



Council Meeting Agenda

*15 December
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

DECEMBER 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 15 December 2022
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*

Nicholas Warren
Chief Executive Officer

09/12/2022

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Antares Street, SOUTHERN CROSS WA 6426

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

E-mail: - yilgarn@yilgarn.wa.gov.au

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Members

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

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	B Forbes	Finance Manager
	L Della Bosca	Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

- The Chief Executive Officer declares a financial interest pursuant to Sections 5.60A of the Local Government Act 1995 in relation to agenda item 13.3 Renewal of Medical and Management Services Agreement – The nature of the interest is the CEO's spouse is an employee of the General Practitioner.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the November 2022 Ordinary Council meeting, Mrs. Kaye Crafter posed the following question:

Question: *Why are the public not invited to attend the Councillors Discussion Session.*

Answer during session: The Shire President referred the question to the CEO for comment. The CEO confirmed that the Discussion Session could possibly be open to the public with the same rules as an Ordinary Council meeting, with the room being closed to the public if a confidential matter needed to be discussed, however the matter would be up to Council to decide

Cr Cobden enquired why Mrs. Kaye Crafter was interested in attending the Discussion Sessions.

Mrs. Kaye Crafter felt the sessions would be of interest in relation to the agenda for the Council meeting if matters that are being brought to the Council meeting are discussed prior to the meeting in the Discussion Session.

The CEO confirmed that it is not always the case that Council meeting agenda items are discussed in the Discussion Session but would take the question on notice and a decision about opening the Discussion Session to the public will be sought

Written response to Mrs. Kaye Crafter

I refer to your question taken on notice at the November 2022 Ordinary Council meeting, which asked:

Why are the public not invited to attend the Councillors Discussion Session?

As detailed at the meeting, the matter is due to be raised with Councillors at the December discussion session, to gauge their appetite for a public discussion session, held in a similar manner as Council meetings.

I will provide a further update pending the discussion with Council.

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 17 November 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 17 November 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Shire of Yilgarn Tourism Advisory Committee, Wednesday 9 November 2022- (Minutes Attached)

Recommendation

That minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 9 November 2022 be received.

Voting Requirements: Simple Majority

- 6.3 Intractable Waste Disposal Facility (IWDF), Mount Walton East Community Liaison Committee (CLC), Thursday 30 June 2022- (Minutes Attached)

Recommendation

That minutes from the IWDF, Mount Walton East CLC meeting held on the 30 June 2022 be received.

Voting Requirements: Simple Majority

- 6.4 Central East Accommodation and Care Alliance Inc (CEACA) Management Committee, Wednesday, 9 November 2022- (Minutes Attached)

Recommendation

That minutes from the CEACA Management Committee meeting held on the 9 November 2022 be received.

Voting Requirements: Simple Majority

- 6.5 Wheatbelt East Regional Organisation of Councils Inc (WEROC) Annual General Meeting, Monday, 21 November - (Minutes Attached)

Recommendation

That minutes from the WEROC Annual General meeting held on the 21 November 2022 be received.

Voting Requirements: Simple Majority

- 6.6 Wheatbelt East Regional Organisation of Councils Inc (WEROC) Board Meeting, Monday, 21 November 2022 - (Minutes Attached)

Recommendation

That minutes from the WEROC Board meeting held on the 21 November 2022 be received.

Voting Requirements: Simple Majority

- 6.6 Local Emergency Management Committee (LEMC) Meeting, Thursday, 24 November 2022 - (Minutes Attached)

Recommendation

That minutes from the LEMC meeting held on the 24 November 2022 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 WALGA Best Practice Governance Review

File Reference	1.6.21.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	- Best Practice Governance Review – Background Paper - Best Practice Governance Review – Consultation Paper – Model Options

Purpose of Report

For Council to note that WALGA is undertaking a Best Practice Governance Review, and to endorse a response to WALGA's request for comment regarding governance model options.

Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State and Federal elections";
- Proposed legislative reforms to remove WALGA from being constituted under the Local Government Act 1995 (WA); and
- Constitutional requirements for WALGA to become a registered organisation under the Industrial Relations Act 1979 (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
















- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: Representative, Responsive and Results Oriented.

These activities are outlined in more detail in the Background Paper which is attached for Councillors perusal.

The following principles were endorsed at the State Conference Annual General Meeting which was held on 2 October 2022.

- Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies;
- Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
- Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

The steering committee determined five (5) possible options as per below, of which WALGA have provided more detail on in the Consultation Paper – Model Options (attached) and are detailed in brief in the image below.

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	 State Council (25 members) 24 State Councillors 1 President
 Policy Council (25 members) 24 members plus President	 Regional Bodies (4 metro, 4 country)	 Zones (6 metro, 6 country)	 Policy Teams / Forums / Committees	 Zones (5 metro, 12 country)
 Zones (5 metro, 12 country)	 Policy Teams / Forums / Committees	 Policy Teams / Forums / Committees	 Regional Groups	 Policy Teams / Forums / Committees

WALGA have sought comments from each Local Government in relation to their preferred option, prior to 23 December 2022.

Comment

WALGA's Consultation Paper self-assesses each of the options against the adopted principles, with the following ratings able to be extrapolated:

Option 1	9/10
Option 2	9/10
Option 3	8.5/10
Option 4	8.5/10
Option 5	7/10

Option 5, the current option, can at times be seen to be time consuming and lengthy to get to an agreed perspective, but could be argued can provide a more balanced view given the diversity of members.

Options 1, 2, 3 and 4 all introduce the concept of a Board (elected still) and between two (2) to three (3) independent Board Members. This may result in additional costs, but could also add professional value through the independent members.

Options 1 and 5 retain the current zones, which might be relevant as an issue, given likely travel times and distance, compared to the other Options. It would also continue to ensure the zones are not overly cumbersome and ensure regional issues generally affect all members of the zone.

The Great Eastern Country zone has been utilised recently to raise important local issues, of which may not have relevancy or weight of support should the zones intake be increased.

There is safety in remaining with the status quo of option 5, however, through WALGA's self-assessment, this model does not meet the current principles as well as the other options.

As such, it is the reporting officers opinion that Option 1 should be the Shire's preferred option, as it keeps the same Zones, and implements a board which permits timely decision making which is not reliant on regional body meetings and also rated equal highest in WALGA's assessment against the adopted principles. There is also a risk with any major change, and as such, it is suggested Council provide it's second preference as Option 5.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030

Civic Leadership Objectives: Dynamic and visionary leadership guiding our community into the future

Outcome 4.3 Positive and productive regional partnerships

4.3.1 Actively participate in regional forums including Great Eastern Country Zone WALGA, Wheatbelt East Regional Organisation of Councils, Wheatbelt Communities and CEACA

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	Lack of feedback to WALGA results in poor review process and resulting outcomes.	Low (4)	Feedback ensures Shire of Yilgarn have provided input to feed the review process.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council, in response to the request from the Western Australian Local Government Association for feedback in relation to the options provided through the Best Practice Governance Review, advise that the Shire of Yilgarn's preference is Option 1, the two tiered model with existing zones, with a second preference being Option 5, the current model.

9.1 Officers Report – Chief Executive Officer

9.1.2 Land Acquisition - Great Eastern Highway Upgrade - Lot 88 Great Eastern Highway, Southern Cross

File Reference	2.4.3.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	- Land Dealing Plan

Purpose of Report

For Council to endorse the sale of land, being a portion of Lot 88 Great Eastern Highway, via a land acquisition process, of which forms part of the Great Eastern Highway upgrades.

Background

As Councillors are aware, Main Road WA are seeking to upgrade section of Great Eastern Highway East of Southern Cross.

The proposed upgrades require an increase to the current road reserve, and as such, Main Roads WA are seeking to acquire the required land off adjoining land owners. Main Roads WA have provided a Land Dealing Plan (attached) which shows the Shire of Yilgarn owned land, of which forms part of the overall acquisitions for the project.

Main Roads WA, in correspondence to the Shire have stated:

*“In light of independent valuation advice obtained, Main Roads is prepared to offer, on a without prejudice basis, the sum of **Three Thousand Six Hundred and Thirty Dollars** (\$3,630), plus GST if applicable, for the 3.2529ha of land required from the above property, being part of the land contained in Certificate of Title Volume 1248 Folio 905 as shown on the attached copy of Main Roads Land Dealings Plan 2160-107. The offer comprises current market land value, a consideration to compensation under section 241 of the Land Administration Act 1997 and an inclusion of 10% Solatium.*

Main Roads will be responsible for all costs associated with the transfer of the land, including the reinstatement of services and fencing along the new boundary.

This offer is subject to management approval”

Comment

The highway upgrades are seen as a high priority for the region, and with an individual valuation utilised to determine the compensation offer, it is recommended that Council accept the offer, to ensure there are no unnecessary delays with the overall project,

Statutory Environment

Local Government Act 1995

Part 3 Functions of local governments

Division 3 Executive functions of local governments

3.58. Disposing of property

(1) In this section —

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

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

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

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

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

- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

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

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

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

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

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

Local Government (Functions and General) Regulations 1996

Part 6 Miscellaneous

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act*
- (2) *A disposition of land is an exempt disposition if —*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030

Economic Objectives: A prosperous future for our community

Outcome 2.5 Safety and quality of transport networks are maintained and improved

2.5.1 Continue to maintain and upgrade our road network

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with disposal of land provisions of the LG Act	Moderate (6)	Exempt transaction as per LG (Functions and General) Regulations.
Reputational	Nil	Nil	Nil
Property	Loss of 3.2529ha of land.	Low (2)	Adequately reimbursed by MRWA, based on valuations provided by independent valuer.
Environment	Nil	Nil	Nil

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

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

Officer Recommendation

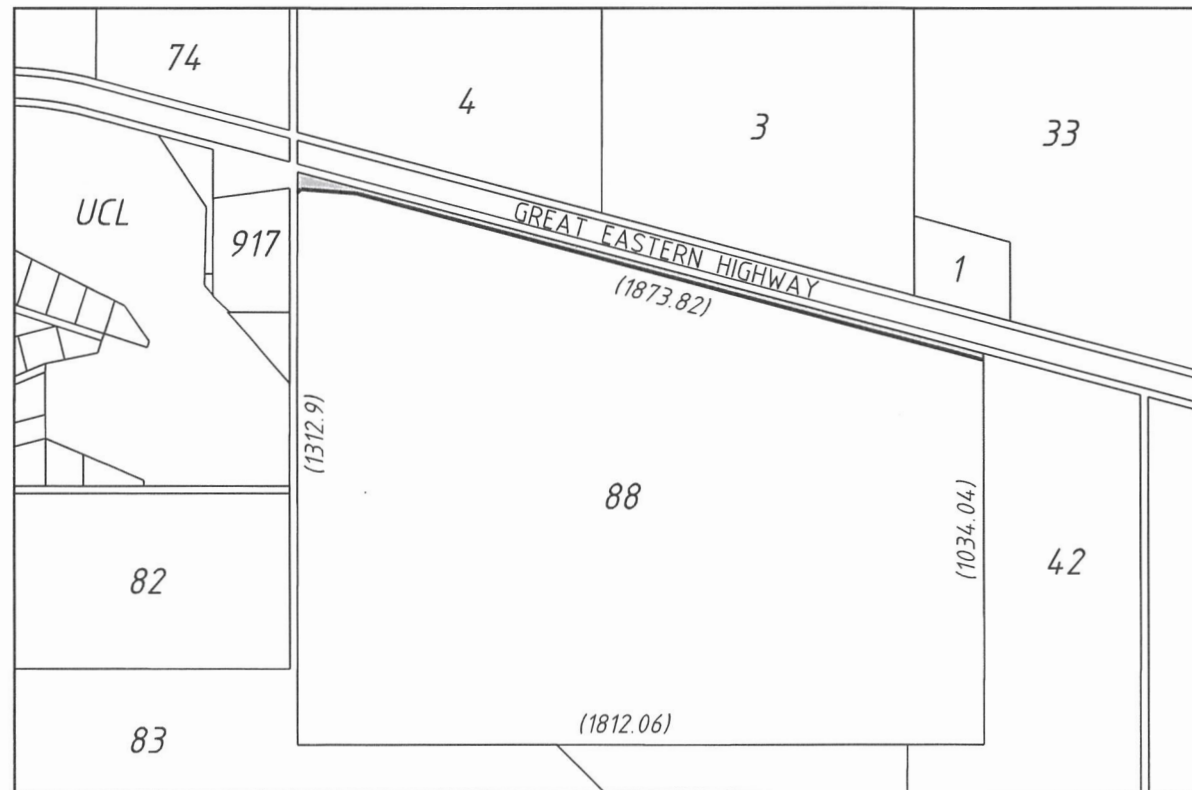
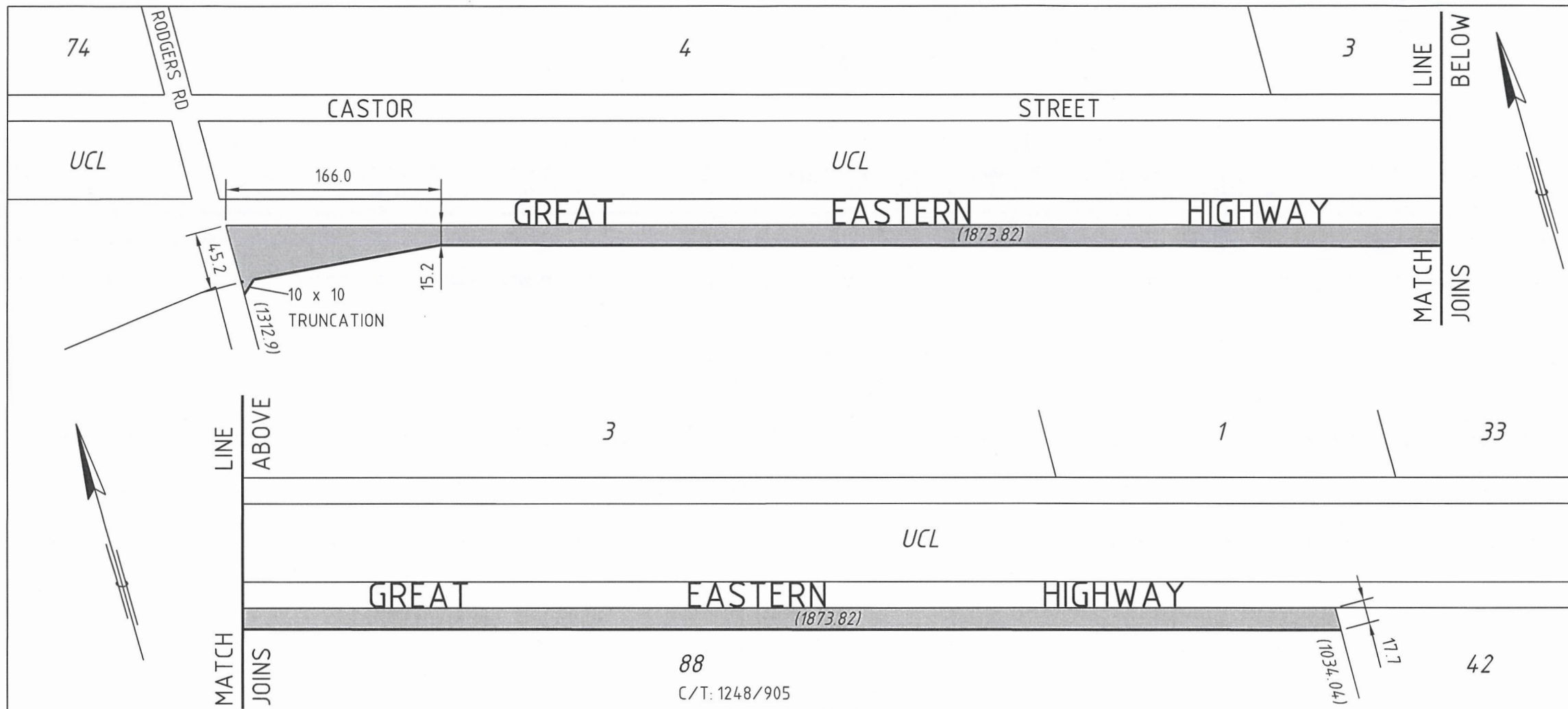
That Council, accept the Main Roads Western Australia offer of Three Thousand Six Hundred and Thirty Dollars (\$3,630), plus GST if applicable, for the disposal of 3.2529ha of land from Lot 88 Great Eastern Highway, being part of the land contained in Certificate of Title Volume 1248 Folio 905, as shown on Main Roads Land Dealings Plan 2160-107.

And

That Council note the disposal of the subject land is undertaken via a land acquisition transaction, which forms part of the Great Eastern Highway upgrades;

And

Council notes Main Roads Western Australia will be responsible for all costs associated with the transfer of the land, including the reinstatement of services and fencing along the new boundary.



LOCALITY PLAN
NOT TO SCALE

88
C/T: 1248/905
OWNER: YILGARN ROAD BOARD OF SOUTHERN CROSS
LEASE: F963255
MEMORIAL: K718966
AREA REQUIRED: 3.2529 ha

CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAN IS CORRECT AT THE TIME OF DRAFTING, HAS BEEN VERIFIED BY A LANDGATE SEARCH OF THE RELEVANT C/Ts AND SURVEY DOCUMENTS AND THE CADASTRE IS SPATIALLY CORRECT AS PER THE MRWA STANDARD 67-08-48.

PROJECT MANAGER: B. BOYLE DATE: 01/10/21

LEGEND

- LAND REQUIRED FOR ROAD PURPOSES
- BOUNDARY TO BE SURVEYED.

NOTES

- 1 DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- 2 S.L.K. IS A M.R. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.
- 3 HORIZONTAL DATUM IS GDA94.
- 4 NOT TO BE USED FOR SURVEY. REFER TO DRG 2160-104.

GOLDFIELDS - ESPERANCE REGION

Telephone (08) 90801452 Fax (08) 90801452

APPROVED FOR IMPLEMENTATION

FILE NUMBER	FOLIO	DATE	APPROVAL NUMBER
19/4024			

AUTHORISED

APPROVED *A. Power 28.10.21*



FINANCE AND SERVICES
PROPERTY MANAGEMENT

Telephone 9323 4580 Fax 9323 4600

Advisian
Worley Group

FILE NUMBER 19/4024

GRAPHIC PRESENTATION (ONLY) AUDITED IN ACCORDANCE WITH STANDARD 67-08-48 IN THE ROAD AND TRAFFIC ENGINEERING MANUAL
WMB 18/10/21

GREAT EASTERN HIGHWAY H5

LAND DEALINGS

LOT 88, 368.37 SLK

LOCAL AUTHORITY (611) SHIRE OF YILGARN

DRAWING TYPE DRAWING NUMBER AMEND.

7200 **2160-107**

9.1 Officers Report – Chief Executive Officer

9.1.3 Proposed Carport –Lot 383 (No 7) Pictoris Street, Southern Cross

File Reference	3.1.7.5
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
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

Council is to consider a planning application for a carport on Lot 383 (No 7) Pictoris Street, Southern Cross.

Background

- Location and Existing Development**

Lot 383 is located in Southern Cross townsite. The closest intersection is Pictoris Street and Polaris Street.

A location plan is included over page for convenience.

The lot has already been developed with a single house, outbuildings, patio, free standing carport and a chicken enclosure.

A new carport is proposed in front of the existing house.



Comment

- Zoning and Scheme requirements**

Lot 383 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.

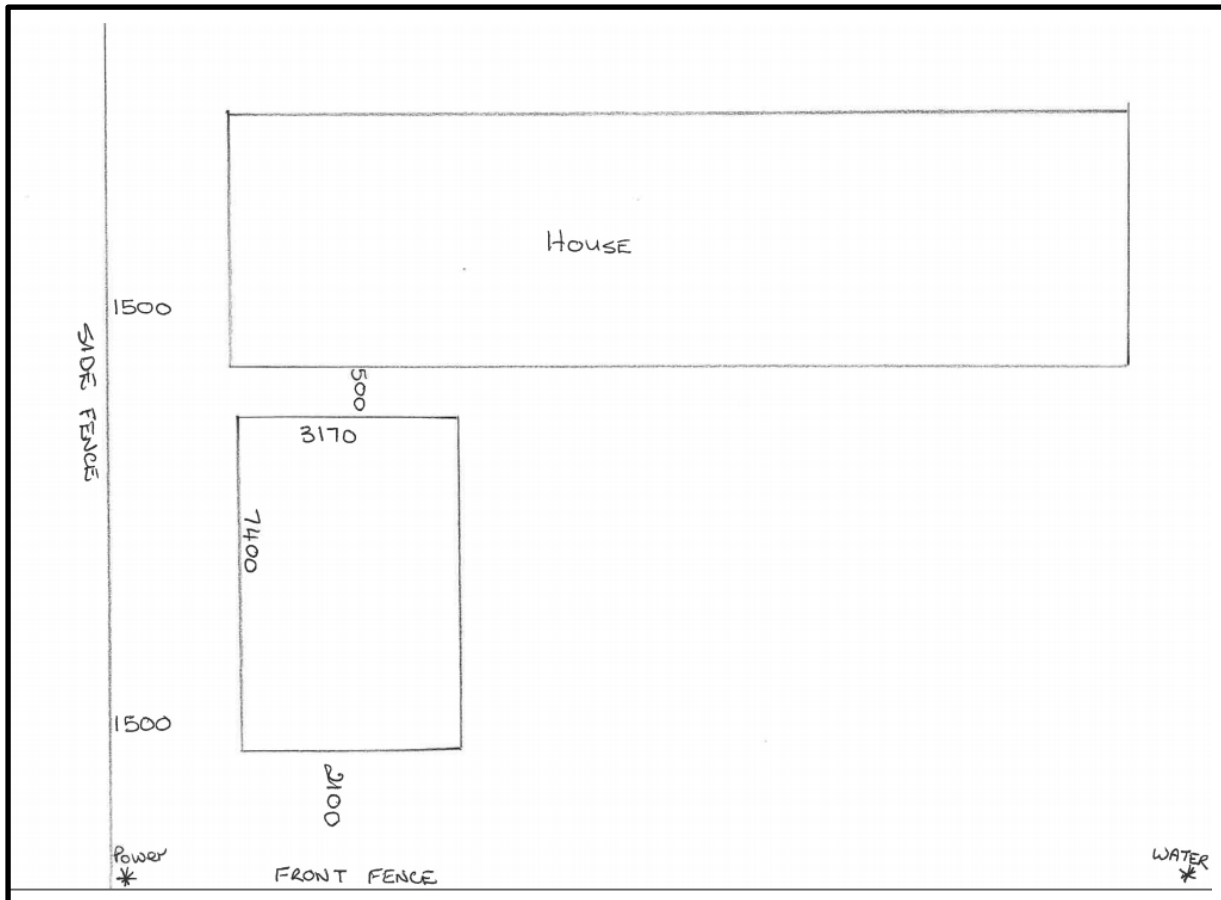
A single house is permitted in the Rural/Mining zone under Table 1 (the Zoning Table), but the Scheme has no specific provisions or setback requirements for a carport in the Rural/Mining zone.

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

There is no exemption under the Scheme for a carport in the 'Rural/Mining' zone, and the structure cannot be classified as an outbuilding, so the application requires planning approval.

- Description of Application**

A carport structure is proposed to be setback 2.1 metres from the front lot boundary, 1.5 metres from the western side lot boundary, and 0.5 metres from the existing house. A floor area of 23.4m² is proposed – refer to site plan over page.



Above: Site plan

The carport is proposed to have a cottage green roof to match the roof colour of the existing house. The applicant has provided photographs of the carport structure, which are included over page.

The applicant has advised that the maximum height of the structure ranges from 3.2 metres to 3.6 metres (to the roof peak).

The carport is proposed to provide shelter for a motor home, which has a height of 3.3 metres. The 3.6 metre height to the roof peak is to cater for the height of the owners motor home.



- **Assessment**

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

As many of the lots in Pictoris Street are vacant, there is no established defined streetscape pattern.

The carport will be open ended, and substantially unenclosed, with the exception of the roof. This means that from a streetscape perspective there is minimal visual impact and clear sightlines to the house will be maintained (when the motor home is not parked in front of the house).

TPI recommends conditional support for the proposed carport.

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

Lot 383 is within a designated Bushfire Prone Area. A Bushfire Attack Level (BAL) assessment is not required to be lodged with the planning application in accordance with Clause 5.8.1 of the WA Planning Commission 'Guidelines for Planning in Bushfire Prone Areas' as the lot has an area less than 1,100m².

The planning guidelines recognise that minimal bushfire mitigation measures can be achieved at the planning stage for smaller lots.

Statutory Environment

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

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

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

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

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

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.

Note: The Residential Design Codes define a carport as ‘*a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.*’

Strategic Implications

Approval of the development may set a precedent for similar front setbacks for other future carports in Pictoris Street.

Policy Implications

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

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Development Application fees are applicable to this application.

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

That Council:

- A. *Approve the application for a carport on Lot 383 (No 7) Pictoris Street, Southern Cross subject to the following conditions and footnote:*
- The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.*
 - This approval is for an open sided carport. The side walls shall not be enclosed (with the exception of the roof overlap) and no solid door shall be attached the structure.*
 - All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.*
 - If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

Footnote:

- This is a planning consent only and owners need a separate building permit approval prior to commencing any site works or construction.*

9.1 Officers Report – Chief Executive Officer

9.1.4 Waiver of Fees and Charges – Youth Futures – Pipeline Challenge – Southern Cross Sports Complex

File Reference	8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

To submit to Council a request to waive the fees associated with the hire of the Southern Cross Sports Complex for the Youth Futures organisation during their Pipeline Challenge, Charity Mountain Bike Challenge.

Background

The CEO has been contacted by Youth Futures, an organisation that runs the Pipeline Challenge, which is a Charity Mountain Bike Challenge.

The organised describe the event as: *“The Pipeline Challenge raises vital funds for young parents escaping homelessness and/or Domestic violence. By waiving venue hire fees the Shire will support us to ensure more of the Funds raised will go directly to supporting young people in need.”*

They have sought a waiver of fees for the hire of the Southern Cross Sports Complex for the 7-8 May 2023.

The cost of hire is \$180/day, with 2 days requested, the total is \$360.

Comment

Council’s Delegation No. LGA14 only allows the CEO to waive hire fees to community groups based in the Shire of Yilgarn. As Youth Futures are not based in the Yilgarn, the CEO is not delegated to approve the waiver.

As such, Council are asked to consider the waiver.

Statutory Environment

Delegation Register

LGA14 Donations and Waiver of Hire Fees

Date Adopted:	17 March 2016
Date Last Reviewed:	21 April 2022
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 the Chief Executive Officer 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 2020-2030 – 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 to the value of \$360.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Awareness of Clontarf Foundation within the Yilgarn community	Low (4)	Waiver of fees assists the Clontarf Foundation to visit the Yilgarn.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council waives the fees, being \$360, for the hire of the Southern Cross Sports Complex by Youth Futures, for their stay on the 7-8 May 2023, as part of the Charity Pipeline Challenge.

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

9.1 Reporting Officer– Chief Executive Officer

9.1.5 Request for Comment - Mining Lease - Reserve 40746 & Within Marvel Loch Townsite

File Reference	1.6.37.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Supporting Documentation

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage, in response to a request to mine over Reserve 40746 and within Marvel Loch townsite in the Shire of Yilgarn by Barto Gold Pty Ltd.

Background

The Department of Planning, Lands and Heritage, Land Use Management has received a request from the Department of Mines, Industry Regulations and Safety (DMIRS) for consent to mine over Reserve 40746 and within Marvel Loch townsite in the Shire of Yilgarn.

Mining Lease 77/525 have been requested by DMIRS on behalf of Barto Gold Mining Pty Ltd.

The parcels of land that are subject of the above proposal is depicted on the attached tenure maps, aerial maps and the tenement appraisal showing the location within the licenced area for your information and reference (Attachment 1).

Comment

The Shire has no further information regarding the extent and nature of mining activities, as such, it is suggested the Shire requestes further information regarding the matter prior to further considering the matter.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

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

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	Compliance with relative environmental and mining legislation.	Low (1)	DMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental impacts from mining activities.	Low (1)	DMIRS Assessment and Approval Processes

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

Council endorse the following response to the Department of Planning, Lands and Heritage:

With regards to the request from the Department of Mines, Industry Regulations and Safety for consent to mine over Reserve 40746 and within Marvel Loch townsite in the Shire of Yilgarn upon Mining Lease 77/525, and by Barto Gold Mining Pty Ltd, the Shire of Yilgarn seeks further information relating to the mining proposal prior to making a determination.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Ben Forbes-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 November 2022

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 30 November 2022.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41180 to 41182 totalling \$441.00
- Municipal Fund - EFT 13310 to 13409 totalling \$716,542.01
- Municipal Fund – Cheques 2048 to 2065 totalling \$254,410.12
- Municipal Fund Direct Debit Numbers:
 - 17363.1 to 17363.12 totalling \$24,150.28
 - 17401.1 to 17401.13 totalling \$24,768.69
- Trust Fund - Cheques 402671 to 402672 totalling \$532.35

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

- *Municipal Fund – Cheques 41180 to 41182 totalling \$441.00*
- *Municipal Fund - EFT 13310 to 13409 totalling \$716,542.01*
- *Municipal Fund – Cheques 2048 to 2065 totalling \$254,410.12*
- *Municipal Fund Direct Debit Numbers:*
 - *17363.1 to 17363.12 totalling \$24,150.28*
 - *17401.1 to 17401.13 totalling \$24,768.69*
- *Trust Fund - Cheques 402671 to 402672 totalling \$532.35*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Provision of Transport Licensing Services

File Reference	10.2.4.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Confidential Attachment - DOT963222 Shire of Yilgarn Licensing Main Agreement 2022; Confidential Attachment - DOT963222 Shire of Yilgarn Non Road Law Agreement 2022; and Confidential Attachment - Summary of Key Changes

Purpose of Report

Council is requested to enter into a further five (5) year agreement with the Department of Transport for the provision of licensing services and Non-Road Law functions.

Background

The current agreement for the Provision of Licensing Services with the Department of Transport will expire on the 31st December 2022. In order to continue providing these services to the community a new agreement will need to be entered into.

In the past, ancillary functions relating to such areas as licensing of vessels, photo cards, firearm licences, off-road vehicles and motor vehicle driving instructor fees were undertaken under either memorandum of understanding or in terms of conditions that were set out in the schedules to the agreement for the provision of licensing services. As of the 27th of April 2015, the Road Laws came into effect and it became necessary to enter into a separate agreement for the provision of Non-Road Law functions.

Comment

The provision of licensing services is a vital service for communities in rural areas.

Both of the new contracts with the Department of Transport will be for a five (5) year duration, each expiring on the 31st December 2027.

Statutory Environment

Local Government Act 1995

5.43. Limits on delegations to CEO ²⁸

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;**
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Strategic Implications

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

Policy Implications

Council Policy Manual

Policy 1.4 – Use of Council’s Common Seal.

Financial Implications

Revenue and expenses associated with the provision of licensing services have been accounted for in the current budget.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Requirement to travel significant distances to maintain a driver’s license and vehicle registrations.	Moderate (9)	Ensure agreements for the Provision of Licensing Services are kept current.
Financial Impact	Nil	Nil	Nil
Service Interruption	Loss of ability to perform Transport Licensing functions locally.	Moderate (9)	Ensure agreements for the Provision of Licensing Services are kept current.
Compliance	Nil	Nil	Nil
Reputational	Loss of Community confidence due to loss of services	Moderate (9)	Ensure agreements for the Provision of Licensing Services are kept current.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council

- *authorise the Shire President and Chief Executive Officer to sign and affix the common seal to the agreement with the Department of Transport for the provision of licensing services for a five (5) year period expiring on 31 December 2027; and*
- *authorise the Shire President and Chief Executive Officer to sign and affix the common seal to the agreement with the Department of Transport for the provision of Non-Road Law Functions for a five (5) year period expiring on 31 December 2027.*

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 2022/2023 Budget Variation to Purchase a Sewerjett

File Reference	8.2.5.1
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Glen Brigg-EMI
Attachments	Nil

Purpose of Report

To consider a variation to the 2022/2023 budget to purchase a new trailer mounted Sewerjett system including CCTV with pipe inspection capabilities.

Background

Council's 2022/2023 budget makes provisions for \$100,000 to carry out a condition-based inspection on 7.7km of sewage pipe within Southern Cross for maintenance planning, capital asset renewal and long term financial planning.

The Southern Cross sewage pipes have been in the ground since the 1980s (40 years) and staff have little knowledge of the current condition. Council has historically relied on the staff for any available asset condition information. Staff can only assess the assets above the ground, not the assets beneath the ground.

Staff did seek quotations from suitable contractors to carry out a condition based report and quotations exceed the budget allocation without any allowance for jetting the sewage system. Jetting involves high pressure cleaning and root cutting to enable access for the CCTV. Any volume of this type of work can't be estimated and is carried out on an hourly rate, separate to the quotation. In severe cases the cost of jetting alone can exceed the original quote.

Comment

The objective of asset management is to meet a required level of service, in the most cost effective manner, through the management of assets for present and future customers. Effective asset management provides better accountability, sustainability, risk management, service management and financial efficiency.

An Asset Management Plan (AMP) is usually for 10 years and outlines the asset activities and programmes for each service area and resources applied (including technical and financial) to provide over the lifecycle of the assets a defined level of service in the most cost effective manner. A significant component of the plan is a long, term cash flow projection for the activities, since the objective is to look at long-term costs (rather than short-term savings) when making decisions.

As part of the comprehensive asset valuation process undertaken every 5 years, condition is determined for above ground assets that can be visually assessed and rated. Where condition is not observable for underground assets, they are determined from age or performance.

Valuations give remaining useful life for all assets and can also be used to back calculate a condition rating. A condition rating details the percentage of remaining useful for civil assets, sewerage mains and electrical and mechanical assets. Existing condition ratings for individual assets can only be found in spreadsheet data which is based on age rather than actual condition. The Council requires a CCTV system to assess the current condition of the pipes and pits.

The Shire has recently employed a plant operator whom has extensive knowledge of sewage systems and can carry out the required condition assessments needed for the future maintenance, capital renewal and long, term financial planning.

Purchasing the required equipment will allow staff to assess the condition of both the Southern Cross and Marvel Loch town sewage systems to help understand the current conditions of pipes and pits. Sewage systems need constant cleaning to keep them operating efficiently at all times. The Shire owning its own Sewerjett will help set an effective sewage pipe cleaning program rather than reactive cleaning when the system is blocked.

Statutory Environment

As outlined in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Strategic Implications

Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.

Policy Implications

- 6.8 Asset Management Policy
- 5.9 Plant Replacement
- 3.1 Asset Capitalisation and Depreciation

Financial Implications

There will be no expected impact on the 2022/2023 plant replacement budget. The \$100,000 budget allocated for contract works can be reallocated to the purchase of equipment needed. The purchase of the Sewerjett and CCTV equipment is expected to be \$125,000 ex GST (quoted). There is some significant saving in the plant replacement program which can fund the \$25,000 shortfall.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	No expected change to the overall 2022/2023 budget	Low (1)	Purchase of new plant will be in line with the overall 2022/2023 plant replacement budget.
Service Interruption	Risk to service as adhoc reactive maintenance can impact on service levels.	Moderate (9)	Risk is minimised by maintaining the Shires infrastructure asset for ratepayers and the public.
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

1. *That Council, by Absolute Majority, endorsed an amendment to the 2022/2023 annual budget to remove \$100,000 of which was allocated to a complete sewage condition inspection report.*

And

2. *That Council, by Absolute Majority, endorsed a budget amendment to allocate \$125,000 to the outright purchase of a new Sewerjett, Root Cutter Kit, Sewercam and Locator, to enable staff to carry out the condition inspections, of which will assist to formulate an asset management plan and asset strategy.*

10 APPLICATIONS FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Recommendation

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

Voting Requirements: Simple Majority

CONFIDENTIAL

13 Officers Report – Chief Executive Officer

13.1 Premier’s Australia Day Active Citizenship Awards 2023 – Late Application

File Reference	1.3.6.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren - CEO
Attachments	CONFIDENTIAL

Purpose of Report

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

Background

Nominations for the following categories in the Premier’s Australia Day Active Citizenship Awards closed on Monday, 7 November 2022:

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

Comment

The Shire has since received a late nomination, of which was originally posted with sufficient time to be received by the Shire prior to the nomination closure date, but nomination did not arrive.

A new copy of the nomination has been submitted, and it will not have an impact on the nominations already considered.

A copy of the confidential nomination will be provided to Councillors for their consideration.

Statutory Environment

Nil.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

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

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

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

Officer Recommendation

That Council considers the late nomination received for the Premier's Australia Day Awards.

13 Officers Report – Chief Executive Officer

13.2 Allowance Payments

File Reference	1.1.7.4
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren-CEO
Attachments	Nil

13 Officers Report – Chief Executive Officer

13.3 Renewal of Medical and Management Services Agreement

File Reference	10.2.5.9
Disclosure of Interest	The Chief Executive Officer declares a financial interest pursuant to Sections 5.60A of the Local Government Act 1995
Voting Requirements	Absolute Majority
Author	Nic Warren -CEO
Attachments	Proposed Medical and Management Services Agreement

Recommendation

That the meeting be reopened to the public

Voting Requirements: Simple Majority

14 CLOSURE