



Minutes

Ordinary Meeting of Council

16 May 2024

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Table of Content

1 Declaration of Opening/Announcement of Visitors.....	3
2 Announcements from the Presiding Member.....	3
3 Attendance.....	3
4 Declaration of Interest.....	3
5 Public Question Time.....	3
6 Confirmation of Minutes.....	4
7 Presentations, Petitions, Deputations.....	5
8 Delegates' Reports.....	6
9 Officers' Reports.....	7
9.1 Chief Executive Officer	
9.1.1 2024 WALGA Annual Convention.....	7
9.1.2 Standardised Meeting Procedures Review Submission.....	10
9.1.3 Proposed Outbuilding-Lot 734 (No 2) Pictoris Street, Southern Cross.....	13
9.1.4 YSSSA Waiver of Sports Complex Oval and Outdoor Netball Court Hire Fee.....	19
9.2 Executive Manager Corporate Services	
9.2.1 Financial Reports April 2024.....	23
9.2.2 Accounts for Payment April 2024.....	27
9.2.3 2024/2025 Councillor Sitting Fees.....	31
9.2.4 2024/2025 Schedule of Fees and Charges.....	44
9.2.5 Changing Methods of Valuation of Land-Mt Holland Camp.....	50
9.2.6 Changing Methods of Valuation of Land-Parker Range Camp.....	54
9.3 Executive Manager Infrastructure	
10 Application for leave of absence.....	58
11 Motions for which previous notice has been given.....	58
12 New business of an urgent nature introduce by decision of the meeting.....	58
13 Meeting closed to the public-Confidential Items.....	58
14 Closure.....	58

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.10pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

Members
Cr W Della Bosca
Cr Close
Cr B Bradford
Cr G Guerini
Cr L Granich
Cr L Rose
Cr Newbury

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	L Della Bosca	Minute Taker

Apologies:	G Brigg	Executive Manager Infrastructure
	F Mudau	Finance Manager

Observers: Kaye Crafter, Leanne Michielsen, Honor Mann, Yang Du and Farai Chombo

Leave of Absence: Nil

4. DECLARATION OF INTEREST

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

Kaye Crafter attended public question time and posed the following questions;

Question *With the extra trucks using the Koolyanobbing Road I have noticed an increase in the rubbish being left on the road side, when Cliffs owned Koolyanobbing mine they would clean the verges regularly, could this be raised with Mineral Resources?*

Answer The President referred the question on to the CEO, Nic Warren, who advised he would take the question on board and liaise with Mineral Resources.

Question *Will the Shire place extra counters on the Koolyanobbing Road to record the extra traffic?*

Answer The President referred the question on to the CEO, Nic Warren, who advised counters are currently on Koolyanobbing Road.

Question *Is the Shire going to upgrade the Koolyanobbing Road due to the extra traffic.*

Answer The President confirmed that the issue of the heavy traffic on the Koolyanobbing road is an ongoing issue that is being dealt with by the Shires executive staff.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 18 April 2024

54/2024

Moved Cr Guerini/Seconded Cr Rose

That the minutes from the Ordinary Council Meeting held on the 18 April 2024 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Great Eastern Country Zone (GECZ), Thursday, 11 April 2024

55/2024

Moved Cr Rose/Seconded Cr Newbury

That the minutes from the GECZ Meeting held on the 11 April 2024 be received.

CARRIED (7/0)

6.3 Wheatbelt East Regional Organisation of Council (WEROC), CEO Committee,
Monday, 15 April 2024

56/2024

Moved Cr Guerini/Seconded Cr Newbury

That the minutes from the WEROC CEO Committee Meeting held on the 15 April 2024 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Honor Mann-Environment Manager, Yang Du, Mining Manager and Farai Chombo-Principal Mining Engineer from Barto Gold Mining attended Council and give a presentation on the Frasers Underground Project.

The project is to be completed in two stages after the initial dewatering which will be completed in the next couple of months. Stage one will then be the underground rehab, mining waste from the underground workings will be deposited in the pit. Stage two is the production phase where the ore will be mined and transported to the surface and stockpiled for transportation to Marvel Loch for processing. A dust management plan has been developed by an external consultant with real time monitoring of conditions allowing Barto to manage the dust efficiently, water carts will be used for dust suppression. Two vibration monitors will be installed in Southern Cross providing real time information. Noise and vibration modelling has been completed demonstrating the project will meet environmental guidelines. Employment opportunities will be advertised as well as Barto continuing its community sponsorship.

Honor Mann, Yang Du and Farai Chombo thanked Council for their time and invited questions.

Nic Warren, CEO- Shire of Yilgarn, enquired if Barto would be utilising housing stock intown instead of having FIFO or DIDO employees

Honor Mann replied that it is an option to be looked at.

Cr Newbury enquired if Barto are open to employing young people or running traineeships.

Honor Mann replied that it would depend on the position and noted that they do have younger employees working on the Jaccoletti mine.

Cr Rose enquired if Barto would advertise employment opportunities in the crosswords so local people are made aware of opportunities and also referred to Bartos Community sponsorship in relation to the Bullfinch Shooting Club. The Club had enquired about community sponsorship and Cr Rose noted a lack of response to the enquiry.

Honor confirmed that Barto has had issues with staff turnover in the community area recently but this should not be a problem going forward.

C Bradford enquired if any of Bartos employees and their families had moved to Southern Cross? During Bartos community consultation last year regarding the reopening of the Frasers pit Barto had advised that there was an option for the relocation of employees with their families to Southern Cross. It was advised there could be as many as 12 family units' relocating to Southern Cross for employment with Barto.

Honor Mann advised that it had only been an option and is unsure what the turnout has been.

Cr Della Bosca thanked Honor Mann, Yang Du and Farai Chombo for their time and they left the meeting at 5.32pm.

8. DELEGATES' REPORTS

Cr Della Bosca announce the following;

- Attended the Dawn ANZAC Service
- Attended the GECZ meeting on the 24 April 2024
- Attended the WEROC meeting on the 9 May 2024
- Attended the CEACA meeting on the 13 May 2024

Cr Newbury announced the following;

- Attended the Agcare meeting on the 23 April 2024
- Attended the Yilgarn Community Support Group Meeting on the 30 April 2024

Cr Granich announced the following;

- Attended the ANZAC day service
- Attended the Yilgarn Community Support Group meeting on the 30 April 2024

9.1 Officers Report – Chief Executive Officer

9.1.1 2024 WALGA Annual Convention

File Reference	1.6.21.12
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Nil

Purpose of Report

To inform Councillors of the dates and venue for the 2024 WALGA Local Government Convention and Exhibition.

Background

WALGA have notified Local Governments of the dates and venue for the WALGA Local Government Convention and Exhibition.

The conference key dates are as follows:

Exhibition Open and Welcome Drinks:	Tuesday, 8 October
Gala Cocktail Function:	Wednesday, 9 October
Convention Dates:	Wednesday, 9 - Thursday 10 October

This year's Convention will take place at the Perth Convention and Exhibition Centre.

The theme for the convention is Innovation Ecosystem, which according to WALGA:

Innovation Ecosystem speaks to the ability of WALGA and the sector to foster dynamic change within the fabric of WA through collaboration, promotion and daring to think big. It will evoke new ideas, heightened passion for communities and facilitate connections for ongoing skills and ideas sharing within the Local Government sector.

Comment

Cr's Della Bosca, Rose and Granich along with the CEO represented Council at the 2023 Convention.

To allow staff to adequately plan for the 2023/2024 budget, it would be appreciated if Councillors could advise the CEO as early as possible of their intention to attend the 2024 Conference.

Early notification and registration may also provide better access to accommodation close to the venue.

The CEO will seek voting delegates for the WALGA AGM from Councillors attending at a later date.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure training programs for Elected Members and Staff.

Policy Implications

Nil.

Financial Implications

Council allocates funds within its Annual Budget to accommodate those Councillors wishing to attend the Convention.

Risk Implications

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

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

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

Officer Recommendation and Council Decision

57/2024

Moved Cr Rose/Seconded Cr Guerini

That Council authorises the CEO and any willing Councillors to attend the 2024 WALGA Local Government Convention and Exhibition.

Councillors are to advise the CEO of their intention to attend the 2024 Convention.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Standardised Meeting Procedures Review Submission

File Reference	1.6.26.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider and endorse a submission from the Shire of Yilgarn in regards to the Department of Local Government, Sport and Cultural Industries consultation for standardisation of local government council and meeting procedures.

Background

A three-month consultation period is now open to inform the development of new regulations and guidance materials to standardise local government council and meeting procedures in WA.

The proposed state-wide regulations would replace individual council procedures, standing orders and local laws, and are part of the first tranche of local government reforms which were passed by WA Parliament in May 2023.

Comment

The Department of Local Government, Sport and Cultural Industries has produced a Consultation paper and online survey.

The Chief Executive Officer has compiled a submission, utilising the Departments consultation paper, of which is attached for Councillors review. Responses are shown in red within the attachment.

Councillors and the public may also make their own submission.

Statutory Environment

Local Government Act 1995

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Failure to advocate for the Shire of Yilgarn Council and Community	Low (2)	Submission ensures Council's voice is heard in regards to consultation.
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

58/2024

Moved Cr Newbury/Seconded Cr Rose

That Council endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper, relating to standardisation of local government council and meeting procedures in Western Australia.

And

That Council endorse the CEO submitting the responses to the Department of Local Government, Sport and Cultural Industries via the online survey, on behalf of the Shire of Yilgarn.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Proposed Outbuilding–Lot 734 (No 2) Pictoris Street, Southern Cross

File Reference	3.1.1.2
Author	Liz Bushby, Town Planning Innovations
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
Attachments	Set of Plans

Purpose of Report

Council is to consider a planning application for an outbuilding on Lot 734 (No 2) Pictoris Street, Southern Cross.

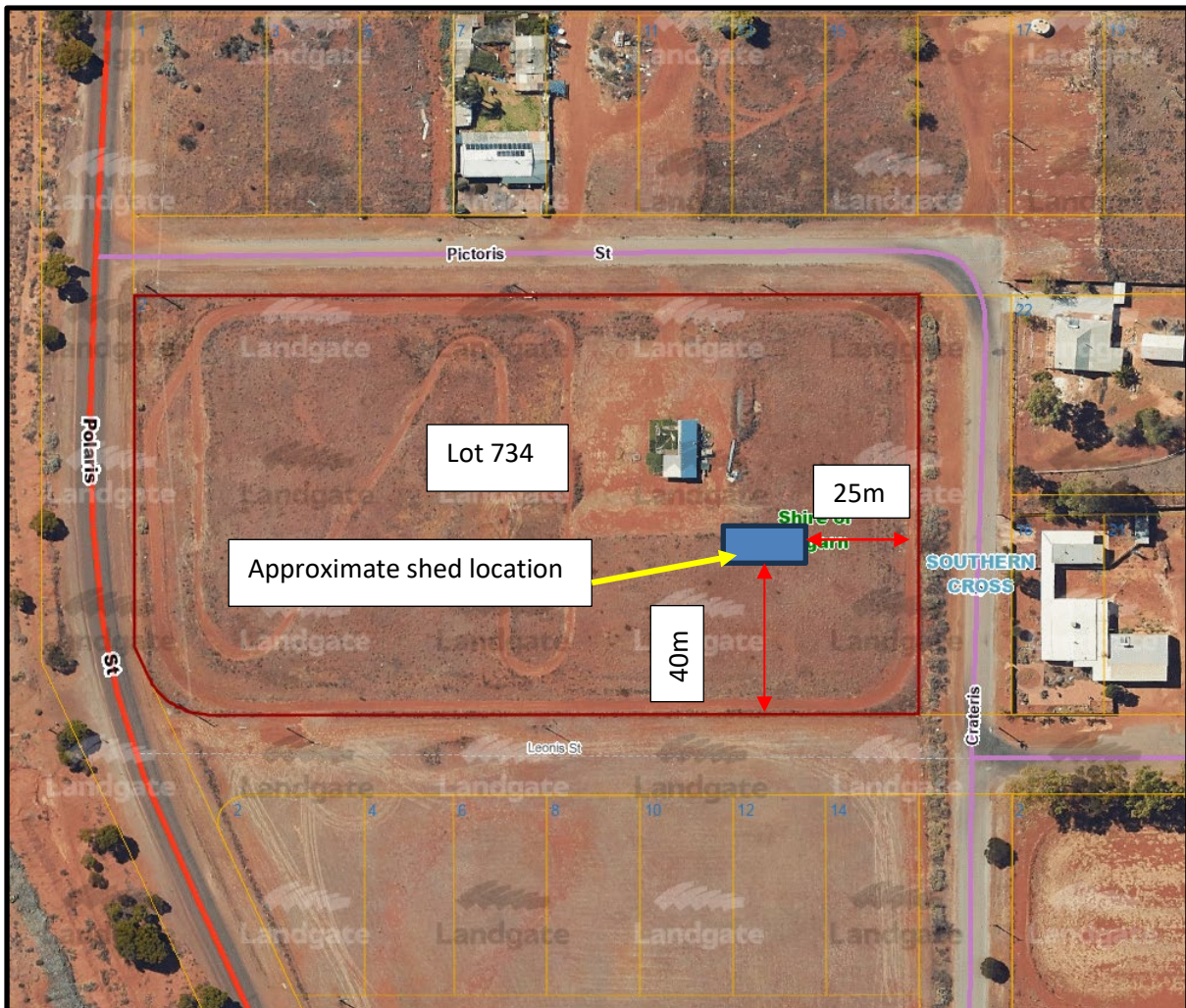
Background

- **Location and Existing Development**

Lot 734 is located in the southern part of the Southern Cross townsite. The closest intersection is Pictoris Street and Leonis Street.

The lot contains an existing dwelling and has an approximate area of 1.78 hectares.

A location plan is included over page for convenience



Above: Location Plan

Comment

- Zoning**

Lot 734 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

No density code applies to the 'Rural/Mining' zone under the Scheme, and no assessment is required under the Residential Design Codes, as the lot is not within a Residential zone.

- **Description of Application**

An outbuilding is proposed to be setback approximately 25 metres from the Crateris Street lot boundary, and 40 metres from the Leonis Street lot boundary.

A floor area of 96m² is proposed with a 3.5 metre wall height. It is proposed to be constructed out of a deep ocean blue colorbond material.

- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether there will be negative visual impact associated with the proposed structure, or potential for negative impact on neighbouring lots or the existing streetscape.

The proposed outbuilding will be visible from neighbouring lots that have been developed with houses, due to the fairly level and flat nature of the topography in the area. TPI generally supports the development having regard for the size of the lot and the setbacks proposed to the nearest lot boundaries, however any neighbour comments need to be taken into account.

- **Consultation**

The application is being advertised for public comment. Advertising closes on 7 June 2024.

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.

The term ‘works’ includes ‘any demolition, erection, **construction**, alteration of or addition to any building or structure on the land’ under the Regulations. (**bold for emphasis**).

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.*’

A single house is permitted in the Rural/Mining zone under Table 1 (the Zoning Table),

Under Clause 6.1.2 (d) of the Scheme both a single house and ancillary outbuildings are listed as exempt from the need for planning approval (as a single house is permitted in the Rural/Mining zone) – refer table below.

No.	Column 1 Works	Column 2 Conditions
22	The erection of, or alterations or additions to, a single house on a lot including ancillary outbuildings.	(a) Within the Townsite or Rural/Mining zones if a single house is a permitted (“P”) use in the zone (where the R-Codes do not apply); (b) The works are not a ‘second-hand’ or ‘re-purposed’ dwelling. (c) The works are not located in a heritage-protected place.

Being a Permitted Use ‘*means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme*’. The Scheme has no specific standards or setback requirements for an outbuilding in the Rural/Mining zone.

Clause 18(5) states that ‘*If a use of land is identified in a zone as **being a class P** or class I use, the local government may not refuse an application for development approval for that use in that zone **but may require works that are to be undertaken in connection with that use to have development approval.***’ (bold for emphasis).

Planning approval is being required as the development includes proposed ‘works’ to construct the outbuilding.

Strategic Implications

Approval of the development may set a precedent for similar setbacks and similar sized (agricultural) outbuildings in the Rural/Mining zone.

Policy Implications

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

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)
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

59/2024

Moved Cr Close/Seconded Cr Granich

That Council:

- A. Note that the application for an outbuilding on Lot 734 (No 2) Pictoris Street, Southern Cross is being advertised for public comment.***

- B. 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 an outbuilding on Lot 734 (No 2) Pictoris Street, Southern Cross.***

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 YSSSA Waiver of Sports Complex Oval and Outdoor Netball Court Hire Fees

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

Purpose of Report

To submit to Council a request from the YSSSA Committee for the waiving of the Sports Complex Oval and Outdoor Netball Court Hire fees for use for the Winter Carnival.

Background

The Shire is in receipt of a request from the YSSSA Committee, comprising of Southern Cross District High School, St Josephs Catholic School and Moorine Rock Primary School, seeking a waiver of fees and charges associated with hiring the sports complex oval and outdoor netball courts for the purpose of allowing the pupils of all three school to join together and compete in football and netball in the Winter Carnival. The carnival will take place on the 12 June 2024.

The proposed use of the facility's hire fee to be waived is calculated at \$555.00.

Comment

Council's Delegation No. LGA14 only allows the CEO to waive hire fees for an amount less than \$500.00.

As such, Council must make a determination on the waiver.

The reporting officer sees this is a great opportunity to further utilise the Sports Complex facilities, whilst also benefitting the youth at Southern Cross District High School, St Josephs Catholic School and Moorine Rock Primary School. A such, it is recommended that Council endorse the waiver.

Statutory Environment

Delegation Register

LGA14 Donations and Waiver of Hire Fees

Date Adopted:	17 March 2016
Document Control:	Reviewed – 18 April 2024 Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	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 of \$555.00.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	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 additional sporting activities.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputation damage by not seizing an opportunity to adhere to the	Low (3)	Waiver enables the shire to continue its commitment to the

	Strategic Community Plan in relation to Social outcomes		Strategic Community Plan.
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

60/2024

Moved Cr Close/Seconded Cr Guerini

That Council waives the fees associated with hire of the Sports Complex Oval and Outdoor Netball Courts for one day, for the YSSSA Committee, being \$555.00, allowing students to compete in the Winter Carnival.

Council are to note the bond will still be payable.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-April 2024

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 30 April 2024

- 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

61/2024

Moved Cr Close/Seconded Cr Guerini

That Council endorse the various Financial Reports as presented for the period ending 30 April 2024.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – April 2024

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 41271 to 41273 totalling \$4,991.00
- Municipal Fund - EFT 15120 to 15200 totalling \$331,485.26
- Municipal Fund – Cheques 2362 to 2378 totalling \$281,625.22
- Municipal Fund - Direct Debit Numbers:
 - 18742.1 to 18742.14 totalling \$25,671.60
 - 18778.1 to 18778.14 totalling \$25,532.88

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

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

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

Officer Recommendation and Council Decision

62/2024

Moved Cr Close/Seconded Cr Rose

- *Municipal Fund – Cheques 41271 to 41273 totalling \$4,991.00*
- *Municipal Fund - EFT 15120 to 15200 totalling \$331,485.26*
- *Municipal Fund – Cheques 2362 to 2378 totalling \$281,625.22*
- *Municipal Fund - Direct Debit Numbers:*
 - *18742.1 to 18742.14 totalling \$25,671.60*
 - *18778.1 to 18778.14 totalling \$25,532.88*

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 2024/25 Councillor Sitting Fees

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

Purpose of Report

To set Councillors Sitting Fees for 2024/25.

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 2024/2025 financial year, the tribunal has determined that remuneration, fees, expenses, and allowance ranges for Band 3 Councils will increase by 4% from those determined for the 2023/24 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	\$213	\$447	\$213	\$686

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;

Band	For a Council Member (including Mayor or President)		For an Independent Member	
	Minimum	Maximum	Minimum	Maximum
3	\$104	\$224	\$0	\$224

In December 2023, s5.98 & s5.100 of the Act were repealed and replaced with what is included under the Statutory Environment of this recommendation. The previous s5.100 stated:

5.100. Payments for certain committee members

- (1) *A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.*
- (2) *Where —*
 - (a) *a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and*
 - (b) *a maximum amount for reimbursement of expenses has been determined for the purposes of section 5.98(3)(b),*

the local government must ensure that the amount reimbursed to that person does not exceed that maximum.

[Section 5.100 amended: No. 2 of 2012 s. 18.]

This precluded any payment of sitting fees to Community Representative of the Audit Committee or Chief Executive Officer Selection Committee (when constituted).

Council Members who were also Committee member alongside community representatives were also precluded from receiving sitting fees because of s5.98 which stated (in part):

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.

.....

(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.

s. 5.98 (7) was also repealed in December 2023.

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;

Band	For a mayor or president	
	Minimum	Maximum
3	\$1,113	\$39,988

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	Cents per Kilometre		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
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 2023/2024 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 2023/2024.

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 make any payment to, or 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 —
 - (a) this Division; or
 - (b) a policy adopted by the local government under section 5.129.

[(7) *deleted*]

[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14; No. 11 of 2023 s. 79.]

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.]

5.100. Fees paid and expenses reimbursed to committee members

- (1) In this section —
committee member means a person who is a committee member but who is neither a council member nor an employee;
determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7BAA.
- (2) A committee member who attends a meeting of the committee is entitled to be paid —
 - (a) the fee determined for attending a committee meeting; or
 - (b) if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.
- (3) A committee 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) if the local government has set a fee within the range determined for meetings of that type — that fee.
- (4) Subsection (5) applies if a committee member incurs —
 - (a) an expense that is of a kind prescribed as being an expense to be reimbursed by all local governments; or
 - (b) an expense —
 - (i) that is of a kind prescribed as being an expense which may be approved by any local government for reimbursement by the local government; and
 - (ii) which has been approved by the local government for reimbursement.
- (5) The committee member must be reimbursed for the expense —
 - (a) if the extent of reimbursement for the expense has been determined — to that extent; or
 - (b) if 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.
- (6) If an expense is of a kind that may be approved by a local government for reimbursement, 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 (5) if the local government has approved reimbursement of the expense in a particular case.

- (7) A local government cannot make any payment to, or reimburse an expense of, a person who is a committee member in that person's capacity as committee member unless the payment or reimbursement is in accordance with this section.

[Section 5.100 inserted: No. 11 of 2023 s. 80.]

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 —
- electd 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 2024/2025 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		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

63/2024

Moved Cr Guerini/Seconded Cr Close

That Council adopts the following elected members sitting fees, expense reimbursements/allowances and President & Deputy Presidents allowances for the 2024/2025 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	
Independent Committee Member			
Audit & Risk Committee		\$200	
Other Applicable Committees		\$200	

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2024/25 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson–Executive Manager Corporate Services
Attachments	Proposed 2024/2025 Schedule of Fees & Charges.

Purpose of Report

To consider the fees & charges to be applied in 2024/25.

Background

The Local Government Act 1995 allows for 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 1st July 2024, 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 1st July 2024.

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 2023/2024, however a summary of the recommended changes follows:

- Page 1 – Add an ability to impose an amount of interest (11%) on standard debtor amounts which remain unpaid after 60 days owing.
- Page 5 – Remove subsidised rental of 80 Spica St to the Chemist.
- Page 6 – Add a daily and weekly rental fee in Professional House for 11 Antares Street.
- Page 6 – Add the sale of Rubbish Bin spare parts and the Admin Fee 12% to both sale of bin and sale of parts.
- Page 6 – Increase the Refuse Disposal Fee for disposing of Tyres by \$10 - \$20 each size.
- Page 7 – Add the Annual Sports Club Fee for the Yilgarn Cricket Association and better define what the annual fee includes

- Page 8 – Increase the Swimming Pool Lane Hire and Facility Hire fees.
- Page 9 – Increase the fee for sale of Gravel & Sand to better reflect actual costs to Council and include sale of Aggregate.
- Page 9 – Increase Standpipe water fees to reflect increase in supply costs.
- Page 10 – Relatively minor increase in accommodation fees for Sandalwood and Kurrujong Rooms and annual 11 Antares St Shop Front Rental fees increased by CPI (4%).
- Page 11- Relatively minor increases to labour and plant hire out fees

Statutory Environment

Local Government Act 1995 –

6.13. Interest on money owing to local governments

- (1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —
 - (a) that person owes to the local government; and
 - (b) has been owed for the period of time referred to in subsection (6).

* *Absolute majority required.*

- (2) A resolution under subsection (1) is to be included in the annual budget.
- (3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.
- (5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.
- (6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.
- (7) Regulations may provide for the method of calculation of interest.

[Section 6.13 modified: SL 2020/57^{IM}.]

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.

Local Government (Financial Management) Regulations 1996 –

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

[Regulation 19A inserted: Gazette 28 Jun 1996 p. 3169; amended: Gazette 29 Jun 1999 p. 2854; 20 Apr 2012 p. 1700; 29 Jun 2012 p. 2953.]

19B. Interest on money owing, calculating (Act s. 6.13)

- (1) Interest on money that remains owing after the date determined in accordance with section 6.13(6) (the *due date*) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- (2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- (3) If payment is received by the local government during the period from 1 July in a financial year until the annual budget for that financial year is adopted, interest referred to in subregulation (1) for that period is to be at the rate of interest imposed under section 6.13(1) for the previous financial year.
- (4) If under section 6.13 interest is to be imposed on money owing, a request for payment of that money is to include or be accompanied by a statement that interest is to accrue on money that remains owing after the due date and stating —
 - (a) the date from which interest will be imposed; and
 - (b) the rate of interest.

[Regulation 19B inserted: Gazette 28 Jun 1996 p. 3169-70.]

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
Compliance	Compliance with the Local Government Act and associated Regulations.	Low (2)	Regular review.
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

64/2024

Moved Cr Rose/Seconded Cr Close

That Council

- 1. adopts the 2024/2025 Schedule of Fees and Charges as presented; and***
- 2. approves the advertising of their effective date of 1st July 2024.***

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 Changing Methods of Valuation of Land – Mt Holland Camp

File Reference	8.1.1.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Glenn Bone – Consultant
Attachments	Register for Tenement M 77-1066 & Mt Holland Camp Layout

Purpose of Report

Endorsement of a proposal to apply ‘spot rating’ principles to the mine site accommodation village at the Covalent Lithium – Mt Holland mine site situated on tenement M 77/1066.

Background

In the past Council has agreed to the principle of ‘spot rating’ to the accommodation villages at the Koolyanobbing and Marvel Loch mine sites. This opportunity now extends to the Mt Holland mining village located on Tenement M 77/1066 and held by:

- Montague Resources Australia Pty Ltd (50/100)
- SQM Australia Pty Ltd (50/100)

Comment

Council is required to resolve to commence formalities for changing the method of valuation for the accommodation village and associated infrastructure on M 77/1066 (Mt Holland). The resolution is required as a part of the official notification to the owners of the mine site.

Statutory Environment

Local Government Act 1995

Section 6.28 – Stipulates that the Minister for Local Government is responsible for determining the method of valuation to be used by a local government as the basis for a rate.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate is to be:

- Where the land is used predominately for rural purposes, the UV of the land; and
- Where the land is used predominately for non-rural purposes, the GRV of the land.

Section 6.31 – Enables a local government to phase-in valuations in accordance with the provisions of Schedule 6.1.

Schedule 6.1(2) – Deals with phasing-in valuations where a determination is made by the Minister under section 6.28 to change the method of valuing land from UV to GRV. A local government may phase-in the impact (cost) of the change over a three-year period.

Strategic Implications

The change in method of valuation for the new mining village will enable the Shire to maintain consistency in its rating approach of similar ventures.

Policy Implications

Council has no policies in respect to this matter.

Minister for Local Government – Valuation of Land - Mining

Financial Implications

Currently the land on which the Covalent Lithium Gold mine is located, is rated on unimproved valuations. This takes no account of the infrastructure sitting on the land. A change to GRV will provide an increase in rate revenue when the infrastructure is brought to account. The accommodation at the Mt Holland mine site can lodge up to 550 persons and is therefore a significant operation.

With the mining village situated on part of M 77/1066 (Assessment A41066), this is currently on UV rating with the whole of the assessment yielding rates of \$17,902. In due course a very small part of the 999.6ha area will be converted to a GRV assessment to cover the mining village.

An indicative valuation for the Mt Holland site is now to hand and would produce the following if it were rated in 2023/24:

- Indicative GRV \$2,100,000 @ 0.163728 = \$343,828

Also, part of the administrative process in seeking a valuation change includes obtaining survey information (Technical Description) that will be used for the formal gazettal of the relevant area. Landgate – Property & Valuations is now able to provide this service at around \$550 per description.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Time delay in applying GRV rating.	Possible (6)	Stick to the rules
Service Interruption	Progress delay in the change of method of valuation.	Possible (6)	Effective pursuit of the Departmental Guidelines.
Compliance	Legislative and policy	Unlikely (2)	Rigorously comply with legislative requirements and the Departmental Guidelines.
Reputational	Shire entity	Unlikely (2)	Pursuing consistency to ensure all mining village operators are rated in a like manner to those who have been previously GRV rated.
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

65/2024

Moved Cr Close/Seconded Cr Rose

That Council commence formalities for changing the method of valuation for the accommodation village and associated infrastructure situated on tenement M 77/1066 (Covalent Lithium – Mt Holland).

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.6 Changing Methods of Valuation of Land – Parker Range Camp

File Reference	8.1.1.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Glenn Bone – Consultant
Attachments	Register for Tenement M 77-791-1 & Parker Range Camp Layout

Purpose of Report

Endorsement of a proposal to apply ‘spot rating’ principles to the mine site accommodation village associated with Yilgarn Iron Pty Ltd – Parker Range mine site situated on tenement M 77/791-I.

Background

In the past Council has agreed to the principle of ‘spot rating’ to the accommodation villages at the Koolyanobbing and Marvel Loch mine sites. This opportunity now extends to the Parker Range mining village located on Tenement M 77/791-I which is held by Barto Gold Mining Pty Ltd.

Comment

Council is required to resolve to commence formalities for changing the method of valuation for the accommodation village and associated infrastructure on M 77/791-I (Parker Range). The resolution is required as a part of the official notification to the owners of the mine site.

Statutory Environment

Local Government Act 1995

Section 6.28 – Stipulates that the Minister for Local Government is responsible for determining the method of valuation to be used by a local government as the basis for a rate.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate is to be:

- Where the land is used predominately for rural purposes, the UV of the land; and
- Where the land is used predominately for non-rural purposes, the GRV of the land.

Section 6.31 – Enables a local government to phase-in valuations in accordance with the provisions of Schedule 6.1.

Schedule 6.1(2) – Deals with phasing-in valuations where a determination is made by the Minister under section 6.28 to change the method of valuing land from UV to GRV. A local government may phase-in the impact (cost) of the change over a three-year period.

Strategic Implications

The change in method of valuation for the new mining village will enable the Shire to maintain consistency in its rating approach of similar ventures.

Policy Implications

Council has no policies in respect to this matter.

Minister for Local Government – Valuation of Land - Mining

Financial Implications

Currently the land on which the Yilgarn Iron Pty Ltd – Parker Range mine village is located, is rated on unimproved valuations. This takes no account of the infrastructure sitting on the land. A change to GRV will provide an increase in rate revenue when the infrastructure is brought to account. The accommodation at the Parker Range mine site can lodge up to 99 persons.

With the mining village situated on part of M 77/791-I (Assessment A40791), this is currently on UV rating with the whole of the assessment yielding rates of \$17,866. In due course a very small part of the 997.8ha area will be converted to a GRV assessment to cover the mining village.

An indicative valuation for the Parker Range site is now to hand and would produce the following if it were rated in 2023/24:

- Indicative GRV \$350,000 @ 0.163728 = \$57,305

Also, part of the administrative process in seeking a valuation change includes obtaining survey information (Technical Description) that will be used for the formal gazettal of the relevant area. Landgate – Property & Valuations is now able to provide this service at around \$550 per description.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Time delay in applying GRV rating.	Possible (6)	Stick to the rules
Service Interruption	Progress delay in the change of method of valuation.	Possible (6)	Effective pursuit of the Departmental Guidelines.
Compliance	Legislative and policy	Unlikely (2)	Rigorously comply with legislative requirements and the Departmental Guidelines.
Reputational	Shire entity	Unlikely (2)	Pursuing consistency to ensure all mining village operators are rated in a like manner to those who have been previously GRV rated.
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

66/2024

Moved Cr Close/Seconded Cr Granich

That Council commence formalities for changing the method of valuation for the accommodation village and associated infrastructure situated on tenement M 77/791-I (MRL – Parker Range).

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 6.10pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 16 May 2024, are confirmed on Thursday, 20 June 2024 as a true and correct record of the May 2024 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT