18060.1 to 18060.14 totalling \$24,395.55
- Trust Fund – EFT 14210 to 14211 totalling \$10,335.30

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)
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

133/2023

Moved Dr Close/Seconded Cr Guerini

- **Municipal Fund – Cheques 41230 to 41232 totalling \$691.30**
- **Municipal Fund - EFT 14212 to 14284 totalling \$556,971.44**
- **Municipal Fund – Cheques 2196 to 2214 totalling \$265,000.82**
- **Municipal Fund - Direct Debit Numbers:**
 - **18030.1 to 18030.14 totalling \$4,965.19**
 - **18031.1 to 18031.14 totalling \$18,999.62**
 - **18060.1 to 18060.14 totalling \$24,395.55**
- **Trust Fund – EFT 14210 to 14211 totalling \$10,335.30**

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

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write Off of Uncollectable Debt

File Reference	8.2.1.5 & A101147
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of an outstanding but uncollectable rates debt.

Background

Tenement E77/02404 was first granted effective 7th July 2017 to a Mr Steven Parnell. Initial interim rates raised (\$393.42) were paid in full with the then accrued interest amount of \$16.72 on the 13 April 2018. Since this time no payment of Rates or interest charges have been received. The assessment is rated on a minimum basis.

The tenement death is recorded as effective 2nd August 2021.

Comment

Collection action (General Procedural Claim) has been unable to proceed as AMPAC (Councils appointed collection agents) has been unable locate Mr Parnell. AMPAC have been advised that further investigation into this matter has been deemed not to be cost effective and to close the file.

The following amounts are currently outstanding for Assessment A101147:

Levies	Receipts	Balance	C/A	Description
1235.07	0.00	1235.07	A	Rates
431.20	0.00	431.20	C	Interest
967.25	0.00	967.25	C	Legal Charges
=====				
2633.52	0.00	2633.52		*** TOTALS ***

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Nil

Policy Implications

Council Policy

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

Financial Implications

Write-off of \$2,633.52 in uncollectable Rates revenue.

The 2023/2024 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which NIL has been utilised.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Rate Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil

Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure rate write-offs are endorsed by Council.
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

134/2023

Moved Cr Close/Seconded Cr Guerini

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the amount of \$2,633.52 in outstanding Rates, Interest & Legal Charges for Assessment A101147

CARRIED (7/0)

10 APPLICATIONS FOR LEAVE OF ABSENCE

135/2023

Moved Cr Cobden/Seconded Cr Granich

That Cr Rose be granted a leave of absence from the September 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

Nil

14 EMERGING ISSUES

Cr Nolan requested permission from the presiding member to raise a number of emerging issues. Cr Della Bosca, as presiding member, agreed for Councillors to raise and emerging issues.

Cr Nolan issues raised:

1. *Has the Shire of Yilgarn noticed the powder that is being dropped on the west side of Lake Polaris opposite Caltex.*

CEO Response: CEO is aware of deposits, and has liaised with the responsible entity. They have investigated the matter and had put controls in place. The CEO advised he would follow up again.

2. *There is the ongoing issue of rubbish on the Marvel Loch Road, the Emu Fence Road south of the Parkers Range camp and the Marvel Loch/Forrestania Road south of the Parkers Range turn off.*

CEO Response: We will contact the companies using this road and raise the issue.

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, 17 August 2023, are confirmed on Thursday, 21 September 2023 as a true and correct record of the August 2023 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT