



Council Meeting Agenda 21 September 2023

Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

September 2023 Ordinary Meeting of Council

Will be held in the Council Chamber on
Thursday, 21 September 2023
Commencing at **5pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 4pm*
- *The Ordinary Meeting of Council will start at 5pm*



Nicholas Warren
Chief Executive Officer

15/09/2023

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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

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

Apologies:

Observers:

Leave of Absence: Cr L Rose

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 17 August 2023- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 17 August 2023 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Great Eastern Country Zone (GECZ), Monday, 21 August 2023- (Minutes Attached)

Recommendation

That the minutes from the GECZ Meeting held on the 21 August 2023 be received.

Voting Requirements: Simple Majority

6.3 Local Emergency Management Committee (LEMC), Thursday, 24 August 2023-
(Minutes Attached)

Recommendation

That the minutes from the LEMC Meeting held on the 24 August 2023 be received.

Voting Requirements: Simple Majority

6.4 Central East Accommodation Care Alliance Inc Management Committee (CEACA),
Monday, 4 September 2023- (Minutes Attached)

Recommendation

That the minutes from the CEACA Management Committee Meeting held on the 4 September 2023 be received.

Voting Requirements: Simple Majority

6.5 Wheatbelt East Regional Organisation of Council Inc (WEROC), Monday, 4
September 2023- (Minutes Attached)

Recommendation

That the minutes from the WEROC Meeting held on the 4 September 2023 be received.

Voting Requirements: Simple Majority

6.6 Shire of Yilgarn Tourism Advisory Committee, Wednesday, 6 September 2023-
(Minutes Attached)

Recommendation

That the minutes from the Shire of Yilgarn Tourism Advisory Committee Meeting held on the 6 September 2023 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1 Officer Report – Chief Executive Officer

9.1.1 Proposed Dwelling – Lot 912 (No 9) Taurus Street, Southern Cross

File Reference	6.1.1.198 & 3.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations
Attachments	1. Plans

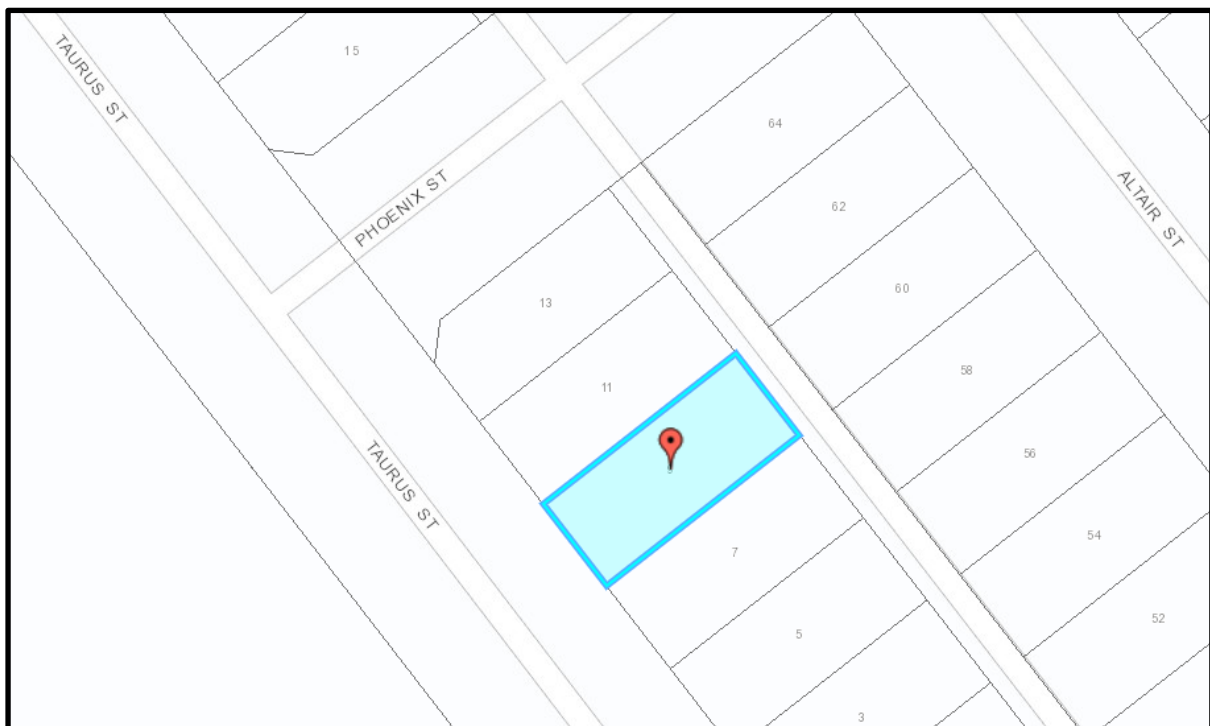
Purpose of Report

Council is to consider a planning application for a proposed dwelling on Lot 912 (No 9) Taurus Street, Southern Cross. The dwelling is proposed to be constructed out of sea containers.

Background

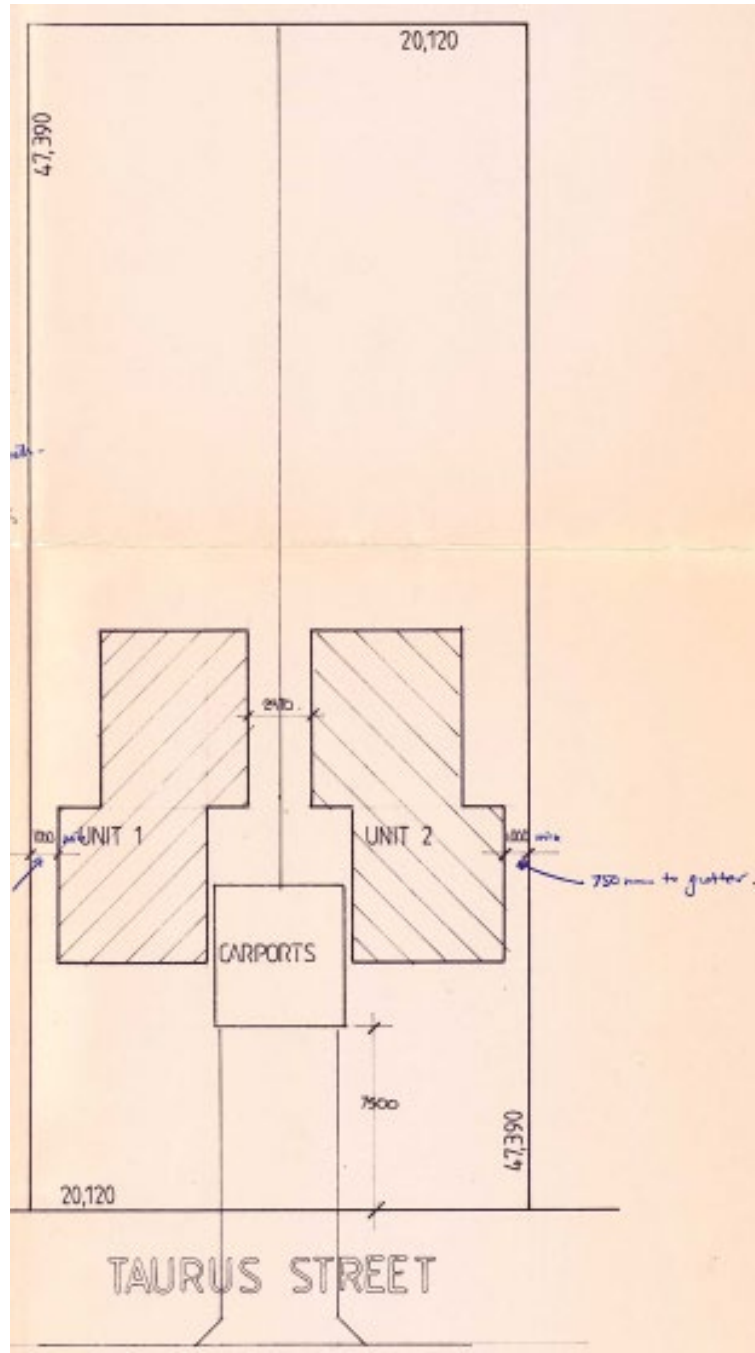
- Location**

Lot 912 is located in Southern Cross townsite. The closest intersection is Taurus Street and Phoenix Street. A location plan is included below for convenience.



- **Existing Development**

The lot has been developed with two grouped dwellings. The Shire's records indicate that a Building Permit for two dwellings on the lot was issued in 1988.



Above: Site Plan from 1988 Building Permit

Comment

- **Description of Development**

Plans have been lodged for a third dwelling unit on the lot – Attachment 1.

The Shire has advised that the structure is proposed to be built out of sea containers.

- **Zoning and Land Use Permissibility**

Lot 912 is zoned ‘Residential’ with an ‘R10’ density code under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

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

Part of the planning assessment for any application involves determining which land use definition ‘best fits’ the proposal.

The owners have applied for a ‘granny flat’ which is older terminology for what is now called ‘ancillary accommodation’ in the Scheme, and ‘ancillary dwelling’ in the Residential Design Codes.

An ‘ancillary dwelling’ is defined in the Residential Design Codes as a *‘self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house’*.

The proposed development cannot be construed as an ‘ancillary dwelling’ as it is not proposed on the same lot as a single house. Instead it is proposed on the same lot as two grouped dwellings.

The development is therefore construed as a third ‘grouped dwelling’ which is defined in the Residential Design Codes as *‘a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property’*.

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

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

Under Table 1, Council has discretion to consider a grouped dwelling in a Residential zone.

TABLE 1 - ZONING TABLE

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

Notwithstanding the above, Council also has to consider:

1. The density code on the Scheme maps; and
 2. The Residential Design Codes which operate as a State Planning Policy.
- **State Planning Policy 7.3 - Residential Design Codes**

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

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

Under the Residential Design Codes there are specific 'Deemed to Comply' site area requirements set out under Table 1.

For the R10 density code , Table 1 requires a minimum site area per grouped dwelling of 875m², and an average site area of 1000m².

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆
R2	Single house or grouped dwelling	Min 5000
R2.5	Single house or grouped dwelling	Min 4000
R5	Single house or grouped dwelling	Min 2000
R10	Single house or grouped dwelling	Min 875 Av 1000

Essentially this means an R10 coded lot would need a 3000m² area to meet the average site area (required for 3 grouped dwellings).

Lot 912 only has a lot size 953m² so has insufficient area for a third grouped dwelling.

- **Assessment Comments**

As the application does not comply with the basic site areas required by the Residential Design Codes, and the plans are of a poor quality, TPI has not completed an assessment against the other site requirements of the Residential Design Codes, such as setbacks, site open space, outdoor living areas, parking or privacy.

Apart from non-compliance with the Residential Design Code site requirements, there is concern over the visual impact of the proposed development.

- **Consultation**

The application has not been advertised for public comment due to non-compliance with the site areas required for the R10 density code.

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 3 – explained in the body of this report.

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

Strategic Implications

The R10 density code that applies to the subject land is a low density. Due to the lot sizes in the area, most existing properties in Taurus Street can only be developed with a single house and potentially an ancillary dwelling.

Policy Implications

- **Shire Policy Manual**

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

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

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

This means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment.

- **Residential Design Codes**

New Medium Density Housing Code provisions were proposed as a series of amendments to the existing Residential Design Codes, and were scheduled to be gazetted on the 1 September 2023.

On the 9 August 2023 the Minister for Planning requested that the Western Australian Planning Commission defer gazettal of the amended policy citing concerns over challenges for the existing housing market.

The Department for Planning, Lands and Heritage website confirms under ‘Frequently Asked Questions’ that:

‘Current applications will need to be assessed in accordance with the planning frameworks which apply on the date they are determined. This means that the current (2021) version of Volume 1 of the R-Codes applies unless and until repealed and replaced, and will continue to provide a basis for assessment for most lower and medium density residential development.’

Accordingly, the application is considered in context of Table 1 and definitions contained in the current 2021 version of the Codes.

The Medium Density Housing Codes (as drafted) were going to provide greater flexibility for ancillary dwellings to be considered on grouped dwelling sites.

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

That Council:

Refuse the application for a third grouped dwelling on Lot 912 (No 9) Taurus Street, Southern Cross for the following reasons with footnotes:

- The development does not comply with the minimum and average site area required under Table 1 of the Residential Design Codes which operate as State Planning Policy 7.3.***
- The applicant has not demonstrated that the appearance of the development will not have a negative impact on the amenity of the area.***

Footnote:

- (a) The dwelling could not be considered as an ‘ancillary dwelling’ as it is proposed a lot that already contains two grouped dwellings. An ‘ancillary dwelling’, by it’s very definition under the Residential Design Codes, is on the same lot as a single house.***

- (b) Under Table 1 of the Residential Design Codes (2021 version) a minimum of 875m² is required per dwelling, and an average of 1000m² is required per dwelling.***

9.1 Officers Report – Chief Executive Officer

9.1.2 Proposed Single House – Lot 599 (No 36) Allen Street, Bullfinch

File Reference	3.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations
Attachments	Nil

Purpose of Report

Council is to consider a planning application for a single house on Lot 599 (No 36) Allen Street, Bullfinch. The single house is a new transportable dwelling.

Background

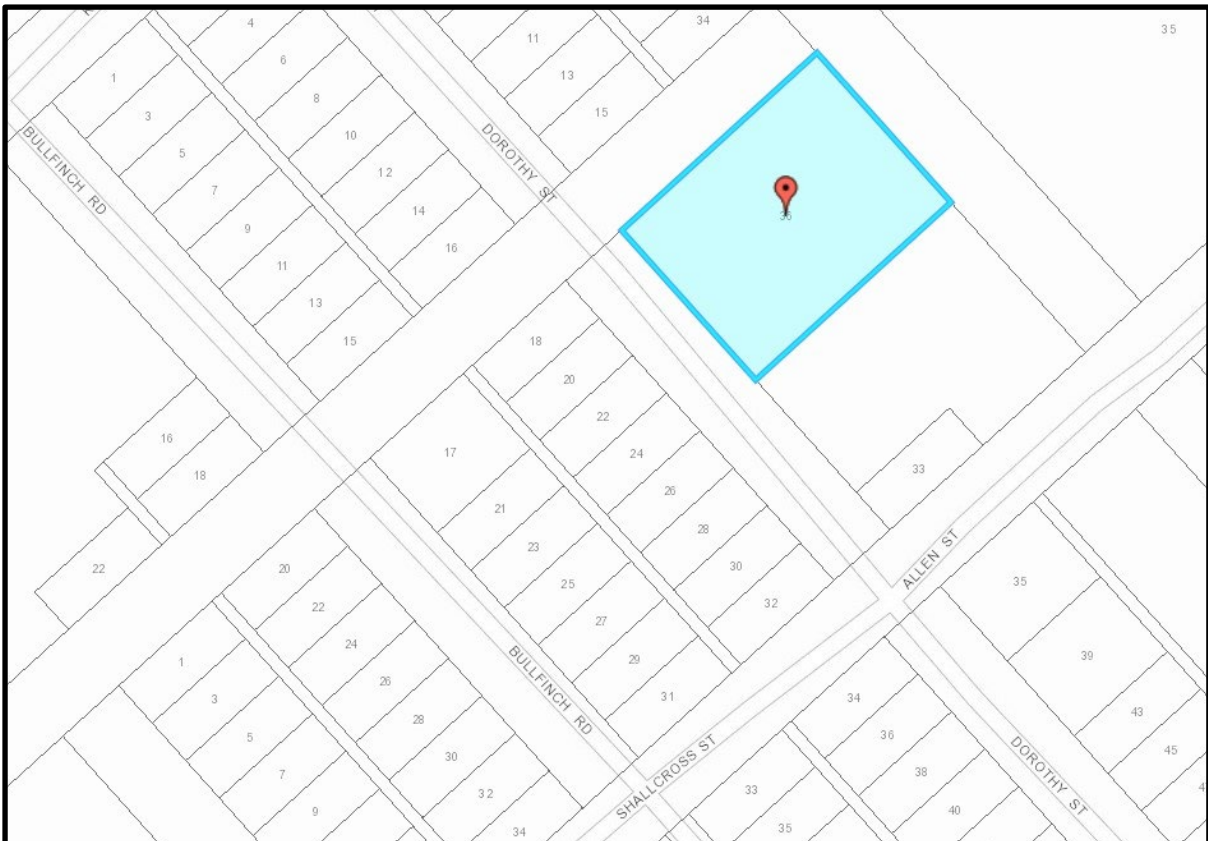
- **Location and Existing Development**

Lot 599 has access from Dorothy Street which is a constructed road. It also has frontage to Allen Street at the rear, however Allen Street is unconstructed road reserve.

The closest intersection is Dorothy Street and Shellcross Street. The lot has an approximate area of 8497m².

There was previously a house on the lot which was built around 1994. The house has been demolished. A concrete pad and an outbuilding remain on the lot.

A location plan and aerial is included over page for convenience.



Above: Location plan showing Lot 59 in blue



Above: Aerial plan

Comment

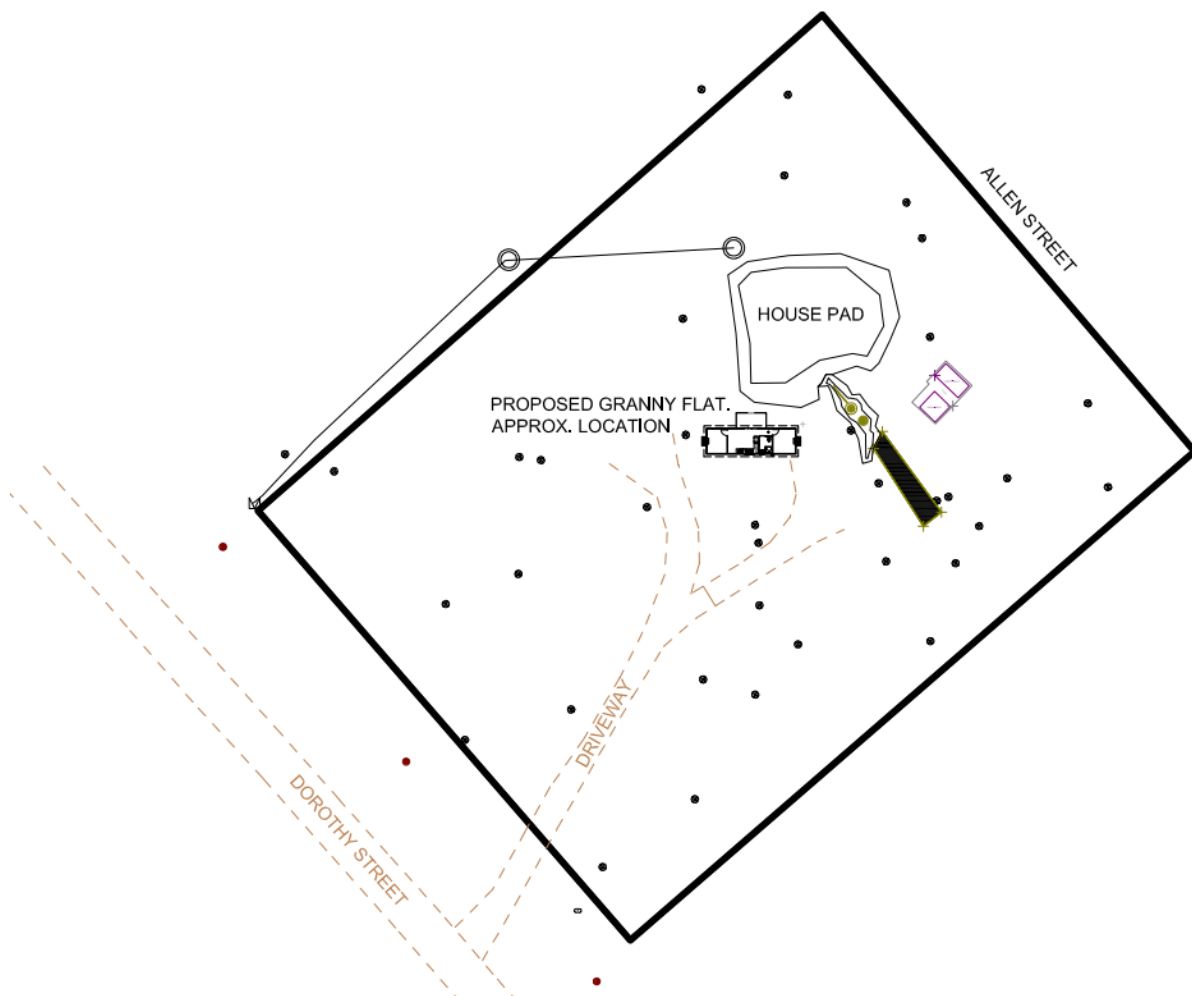
- **Zoning**

Lot 599 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

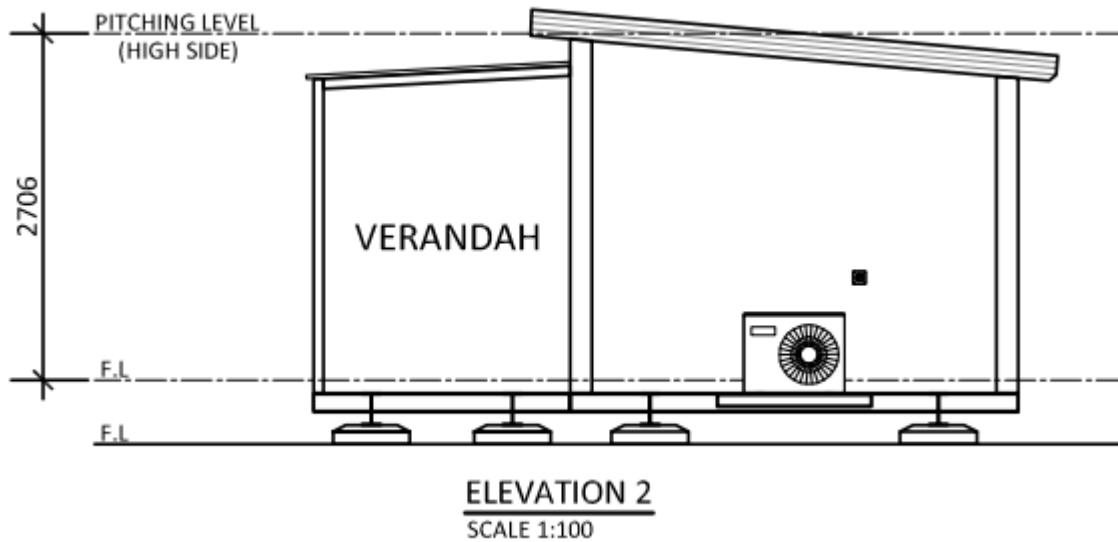
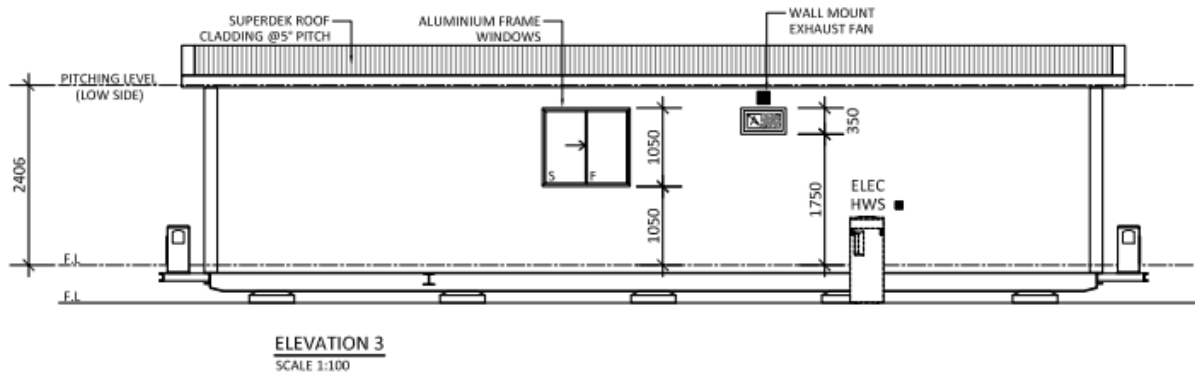
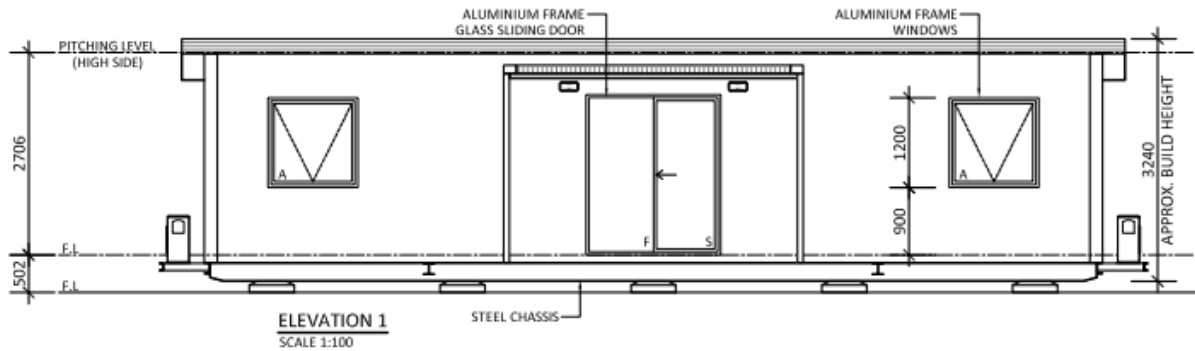
No density code applies to the 'Rural/Mining' zone under the Scheme, and no assessment is required under the Residential Design Codes, as the lot is not within a Residential zone.

- **Description of Application**

The owner has applied for a 'new transportable home' on Lot 599. Access is proposed from Dorothy Street.



The dwelling will have a floor area of 42m². Elevations are included below for ease of reference.



- **Assessment**

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

Having regard for the size of the lot (which is over 8000m²), that the dwelling is new, that the structure is low scale, and the proposed location is in the rear portion of the lot, it is not considered that the development will have a significant negative impact on the amenity of the area.

TPI recommends conditional support for the proposal.

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

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’ (SPP 3.7).

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website.

Lot 599 is within a declared bushfire prone area. The owner has lodged a Bushfire Attack Level (BAL) assessment report. A BAL assessment examines matters such as slope and vegetation types within 100 metres.

BAL ratings range from BAL-Low to BAL-FZ (flame zone). The higher the BAL rating, the higher the risk of fire – refer to the table over page.

Rating	Explanation	Risk
BAL - LOW	There is insufficient risk to warrant any specific construction requirements but there is still some risk.	VERY LOW
BAL - 12.5	There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5 kW/m ² .	LOW
BAL - 19	There is a risk of ember attack and burning debris ignited by wind borne embers and a likelihood of exposure to radiant heat.	MODERATE
BAL - 29	There is an increased risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to an increased level of radiant heat.	HIGH
BAL - 40	There is a much-increased risk of ember attack and burning debris ignited by windborne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames from the fire front	VERY HIGH
BAL - FZ	There is an extremely high risk of ember attack and burning debris ignited by windborne embers, and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front.	EXTREME

From a planning perspective, any BAL rating of BAL-29 or below is acceptable. The BAL assessment for Lot 599 cites a BAL rating of BAL-19.

The house position in the BAL assessment is slightly different to the site plan lodged for this application, however it is considered that the report demonstrates that a suitable BAL rating can be achieved, and an updated BAL assessment can be required at the separate building permit stage if required.

The BAL rating determines whether higher construction standards will apply at the separate building permit stage.

It should be noted that the driveway is not more than 70 metres, and the lot has access to reticulated water. Where a driveway is more than 70 metres, or a lot relies on water tanks, there are additional fire mitigation requirements under the relevant planning for bushfire guidelines.

- **Consultation**

Shire Administration has advertised the application for public comment. Advertising closes on the 20 September 2023.

At the time of writing this report, no submissions had been received.

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.*’

Under Clause 5.3.2 Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:-

- a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or
- b) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

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 dwelling in the Rural/Mining zone.

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

Notwithstanding the above, the development is not listed as exempt from the need for planning approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which is the dominant legislation.

Strategic Implications

There are no known strategic implications associated with the proposal.

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

That Council:

- A.** *Note that the application for a new transportable single house on Lot 599 (No 36) Allen Street, Bullfinch has been advertised for public comment. Advertising closes on the 20 September 2023.*
- B.** *Approve the application for a new transportable single house on Lot 599 (No 36) Allen Street, Bullfinch subject to the following conditions and footnotes:*
- 1.** *The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.*
 - 2.** *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.*
 - 3.** *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

Footnote:

- (i)** *This is a planning consent only. A separate building permit approval is required prior to commencing any site works or construction.*

9.1 Officers Report – Chief Executive Officer

9.1.3 Yilgarn Cricket Club – Waiver of Sports Complex and Oval Hire Fees

File Reference	8.2.6.27 & 1.3.9.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Nil

Purpose of Report

To submit to Council a request from the Yilgarn Cricket Club, for the waiving of fees associated with hire of the Southern Cross Sports Complex and Oval for the 2023/2024 season.

Background

The Yilgarn Cricket Club reformed for the 2022/2023 season, and have entered into the local district competition.

The Club will be utilising the Southern Cross Sports Complex and Oval for training and games.

As they are a newly reformed club, they do not currently have a strong financial position.

The Council waived the fees for the 2022/2023 season.

Comment

There is no set fee in the current Shire fees and charges for a cricket season hire. It is estimated a similar amount of Shire contribution for building and oval management would be required as is required for the Southern Cross Football Club season. The fee charged to the Southern Cross Football Club is \$3,600 per annum.

Whilst this does not cover Council's full costs, it is a notable contribution.

Council's incurred costs include cleaning, building maintenance, utilities and oval management.

It is suggested, a fee similar to that applied to the football club for the hire of facilities by the Yilgarn Cricket Club would be fair.

Furthermore, Council are asked to consider the waiving of facility hire fees for the Yilgarn Cricket Club, for the 2023/2024 season, valued at \$3,600.

The waiver will assist the club to operate in a financially sound manner and will assist in providing a summer sporting activity for the Yilgarn community.

The hire fee value is greater than the amount permitted to be waived by the CEO under delegation, as such, the matter has been referred to Council.

It is proposed that the waiver of the 2023/2024 annual hire fees be the last year of untied waiver, with any future waivers requiring a financial position statement to be provided, to determine the viability of the club moving forward.

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

Waiving of Hire Fees, valued at \$3,600.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Yilgarn community disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing opportunities

			associated with cricket.
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 Strategic Community Plan in relation to Social outcomes	Low (3)	Waiver enables the shire to continue it's commitment to the 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

That Council, by absolute majority, waives the hire fees associated with use of the Southern Cross Sports Complex and Oval, for the Yilgarn Cricket Club for the 2023/2024 season.

And

Council advise the Yilgarn Cricket Club, that any future requests for waivers must be accompanied with a financial position statement.

And

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

9.1 Officers Report – Chief Executive Officer

9.1.4 CWA of WA Southern Cross – Waiver of Community Centre Hire Fees

File Reference	8.2.6.27 & 1.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Nil

Purpose of Report

To submit to Council a request from the CWA of WA Southern Cross (CWA), for the waiving of fees associated with hire of the Southern Cross Community Centre for the 2023 Ladies Day event.

Background

The CWA have lodged an application for the waiver of hire fees associated with the use of the Southern Cross Community Centre. Due to the timing of the application, event and Council meeting, the event would have already been undertaken by the time Council make their decision, however, should Council determine not to waive the fees, the CWA would be invoiced for associated costs.

The Ladies Day event started in Southern Cross in 2017, and in the various iterations of the event over the years, has provided significant social and wellbeing benefits to ladies throughout the Yilgarn district.

Being relatively isolated from the metropolitan area, the Yilgarn community is often limited in access to events such as this. This makes the Ladies Day event so important to the community, as it provides a social networking opportunity, provides access to guest speakers who can enrich and at times motivate attendees to try new endeavors, raises topics around general health and wellbeing, and at its core, provides an opportunity for regional women to feel connected with their peers and to share and discuss the challenges they are facing and the successes they have experienced.

Comment

The CWA have booked the Community Centre from 15 September 2023 to 17 September 2023, although they commence load in Monday 11 September 2023.

The hire fee for the community centre for a “Private Function Per Day” is \$230, and if taking from the 11 to 17 September, the total fee to be waived will be \$1,610.00.

The waiver will not only assist the CWA with the 2023 Ladies Day event, but will ensure funds are available for the numerous other events planned by the CWA for the Yilgarn area.

The hire fee value is greater than the amount permitted to be waived by the CEO under delegation, as such, the matter has been referred to Council.

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

Waiving of Hire Fees, valued at \$1,610.00.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Yilgarn community disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing opportunities for Yilgarn community.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputation damage by not seizing an	Low (3)	Waiver enables the shire to continue it's

	opportunity to adhere to the Strategic Community Plan in relation to Social outcomes		commitment to the 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

That Council, by absolute majority, waives the hire fees associated with use of the Southern Cross Community Centre, for the Country Women's Association of WA Southern Cross Branch, for the 2023 Ladies Day event, being a value of \$1,610.00

And

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

9.1 Officers Report – Chief Executive Officer

9.1.5 Southern Cross Motor Cycle Club – Waiver of Community Centre Hire Fees

File Reference	1.3.9.8 & 8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Nil

Purpose of Report

To submit to Council a request from the Southern Cross Motor Cycle Club (SXMCC), for the waiving of fees associated with hire of the Southern Cross Community Centre for the clubs reunion dinner.

Background

The SXMCC have lodged an application for the waiver of hire fees associated with the use of the Southern Cross Community Centre for their Reunion dinner.

The SXMCC have played an important role within the Yilgarn Community, for a long time until just recently running the well-known “King of the Cross” event, and currently, running a number of endurance events and race day events, of which brings significant numbers of people to the Yilgarn area, providing a boost to local businesses as a result.

The Club also provide an avenue for entertainment for those not competing.

The reunion dinner is a way to commemorate the work the club has done, whilst paying respect to the volunteers and participants.

Comment

The SXMCC have booked the Community Centre from 23/9/2023 and seeking 2 days of hire.

The hire fee for the community centre for a “Private Function Per Day” is \$230, with the total fee to be waived being \$460.00.

The waiver will assist the volunteer run, not for profit club to hold the important event.

The hire fee value is greater than the amount permitted to be waived by the CEO under delegation, as such, the matter has been referred to Council.

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

Waiving of Hire Fees, valued at \$1,610.00.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Yilgarn community disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing opportunities for Yilgarn community.
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 Strategic Community Plan in relation to Social outcomes	Low (3)	Waiver enables the shire to continue it's commitment to the 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

That Council, by absolute majority, waives the hire fees associated with use of the Southern Cross Community Centre, for the Southern Cross Motor Cycle Club, for the 2023 Reunion Dinner event, being a value of \$460.00

And

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

9.1 Officers Report – Chief Executive Officer

9.1.6 CEACA Future Housing Funding Co-Contribution Commitment

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Annexure C&E from MCM Agenda

Purpose of Report

For Council to consider a request from the Central East Accommodation & Care Alliance Inc for a commitment to provide a 10% contribution and land for future independent living units, as well as provide the number of units required.

Background

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

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

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

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

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

CEACA is currently exploring further funding opportunities, at the CEACA Management Committee Meeting (MCM) held on 4 September 2023 the following was provided by the Executive Officer, in relation to possible future funding of additional independent living units:

Expansion of CEACA Accommodation Units

- *A schedule showing the CEACA member shire currently advised accommodation needs is at Annexure C.*
- *Ongoing discussions with Evoke Living (Northam) and Modular Homes (Wangara) in relation to building 50-60 new Independent Living Units for CEACA shires and the estimated costs.*
- *Discussions with Government representatives and grant consultants have confirmed that Shires should make a cash contribution as well as providing the land. The funding model developed has assumed 10% cash contribution from shires and the draft budget is based on \$450,000 per Unit.*
- *A financial model to investigate the viability of CEACA borrowing 10% of project cost rather than shires making a 10% contribution was developed. Please refer Annexure E. This shows that at low interest rates (assumed 4%) the model could be viable at 95% occupancy but wouldn't be viable at 75% occupancy based on the current annual membership fees (\$15,000 per Shire) and the current annual provision for refurbishment (\$100,00).*

Annexure C and E referenced above from then CEACA MCM is provided as an attachment.

Comment

The minutes from the CEACA MCM provide the following action items for each member Council:

1. Shires to finalise ILU numbers and land details by the end of September 2023.
2. Shires to provide a letter of commitment to the 10% contribution, ILU number and details of land donated.

The land earmarked for future CEACA development are two lots adjacent to the current CEACA units, as per below map:



As requested by the CEACA Executive Officer, the Shire must determine the number of ILU's required. It has previously been suggested an additional 2 units would be appropriate, Council are asked to confirm.

Council must also confirm their acceptance of a 10% contribution if CEACA are successful in obtaining funding. Based on current costings each unit is estimated to be \$450,000, with 2 units requested, the Shire of Yilgarn's contribution would be \$90,000.

As per previous agreements, the Shire would also be requested to donate the land to CEACA. The most recent valuation of the land valued the individual lots at \$5,000 each. Clause 30 (2)(b) exempts the need to undertake the requirements of Section 3.58 of the Local Government Act 1995, in relation to the disposal of land. As such, Council can endorse the transfer of land, subject to CEACA obtaining funding.

Given a commitment to the above is a financial guarantee, the decision by Council must be via absolute majority.

Statutory Environment

Local Government Act 1995

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.*

Local Government (Functions and General) Regulations 1996

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 —*
- a. *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - i. *its market value is less than \$5 000; and*
 - ii. *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - b. *the land is disposed of to a body, whether incorporated or not —*
 - i. *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - ii. *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Strategic Implications

Social Objectives: An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term.

Outcome 1.3: High Quality and well maintained Ages Care facilities

1.3.2: Support the Central East Aged Care Alliance (CEACA)
Independent Living Unit's precinct in Southern Cross

Policy Implications

Nil.

Financial Implications

Future budget commitment of \$90,000.

Disposal of \$10,000 worth of property for nil remuneration.

Risk Implications

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

Risk Matrix						
Consequence		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

That Council by absolute majority:

1. *Endorse the number of additional Independent Living Units for the Shire of Yilgarn, as requested by CEACA, as two (2). The additional units requested will form part of future funding applications for an Independent Living Unit project throughout the CEACA member Councils.*
2. *Endorse a commitment to CEACA of a 10% contribution towards the cost of building new Independent Living Units in Southern Cross, upon their successful receipt of funding for Independent Living Units, of which include two units in Southern Cross..*
3. *Endorse the transfer of Lot 7 & 8, 50 Antares Street, Southern Cross, to CEACA, upon their successful receipt of funding for Independent Living Units, of which include two units in Southern Cross.*

Annexure C

Shire	<u>Requested Units</u>	<u>Existing Units</u>	<u>Requested as a % of Existing</u>
Bruce Rock	4	8	50%
Kellerberrin	14	13	108%
Merredin - TBC	12	27	44%
Mt Marshall	6	3	200%
Mukinbudin	8	4	200%
Westonia	3	2	150%
Wyalkatchem	4	4	100%
Yilgarn	<u>2</u>	<u>2</u>	<u>100%</u>
Sub-total	53	63	84%
Narembeen - TBC		0	
Former Members	0	8	0%
Total	<u>53</u>	<u>71</u>	<u>75%</u>

High-Level Budget

Number of Units	60
Average Total Cost per Unit - based on discussions with Evoke and Modular	450,000
Total Cost	<u>27,000,000</u>
Funded By:	
Growing Regions Program - Federal Government (limit - \$15m) Up to 70% in all Shires except Merredin (50%)	15,000,000
State Government - total from Dept of Communities and Regional Development	9,300,000
Local Government - based on 10% contribution	2,700,000
Total Funding	<u>27,000,000</u>

Annexure E.1

Additional Units - CEACA Funding

Total Number of Additional Units				60
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Average Cost per Unit, total cost		\$000's		450
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Total Cost		\$000's		27,000
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Local Government Contribution	10%	Total	\$000's	2,700
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		Per Unit	\$000's	45
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	5%	Total	\$000's	1,350
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		Per Unit	\$000's	22.5
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Alternative Funding:

Low Interest Loan	100%	Loan Amount	\$000's		2,700
		Interest	\$000's	4%	64 reducing as p
		Repayments	\$000's	25 Yrs	108 per annum
		Total	\$000's		172

Low Interest Loan	50%	Loan Amount	\$000's		1,350
		Interest	\$000's	4%	32 reducing as p
		Repayments	\$000's	25 Yrs	54 per annum
		Total	\$000's		86

9.1 Officers Report – Chief Executive Officer

9.1.7 Proposed Workforce Accommodation – Lot 126 (No 41) Lenneberg Street, Marvel Loch

File Reference	6.1.1.193 & 3.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority (for delegated authority to the CEO)
Author	Liz Bushby, Town Planning Innovations
Attachments	Development Plans

Purpose of Report

Council is to consider a planning application for workforce accommodation on Lot 126 (No 41) Lenneberg Street, Marvel Loch. The buildings will be purpose built new transportable structures.

Background

- Location**

Lot 126 is located in Marvel Loch. The closest intersection is Lenneberg Street and Argent Street as shown in the location plan below.



Comment

- **Description of Application**

The development is proposed to consist of 5 accommodation buildings (20 rooms).

Each building will include four rooms with ensuites, and measure 14.4 metres long by 3.3 metres wide. An amenity building is also proposed with a dining/kitchen area, laundry and office.

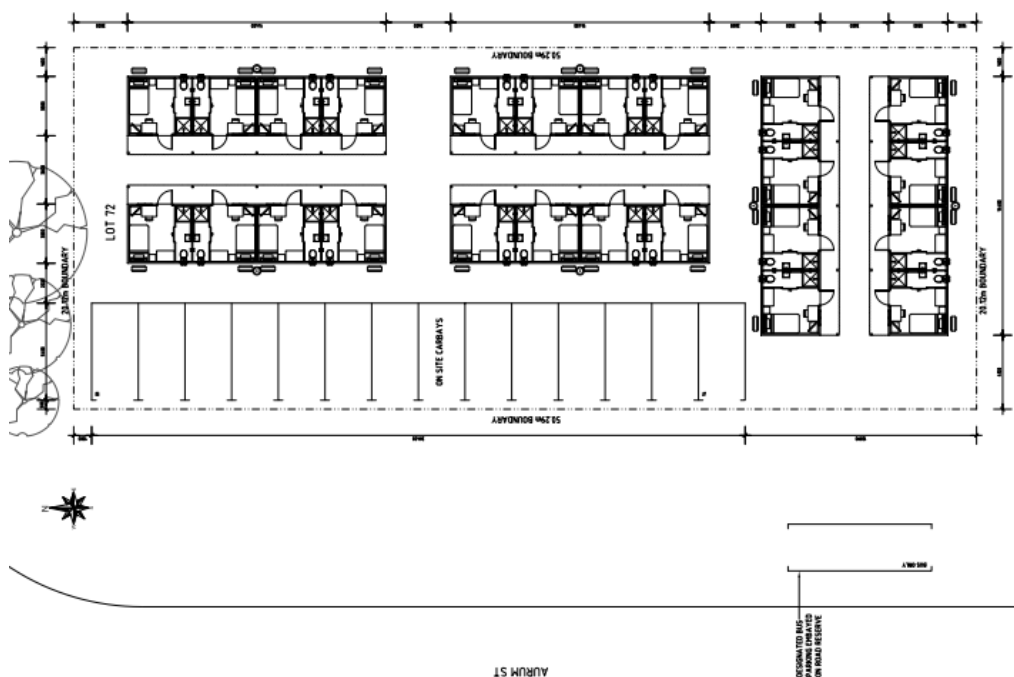
The development plans are included as Attachment 1. The plans include a revised site plan.

- **Car Parking and relevant precedent**

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

Council considered an application for workers accommodation at nearby 15 Williamson Street at the Ordinary Meeting held in March 2023. Council supported the application with 14 car parking bays for 24 rooms, and one private bus bay within the Aurum Street road reserve. This equates to approximately 0.58 bays for every room.

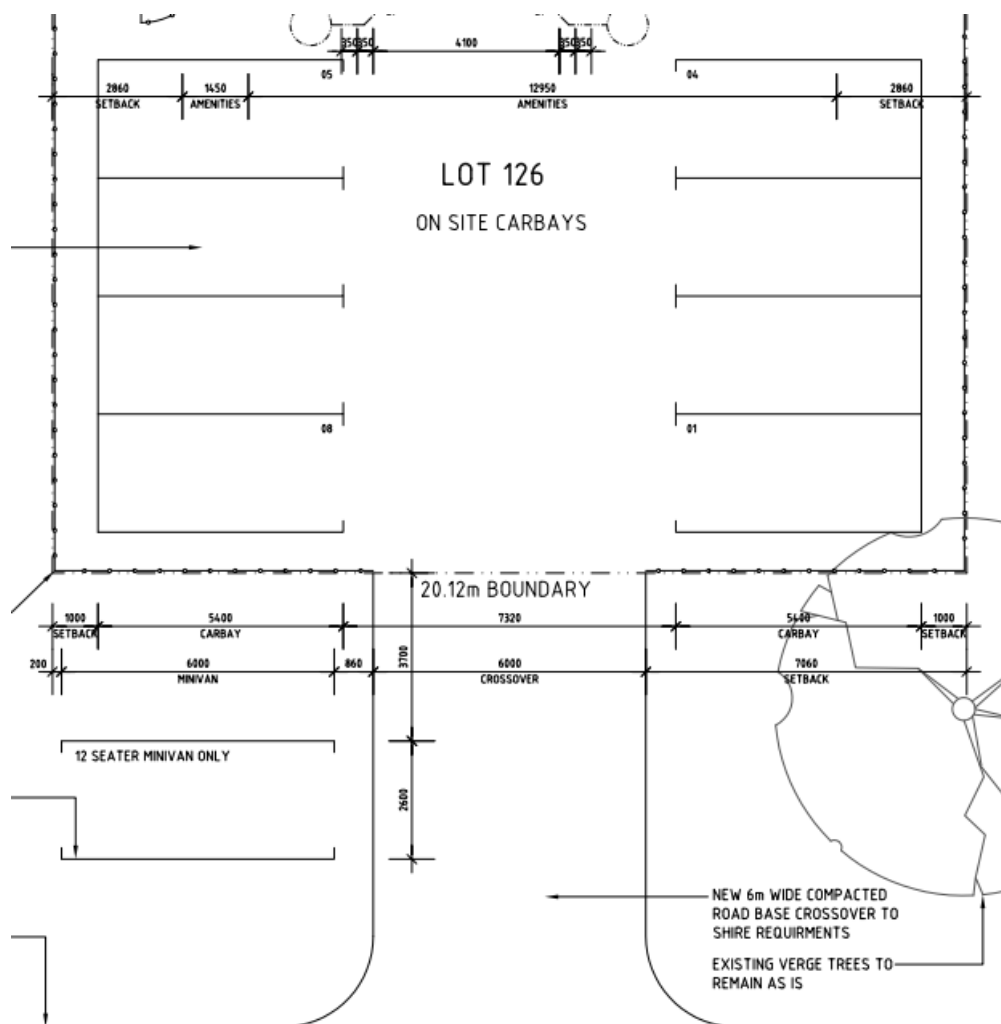
The car parking bays approved for 14 Williamson Street were accessed directly from the Aurum Street road reserve.



This application originally proposed 8 on site car parking bays for 20 rooms, which equated to 0.4 bays per room.

Although less parking bays were proposed per room (than for 15 Williamson Street), the car park design is better as:

1. All access, reversing areas and car bays will be fully contained within the lot boundaries; and
2. The car parking design does not impact or rely on the road reserve for entry and egress.



LENNEBERG ST

ABOVE: Original car parking proposed

TPI generally supports the proposed 'on lot' carparking layout, however there is room for additional car parking bays in the verge.

TPI has liaised with the applicant who has lodged a revised site plan with 2 additional car parking bays in the verge.

The revised site plan brings the car parking ratio up to 0.5 bays per room, which is more consistent with the approved car parking for 15 Williamson Street.

As there are no car parking requirements in the Scheme, and there have been recent applications for workers accommodation in Marvel Loch, a consistent approach to car parking will:

- a) Be fair and reasonable to all applicants;
- b) Set a precedent for car parking assessments for future applications in this area; and
- c) Enable Shire staff and TPI to better inform applicants of car parking ratios that have been supported by Council for workers accommodation in Marvel Loch.

- **Zoning and Land Use Permissibility**

Lot 126 is zoned 'Townsite' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Under the Scheme the Townsite Zone *'is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance.'*

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

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

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

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

In processing the workforce accommodation (and associated building) as a 'Use Not Listed', Council has three options under Clause 3.2.5 of the Scheme as follows:

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

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

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

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

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

TPI does not recommend Option 3 for the reasons outlined in Option 1. It is understood that a number of workforce accommodation developments have already been approved and constructed in Marvel Loch.

- **Advertising**

The application is being advertised for 28 days. Advertising closes on the 28 September 2023.

At the time of writing this report, no submissions on the application had been received.

- **Setbacks and Site Requirements**

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

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

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP 3.7).

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 126 is within a declared bushfire prone area.

The owner is not required to lodge a Bushfire Attack Level (BAL) assessment report as part of the planning process as:

- (a) The lot has an area of 1012m²;
- (b) The WAPC Guidelines do not require a BAL assessment for planning applications where the lot area is less than 1,100m².

A BAL Assessment will be required at the separate Building Permit stage. TPI has advised the applicant that they should lodge a BAL assessment with any future Building Permit application.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

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

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

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

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

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

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

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

Clause 5.3 applies to ‘Transportable Dwellings’. Whilst the clause does not specifically apply to Workforce Accommodation it is noted that Clause 5.3.2 requires Council to be satisfied that transportable dwellings:

- a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or
- b) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

The transportable buildings proposed to be used for workforce accommodation will be new.

Strategic Implications

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

Policy Implications

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

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

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

- ***Shire of Yilgarn Policy Manual***

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

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

Essentially this means that the Shires existing planning policies do not hold significant weight in terms of any planning assessment.

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

That Council:

1. *Determine that the proposed workforce accommodation may be consistent with the objectives and purpose of the Townsite zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval.*
2. *Note that Shire Administration has organised advertising of the planning application for Lot 126 (No 41) Lenneberg Street, Marvel Loch. Advertising closes on the 28 September 2023.*
3. *Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for workforce accommodation on Lot 126 (No 41) Lenneberg Street, Marvel Loch.*

9.1 Officers Report – Chief Executive Officer

9.1.8 Request For Comment Application For Miscellaneous Licence 77/360 Over Portion Of Koolyanobbing Townsite – Shire Of Yilgarn

File Reference	3.2.1.6
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Kelly Watts – Regulatory Services Officer
Attachments	Nil

Purpose of Report

For Council to consider a request from the Department of Planning, Lands and Heritage (DPLH) Land Use Management (LUM) in relation to a request to mine over a portion of the Koolyanobbing townsite.

Background

The Department of Planning, Lands and Heritage (DPLH) Land Use Management (LUM) has received a request from the Department of Mines, Industry Regulations and Safety (DMIRS) for a miscellaneous licence over a portion of Koolyanobbing townsite.

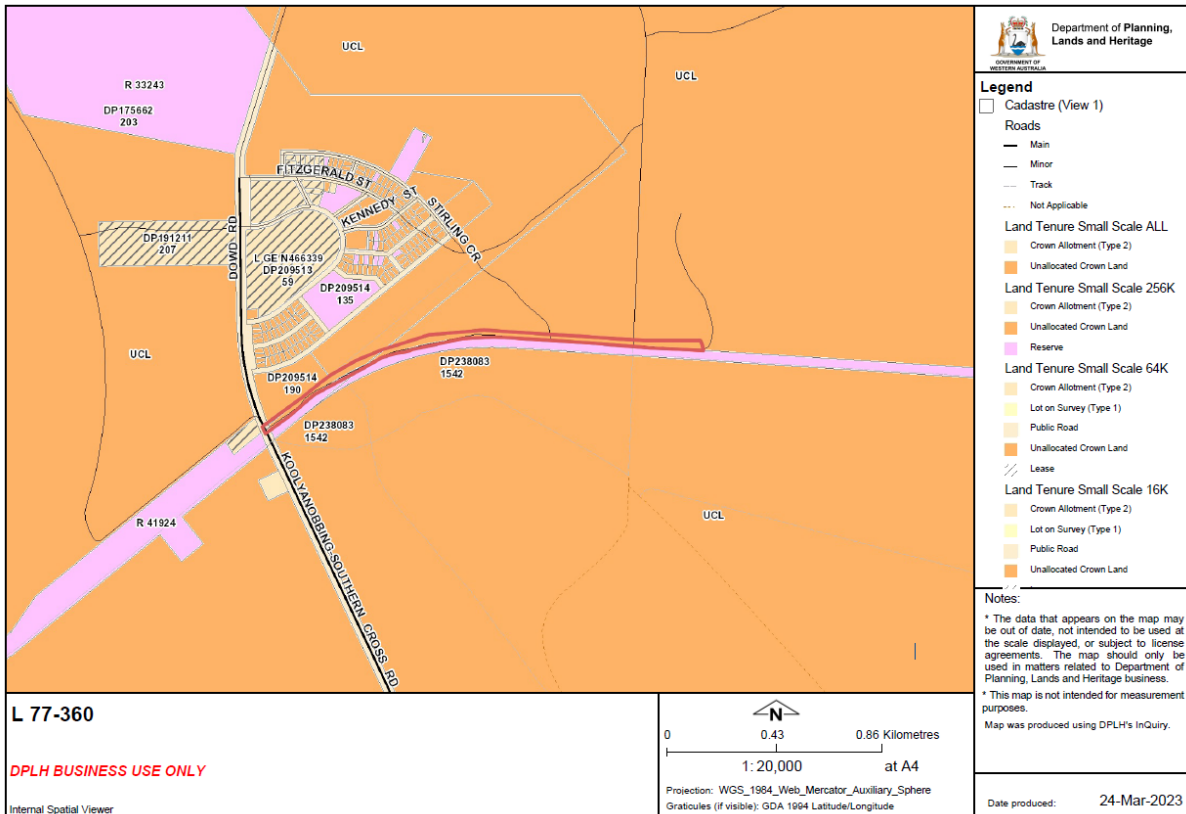
Miscellaneous Licence 77/360 has been requested by DMIRS on behalf of Yilgarn Iron Pty Ltd.

DPLH have sought comment relating to the matter.

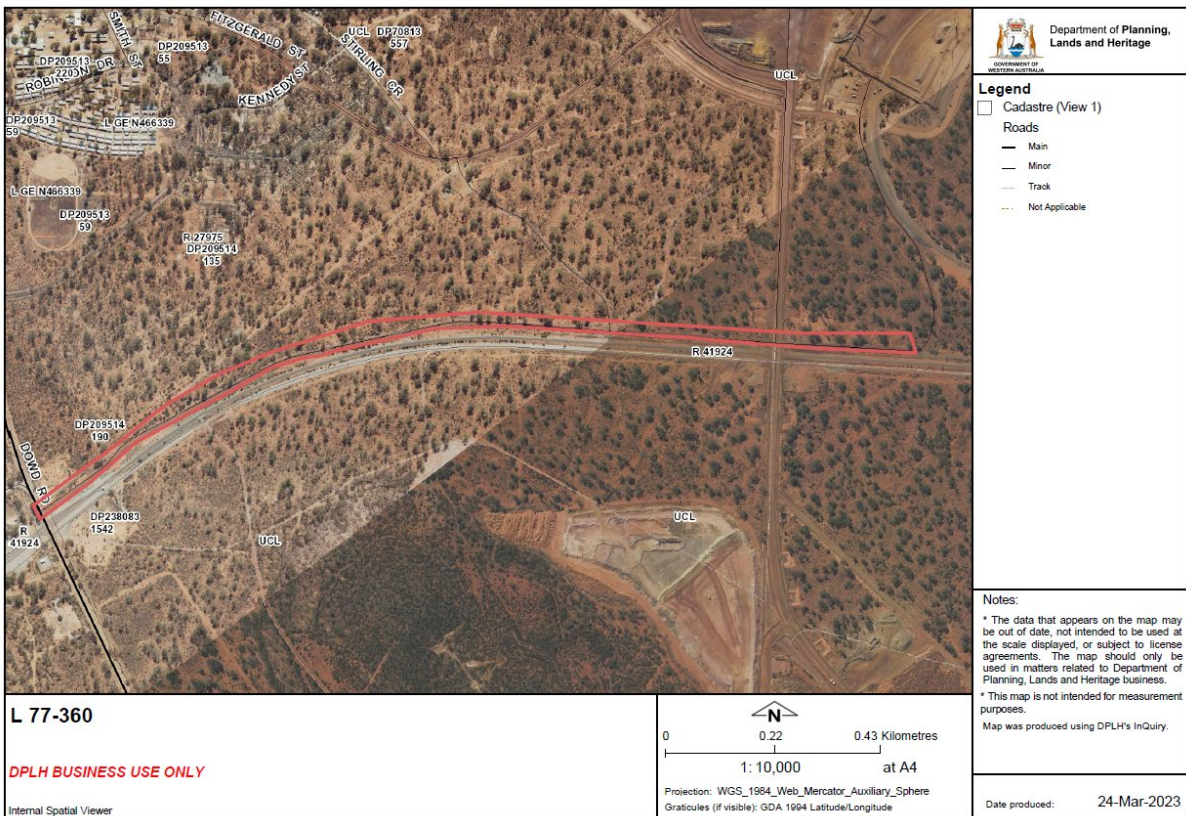
Comment

The relevant Tenure map and Aerial map has been provided.

Whilst the referral provided no detail as to the purpose of the licence, a check with Yilgarn Iron Pty Ltd indicated it was for installation of a pump, pipe and use of existing access track.



L77-360 Tenure Map



L77-360 Aerial Map

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)
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 following response to the Department of Mines, Industry Regulation and Safety Resource:

In relation to the application for Miscellaneous Licence 77/360 by Yilgarn Iron Pty Ltd, the Shire of Yilgarn has no objections.

9.1 Officers Report – Chief Executive Officer

9.1.9 Annual Policy Manual Review 2023

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Chief Executive Officer
Attachments	<ul style="list-style-type: none"> - Proposed Final Draft of Council Policy Manual. - Tracked Changes document. - Policy Changes Spreadsheet.

Purpose of Report

To inform Council of the Annual Review in relation to Council and Staff Policy Manuals.

Background

Council previously undertook a substantial review of Council Policies at its Ordinary Council meeting held on Thursday 15 September 2022.

The draft policy documents are attached, with tracked changes for Councillors reference.

In assessing the current policies, the recommendation by Moore Australia, the Shire’s auditor for the “Financial Risk Management Review” and “Regulation 17 Audit”, to remove Council policies that are operational in nature, has been considered. Whilst general detail was provided on most policies, Moore specifically identified a number of Council policies that were operational by nature and stated these policies should not be included in the Council policy manual. Instead, operational policies should form a separate set of “Executive Policies”, ultimately determined by the CEO, whom, as per the Local Government Act 1995, has full responsibility for all operational matters. This has been undertaken during the review, and Councillors will note the “Staff Council Policy Manual” is not included in their endorsement, as these relate to operational matters for the CEO to determine. Any “Staff Council Policies” with a strategic element have been transferred to the “Council Policy Manual” for endorsement.

Furthermore, the Shire’s Planning Consultant, Town Planning Innovations, advised that the Shire’s planning policies should also be removed, with any issues wanting to be addressed needing new policies processed in line with legislative requirements.

Comment

Detailing the proposed changes are the following attachments:

- Proposed Final Draft of Council Policy manual
- Tracked Changes document;
- Spreadsheet identifying relevant changes.

Statutory Environment

Section 2.7 of the Local Government Act 1995

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership Objectives – Outcome 4.1 – A trustworthy and cohesive Council that functions efficiently and effectively
4.1.2 Maintain a high level of corporate governance, responsibility and accountability.

Policy Implications

Recommended changes to Policy Manuals

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	Annual review of Policy Manuals	High (15)	Once reviewed and adopted by Council, Policy Manuals to be placed on Shire website for community information
Reputational	Demonstration of good governance through review processes	High (15)	Open and transparent review
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 notes the Annual Review of Council's Policies undertaken by Council's Executive Managers and staff and endorses the inclusions, deletions and amendments as presented, and for the same to be included in the 2023 Council Policy Manual.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-August 2023

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 31 August 2023

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

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

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

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

Officer Recommendation

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – August 2023

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41233 to 41240 totalling \$41,276.82
- Municipal Fund - EFT 14285 to 14377 totalling \$589,382.23
- Municipal Fund – Cheques 2215 to 2234 totalling \$373,161.80
- Municipal Fund - Direct Debit Numbers:
 - 18097.1 to 18097.14 totalling \$24,218.12
 - 18119.1 to 18119.14 totalling \$24,562.45
 - 18169.1 to 18169.14 totalling \$24,923.60
 - 18175.1 totalling \$523.16

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)
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 41233 to 41240 totalling \$41,276.82*
- *Municipal Fund - EFT 14285 to 14377 totalling \$589,382.23*
- *Municipal Fund – Cheques 2215 to 2234 totalling \$373,161.80*
- *Municipal Fund - Direct Debit Numbers:*
 - *18097.1 to 18097.14 totalling \$24,218.12*
 - *18119.1 to 18119.14 totalling \$24,562.45*
 - *18169.1 to 18169.14 totalling \$24,923.60*
 - *18175.1 totalling \$523.16*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write Off of Uncollectable Debt

File Reference	8.2.1.5 & A101332
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

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

Background

Tenement E77/02583 was first granted effective 5th August 2019 to Advent Exploration WA Pty Ltd. Since this time no payment of Rates or interest charges has been received. The tenement death is recorded as effective 7th August 2020.

Correspondence from Datum Peg Mining Titles Solutions which was received after the issuing of the 2021/2022 rates notice indicated that the owner of Advent Exploration WA Pty Ltd was no longer in Australia and had not provided a forwarding address. Councils' debt collection activities subsequently confirmed this information.

Comment

Collection action has been discontinued as there is little to no likely hood further collection activities will result in success. AMPAC have been advised that further investigation into this matter has been deemed not to be cost effective and to close the file.

The following amounts are currently outstanding for Assessment A101332:

Levies	Receipts	Balance	C/A	Description
1012.54	0.00	1012.54	A	Rates
129.89	0.00	129.89	C	Interest
330.00	0.00	330.00	C	Legal Charges
=====				
1472.43	0.00	1472.43		*** TOTALS ***

Statutory Environment

Local Government Act 1995

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

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,which is owed to the local government.

* *Absolute majority required.*

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

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Nil

Policy Implications

Council Policy

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

Financial Implications

Write-off of \$1,472.43 in uncollectable Rates revenue.

The 2023/2024 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which \$2,633.52 has been utilised.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Rate Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure rate write-offs are endorsed by Council.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the amount of \$1,472.43 in outstanding Rates, Interest & Legal Charges for Assessment A101332.

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 Plant Replacement 2017 Freightliner Prime Mover

File Reference	5.1.6.11
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Glen Brigg-Executive Manager Infrastructure
Attachments	Nil

Purpose of Report

For Council to consider tenders received through the WALGA Preferred Suppliers tendering network for the replacement of the Shire’s 2017 Freightliner Prime Mover.

Background

Council’s 2023-2024 budget makes provision to replace the 2017 Freightliner prime mover. Staff have called tenders for a dedicated water truck as per plant replacement program.

Staff have utilized the Preferred Supplier Service offered by the Western Australian Local Government Association (WALGA). Twelve dealers were asked for quotations.

1. Daimler Truck and Bus Australia Pacific PTY LTD
2. Fuso Truck and Bus
3. Hino Motor Sales Australia Pty Ltd
4. Isuzu Australia Ltd
5. Iveco Trucks Australia
6. Mack Trucks
7. Mercedes-Benz Trucks
8. PACCAR DAF
9. PACCAR Kenworth
10. Scania Australia
11. UD Trucks a division of Volvo Group Australia
12. Volvo Trucks

Staff received 4 prices to replace the Freightliner with an 8x4 dedicated water truck. Staff have assessed all the tenders received. None of the 4 trucks offered meet the full tender specifications and three out of the four units offered do not meet the GCM rating of 72 tonnes. The GMC 72 tonnes rating is needed for towing dog trailers including the low loader.

Comment

Council is committed to implementing a systematic asset management practice in order to apply appropriate asset management and best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery. Fleet Asset Management achieves this by setting standards, service levels and programs which Council will develop and deliver.

Levels of Service helps an organisation meet its stakeholder's needs, and work towards achieving its strategic goals. They ensure that an asset is fit for purpose, whilst balancing costs and future demands. Shortfalls can be identified, and future assets can be developed strategically.

The 2023-2024 budget provides a budget allocation to convert the 2018 and 2020 8x4 Mack trucks from end tipping to side tipping, matching the side tipping trailers already in the fleet.

Staff went to the market seeking tenders for a dedicated water truck. After receiving tenders, determining dealer delivery times and longer than normal body building delays, staff are recommending a different approach when considering this tender.

Considering the information provided within the tenders, talking to dealers and body builders, staff recommend retaining the existing 2018 Mack 8x4 truck as a water truck, and fit the new the side tipping body directly to the new 8x4 truck.

The 2018 8x4 Mack truck is due for replacement within the next 3 years, considering, this truck may take up to 18 months before delivery, any new body on the 2018 Mack would only be in use for 18 months before being refitted to the 2018 Mack Truck replacement truck.

Then when the 2018 8x4 Mack truck is due for replacement, it can be replaced with a dedicated water truck or tipping truck depending on the future needs. This will give staff time to monitor productivity across the truck fleet and make any changes needed when considering the complete asset management plans and strategies after implementation.

The Local Government (Functions and General) Regulations 1996 state,

30. Dispositions of property excluded from Act s. 3.58

(3) A disposition of property other than land is an exempt disposition if—

(a) its market value is less than \$20 000; or

(b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000.

Staff have not offered the 2017 Freightliner for public tender at this time. Most dealers are not offering trades because of long delivery delays and the future market is volatile. There are two offers to trade the 2017 Freightliner. Truck Centre WA trade offer is subject to being reassessed 3 months prior to delivery of the new truck. Staff will offer the 2017 Freightliner prime mover for Sale by Tender before the new truck delivery takes place.

The table below details the cost for new 8x4 truck and the trade prices offered:

Tenderer	Truck Brand	Price (ex GST)	Warranty	Trade 2017 Freightliner	Changeover (Ex GST)
Fuso Truck & Bus	Fuso Shogun	\$362,875.75	5 years 350,000 km	No Trade offered	\$362,875.75
Iveco Trucks	Iveco TWay	\$387,157 + On Road Costs	3 years 750,000 km	\$20,000	\$367,157
PACCAR (CJD)	DAF	\$453,208	3 years 750,000 km	No Trade offered	\$453,208
Truck Centre WA	Mack Anthem	\$449,200	4 years 600,000 km	\$150,000	\$299,200

Truck Centre WA will reassess the trade vehicle 3 months before the delivery of the new truck. This will give staff time to offer the truck for sale through the WALGA tendering network.

The 2023-2024 budget makes provision to purchase a new dedicated water truck for \$400,000 and trade the existing 2017 Freightliner prime mover for \$65,000. Truck Centre WA has offered a new 8x4 side tipping Mack Anthem for \$449,000 GST Exclusive and trade the 2017 Freightliner prime mover for \$150,000 excluding GST. The total change over cost is estimated at \$299,200 after trade.

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Strategic Implications

Purchase is in line with the 2023/2024 plant replacement program and asset management.

Policy Implications

“Council Policy No 3.5 Purchasing and Tendering Policy”

Financial Implications

The 2023-2024 budget makes the provision for a total changeover of \$335,000 excluding GST to replace the 2017 Freightliner prime mover.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	In line with the plant replacement	Low (4)	Extended wait times may increase the overall changeover when the trade is reassessed 3 months before the delivery
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, by Absolute Majority in accordance Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, that,

- 1. Council changes the plant replacement program to replace the 2017 Freightliner Prime Mover with an 8x4 side tipping truck fit for purpose with a GCM rating suitable to tow side tipping dog trailer and low loader*
- 2. Council accepts the tender from Truck Centre WA to purchase a new Mack Anthem 8x4 side tipping truck for \$449,000 excluding GST*
- 3. Council accepts Truck Centre WA offer to trade the 2017 Freightliner for \$150,000 (Ex GST) dependant on revaluation within 3 months prior to the new truck being delivered and subject to being offered for sale by tender through WALGA's tending service.*

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

CONFIDENTIAL

Recommendation

That the Council meeting be closed to the public under section 5.23 (2)(a) of the Local Government Act 1995.

Voting Requirements: Simple Majority

13 Officers Report – Chief Executive Officer

13.1 Chief Executive Officer Performance Criteria and Annual Appraisal Process

File Reference	1.1.1.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	- Officer’s Performance Criteria and Annual Appraisal Document - CEO Review RFQ - Quotations for CEO Review Consultation

Purpose of Report

For Council, in consultation with the CEO, to endorse the Chief Executive Officers 2023 Annual Performance review process.

Background

As per section 4 of the Chief Executive Officers contract of employment it states:

4.1 Performance Criteria

- (1) The Performance Criteria is included at Appendix 1*
- (2) The Performance Criteria must be reasonably achievable by You.*
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.*
- (4) The Performance Criteria –*
 - (a) must be reviewed annually by the parties; and*

- (b) *may be amended, from time to time, by agreement in writing between the parties.*
- 4.2 *Performance Criteria and performance review*
Your performance under this Contract, must be reviewed and determined by the Reviewer –
- (a) *by reference to the Performance Criteria;*
(b) *at least annually; and*
(c) *more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*
- 4.3 *Selection of Reviewer*
- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -*
- (a) *who the Reviewer is to be; and*
(b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
- (a) *the Council;*
(b) *a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or*
(c) *a person who is a HR professional who is agreed to by the Council to conduct the performance review.*
- (3) *For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in subclauses 4.3(1)(a), the Council is to make the relevant determination.*

The Shire’s “Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination” states in relation to CEO reviews:

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
- (a) *the process by which the CEO’s performance will be reviewed; and*
(b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*

(3) *The matters referred to in subclause (1) must be set out in a written document.*

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*
- (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*

At the November 2021 Council meeting, as per the CEO's contract of employment, the following resolution was carried:

221/2021

Moved Cr Nolan/Seconded Cr Close

That Council endorses the Chief Executive Officer's Performance Criteria and Annual Appraisal process in accordance with Section 4 of the CEO's Contract of Employment and determines the full Council will be Reviewers for the duration of the Chief Executive Officers contract period.

CARRIED (5/0)

The approved process involved completion of the attached criteria review document, and a session with the CEO and full Council to discuss the CEO's performance over the 12 months in review.

However, the CEO and Council may agree to an alternative method of review, which may include:

- Engaging a consultant to facilitate the review process; or
- Endorse an impartial member of the community to sit in on the CEO review process.

Comment

The CEO has taken the liberty of seeking quotes from a number of consultants who provide services including CEO reviews, a summary of submissions is below, with the quotations attached for Councillor perusal. The RFQ document is also attached.

Consultant	Cost (inc gst)	Comment
Brainbox Group	\$6,798.00	Remote delivery, onsite attendance \$165/hour
Price Consulting Group Pty Ltd	\$7,643.87	Includes one trip to Southern Cross Additional scope at \$242/hour
Shayne Silcox	\$5,720.00	Onsite Delivery
	\$4,180.00	Remote Delivery
Boab Community Consulting	Declined to quote	No capacity to undertake.

Council in consultation with the CEO, may agree to either of the following methods of CEO review:

1. Undertake CEO Annual Review as per previously agreed, with the CEO completing and submitting the Chief Executive Officer's Performance Criteria and Annual Appraisal document for full Council review.
2. Utilise the Chief Executive Officer's Performance Criteria and Annual Appraisal document, with an independent community member included in the review process.
3. Engage a consultant to facilitate the CEO review process.

It is suggested Council consider the quotations provided, and the matter is discussed and resolved during the Council meeting.

Statutory Environment

CEO Contract of Employment

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Cost of consultant if engaged to facilitate process.

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 Contract of Employment	Moderate (6)	Setting of annual review process in accordance with contract
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 considers the options available in relation to the CEO annual performance appraisal, and consults with the CEO to determine the preferred method of review.