



# **Council Meeting Agenda 16 November 2023**

# Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

## **November 2023 Ordinary Meeting of Council**

Will be held in the Council Chambers on

Thursday, 16 November 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**

10/11/2023

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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 Close  
                                    Cr B Bradford  
                                    Cr G Guerini  
                                    Cr L Granich  
                                    Cr L Rose  
                                    Cr Newbury

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

Apologies:

Observers:

Leave of Absence:

**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, 19 October 2023- (Minutes Attached)

Recommendation

**That the minutes from the Ordinary Council Meeting held on the 19 October 2023 be confirmed as a true record of proceedings.**

**Voting Requirements: Simple Majority**

6.2 Special Meeting of Council, Wednesday, 1 November 2023- (Minutes Attached)

Recommendation

**That the minutes from the Special Council Meeting held on the 1 November 2023 be confirmed as a true record of proceedings.**

**Voting Requirements:** Simple Majority

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

**8. DELEGATES' REPORTS**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 2023/2024 Community Funding Program

<b>File Reference</b>	<b>1.3.11.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Monica Fairless – CRC Coordinator</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider the Community Funding Grant applications for the 2023/2024 Financial year.

#### Background

The Shire of Yilgarn Community Funding Program was developed to:

- To provide a source of funding for non-profit community organisations operating within the district;
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

As part of the 2023/2024 Budget Council resolved to make available \$16,000 (excluding GST), with three categories of Funding available - ‘Essential Equipment/Capital Items’ (up to \$2,000), ‘Community/Sporting Event related expenses’ (up to \$2,000), and ‘Travel & Training Assistance’ (up to \$500).

#### Comment

For the 2023/2024 Community Funding program, the following eligible applications were received:

<i>Applicant</i>	<i>Equipment / item</i>	<i>Funded Amount</i>	<i>Club Contribution</i>
<i>Yilgarn Community Support Group</i>	<i>1 x Telstra prepaid sim 12mth expiry, 1 x Samsung phone, 1 x Canon inkjet printer, 1 x set of colours for printer</i>	<i>\$1,681.80</i>	<i>\$0.00</i>
<i>CWA of WA (Southern Cross Branch)</i>	<i>Expenses associated with catering, photographer hire and live music for Ladies Day 2024</i>	<i>\$2,000.00</i>	<i>\$0.00</i>
<i>Moorine Rock Tennis Club</i>	<i>3 x tennis nets and 1 x storage trolley</i>	<i>\$2,000.00</i>	<i>\$397.79</i>
<i>Bullfinch Shooting Club</i>	<i>8 x floodlights for night shoots</i>	<i>\$1,880.00</i>	<i>\$0.00</i>
<i>Yilgarn Agricultural Society</i>	<i>2 x USB cash drawers for Square registers</i>	<i>\$800.00</i>	<i>\$200.00</i>

<i>Southern Cross Motorcycle Club</i>	<i>Swann 12 Camera 16 channel security camera system</i>	<i>\$2,000.00</i>	<i>\$899.00</i>
<i>Yilgarn Netball Association</i>	<i>Goal post covers for indoor Netball courts</i>	<i>\$1,379.90</i>	<i>\$0.00</i>

The total amount to be funded by the Shire of Yilgarn equates to \$11,741.70, which is within the \$16,000 included in the 2023/2024 budget.

### Statutory Environment

Nil.

### Strategic Implications

#### 2020-2030 Strategic Community Plan

An Inclusive, Secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire  
- Provide support to local sport, recreation and community groups

### Policy Implications

Council Policy Manual 2020 - 6.9 Community Funding Program.

### Financial Implications

Council has included \$16,000 in the 2023/24 Budget. The total of eligible applications received totals \$11,741.70.

### Risk Implications

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x Likelihood)</b>	<b>Mitigation Action</b>
<b>Health/People</b>	Community groups suffer due to lack of equipment or funding	Moderate (6)	Funding available to assist local clubs
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 approves the following grants from the Community Funding Program for the 2023/2024 financial year:-*

<i>Applicant</i>	<i>Equipment / item</i>	<i>Amount</i>
<i>Yilgarn Community Support Group</i>	<i>1 x Telstra prepaid sim 12mth expiry, 1 x Samsung phone, 1 x Canon inkjet printer, 1 x set of colours for printer</i>	<i>\$1,681.80</i>
<i>CWA of WA (Southern Cross Branch)</i>	<i>Expenses associated with catering, photographer hire and live music for Ladies Day 2024</i>	<i>\$2,000.00</i>
<i>Moorine Rock Tennis Club</i>	<i>3 x tennis nets and 1 x storage trolley</i>	<i>\$2,000.00</i>
<i>Bullfinch Shooting Club</i>	<i>8 x floodlights for night shoots</i>	<i>\$1,880.00</i>
<i>Yilgarn Agricultural Society</i>	<i>2 x USB cash drawers for Square registers</i>	<i>\$800.00</i>
<i>Southern Cross Motorcycle Club</i>	<i>Swann 12 Camera 16 channel security camera system</i>	<i>\$2,000.00</i>
<i>Yilgarn Netball Association</i>	<i>Goal post covers for indoor Netball courts</i>	<i>\$1,379.90</i>

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 2023-2024 Christmas-New Year Closure

<b>File Reference</b>	<b>2.4.1.10</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present to Council for approval, the closure of the Administration Office over the 2023/2024 Christmas and New Year holiday period.

#### Background

The Shire's administration office closes over the Christmas and New Year period, to allow staff to have time off with family and friends. This time of the year is normally quiet and the closure has little impact upon the community as it is now an accepted practice.

#### Comment

The recommended administration closure dates are as follows,

Monday	Tuesday	Wednesday	Thursday	Friday
11/12/2023 Open	12/12/2023 Open	13/12/2023 Open	14/12/2023 Open	15/12/2023 Open in Morning Closed Midday for Council Function
18/12/2023 Open	19/12/2023 Open	20/12/2023 Open	21/12/2023 Open	22/12/2023 Open
25/12/2023 Public Holiday	26/12/2023 Public Holiday	27/12/2023 Closed	28/12/2023 Closed	29/12/2023 Closed
1/01/2024 Public Holiday	2/01/2024 Open for 2024	3/01/2024	4/01/2024	5/01/2024

The above closure dates will be posted at the Shire Office, advertised in “Crosswords” and placed on the Shire website, to ensure the community have sufficient notice.

### Statutory Environment

Nil.

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Work fatigue of staff.	Low (3)	Closure period to allow good rest period and ability to refresh for 2024
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Access to Shire administration Services will be reduced	Moderate (8)	Adequate public notice and accepted practice allows for community to ensure Shire administrative needs are addressed prior to closure
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 approves of the Shire Administration Office closing for the 2023/2024 Christmas and New Year break, as presented, subject to staff undertaking adequate advertising to inform the community of the closure.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Council Meeting Dates - 2024

<b>File Reference</b>	<b>2.1.2.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present to Council for determination, the time and date of Ordinary Council meetings for 2024.

#### Background

Council is required to determine the time and date of Council meetings for 2023 to allow public notice to be provided in accordance with the *Local Government (Administration) Regulations 1996*.

#### Comment

Nil

#### Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates, time and place at which

- 
- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

#### 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	
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Regulations.	Moderate (6)	Once set, public notice to be undertaken to comply with Regulations.
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 in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2024 calendar year: -*

*Monthly Ordinary Council meetings to commence at 5:00pm on the following dates: -*

<i>January 2024</i>	<i>No Meeting Scheduled</i>	
<i>Thursday, 15<sup>th</sup></i>	<i>February 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 21<sup>st</sup></i>	<i>March 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 18<sup>th</sup></i>	<i>April 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 16<sup>th</sup></i>	<i>May 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 20<sup>th</sup></i>	<i>June 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 18<sup>th</sup></i>	<i>July 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 15<sup>th</sup></i>	<i>August 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 19<sup>th</sup></i>	<i>September 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 17<sup>th</sup></i>	<i>October 2024</i>	<i>Mt. Hampton Hall</i>
<i>Thursday, 21<sup>st</sup></i>	<i>November 2024</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 19<sup>th</sup></i>	<i>December 2024</i>	<i>Council Chambers Southern Cross</i>

*Prior to the commencement of the Council Meeting, a Councillor Briefing Session will be conducted at 4.00pm.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Audit and Risk Committee Delegate Changes

<b>File Reference</b>	<b>2.1.2.9</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to endorse changes to the Audit and Risk Committee delegates.

#### Background

Section 7.1A of the *Local Government Act 1995* states the following in respect to the appointment of an Audit Committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.  
  
\* *Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

**\*A recommendation that arose from a report issued by the Office of Auditor General on 15 March 2019 indicated that as far as practicable, the Audit & Risk Committee should include a few Council members rather than the entire Council.**

At the Special Meeting of Council held on the 1 November 2023, the following was carried:

***Moved Cr Guerini, Seconded Cr Rose***

***That Council, by absolute majority, appoints Crs Della Bosca, Rose ad Closeto the Shire of Yilgarn Audit & Risk Committee and confirms Mrs Jodie Cobden as the Community representative on the Audit & Risk Committee.***

***Carried 7/0***



## Comment

Post the meeting, it has been requested if Cr Rose can step down from the committee, and have Cr Bradford endorsed as a delegate.

The change will require a revocation of the decision made at the Special Council meeting. The *Local Government (Administration) Regulations 1996* requires the decision to revoke to be via absolute majority.

## Statutory Environment

***Local Government Act 1995.***

***Local Government (Administration) Regulations 1996***

***Part 2 Council and committee meetings***

***10. Revoking or changing decisions (Act s. 5.25(1)(e))***

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*

*This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

## 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	
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Act in relation to Audit Committees.	Moderate (6)	Audit Committee delegation as per Act..
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### **Officer Recommendation 1**

*That Council, by absolute majority, revokes the previous decision of Council, made at the Special Council Meeting held on the 1 November 2023, which reads as follows:*

*Moved Cr Guerini, Seconded Cr Rose*

*That Council, by absolute majority, appoints Crs Della Bosca, Rose and Close to the Shire of Yilgarn Audit & Risk Committee and confirms Mrs Jodie Cobden as the Community representative on the Audit & Risk Committee.*

*Carried 7/0*

### **Officer Recommendation 2**

*That Council, by absolute majority, appoints Crs Della Bosca, Close and Bradford to the Shire of Yilgarn Audit & Risk Committee and confirms Mrs Jodie Cobden as the Community representative on the Audit & Risk Committee.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Proposed Carport – Lot 85 (No 51) Spica Street, Southern Cross

<b>File Reference</b>	<b>3.1.7.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for a carport on Lot 85 (No 51) Spica Street, Southern Cross.

#### Background

- **Location and Existing Development**

Lot 85 has been developed with an existing house and associated outbuilding.

The lot is located near the intersection of Spica Street and Centaur Street in the Southern Cross townsite.

A location plan is included over page for ease of reference.



Above: Location Plan

## Comment

- **Zoning and Scheme requirements**

Lot 85 is zoned Residential with an R10 density code under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

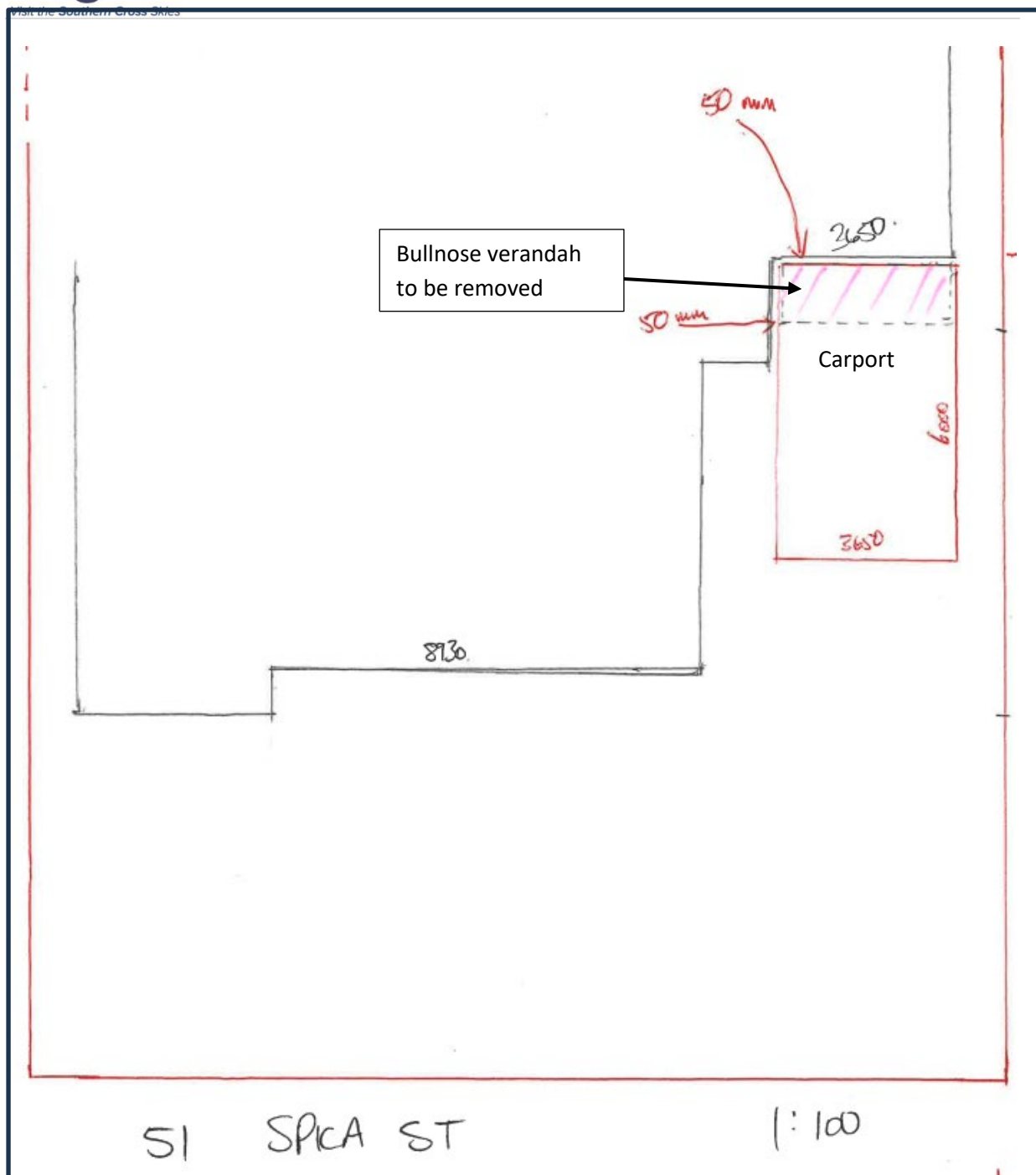
The proposed carport requires planning approval as it entails a minor variation to the Residential Design Codes.

- **Description of Application**

The owners propose a carport in front of the existing house. Part of a bullnose verandah will be removed to facilitate the development.

The carport will have a total floor area of 21.9m<sup>2</sup> and be open sided with a flat roof. The carport is proposed to have a height of 2.7 metres.

A partial site plan is included overpage.



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

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

The R-Codes contain a number of definitions for various residential structures, including a carport which is defined as ‘a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.’

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

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for carports. The ‘Deemed to Comply’ requirements relate to site controls such as building setbacks, site open space, and building height.

The carport only requires planning approval as a 1.15 metre side setback is proposed in lieu of 1.5 metres.

The carport complies with alternative Design Principles as outlined in the table below.

Design Principles	Compliance / Officer Comment
<p>Clause 5.1.3 P3.1</p> <p>Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties</li> </ul>	<p>Complies.</p> <p>;</p> <ul style="list-style-type: none"> <li>• As the structure is open sided there will be no significant building bulk;</li> <li>• As the structure is open sided it will not have any significant impact on adequate access to direct sun and ventilation;</li> <li>• The carport is non habitable and will not result in any overlooking or loss of privacy for adjoining properties.</li> </ul>
<p>Clause 5.2.1 P3.2</p> <p>Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property</li> </ul>	<p>Complies.</p> <ul style="list-style-type: none"> <li>• The carport has no impact on privacy;</li> <li>• It does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• Amenity is a subjective issue, however the structure will be low scale, minor development and open sided.</li> </ul>

Based on compliance with the above Design Principles, TPI recommends that the application be approved.

- **Consultation**

The application is being advertised for public comment through publication of a notice on the Shires website and letters to adjacent and nearby neighbours. Public advertising closes on the 17<sup>th</sup> November 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 61 lists development that is exempt from the need for planning approval, including carports that are ancillary to a dwelling and comply with the ‘deemed to comply’ requirements of the Residential Design Codes. This application requires planning approval as it entails a minor variation to the Residential Design Codes.

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

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

*Shire of Yilgarn Town Planning Scheme No 2* – 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**

Nil.

### **Policy Implications**

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

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

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



### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

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

Risk Matrix						
Consequence		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. Note that Shire Administration has organised advertising of the planning application for Lot 85 (No 51) Spica Street, Southern Cross. Advertising closes on the 17<sup>th</sup> November 2023.***
- 2. Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a carport on Lot 85 (No 51) Spica Street, Southern Cross.***

## 9.1 Officers Report – Chief Executive Officer

### 9.1.6 Proposed Addition to existing Grouped Dwelling –Lot 912 (No 9) Taurus Street, Southern Cross

<b>File Reference</b>	<b>3.1.7.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil.</b>

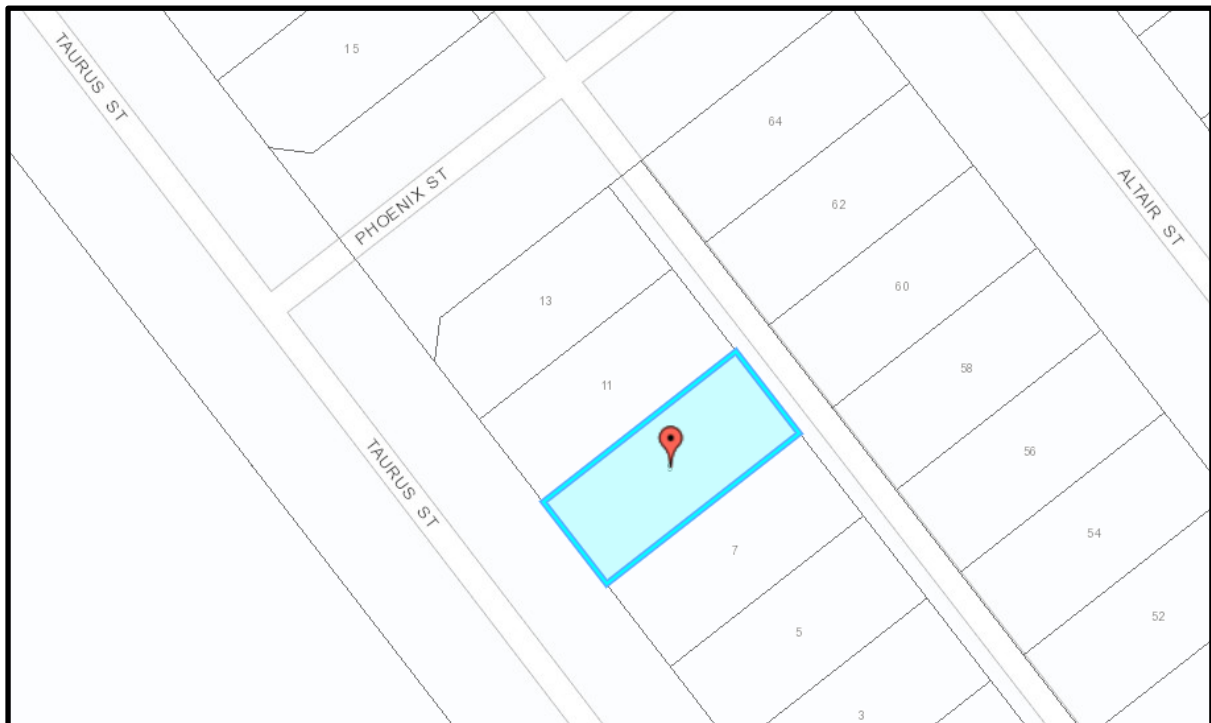
#### Purpose of Report

Council is to consider a planning application for an addition to an existing grouped dwelling on Lot 912 (No 9) Taurus Street, Southern Cross.

#### Background

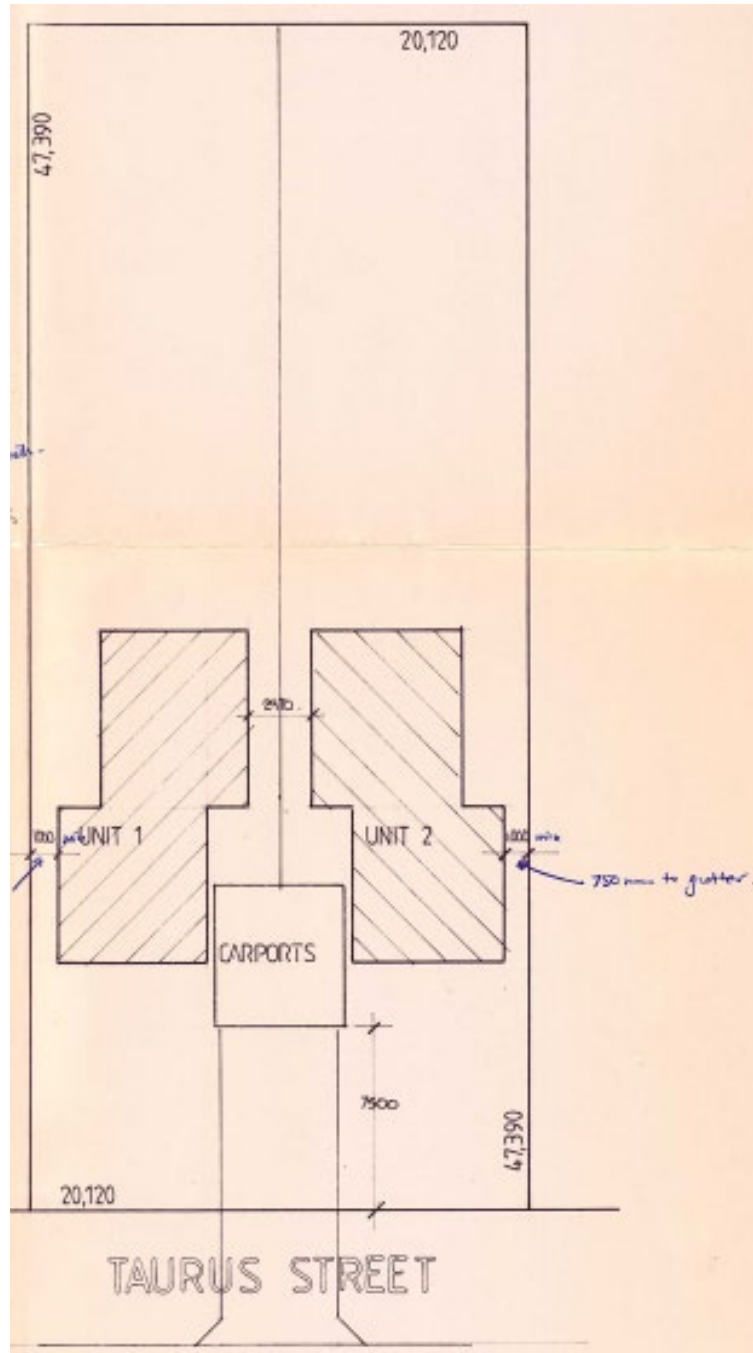
- Location**

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.

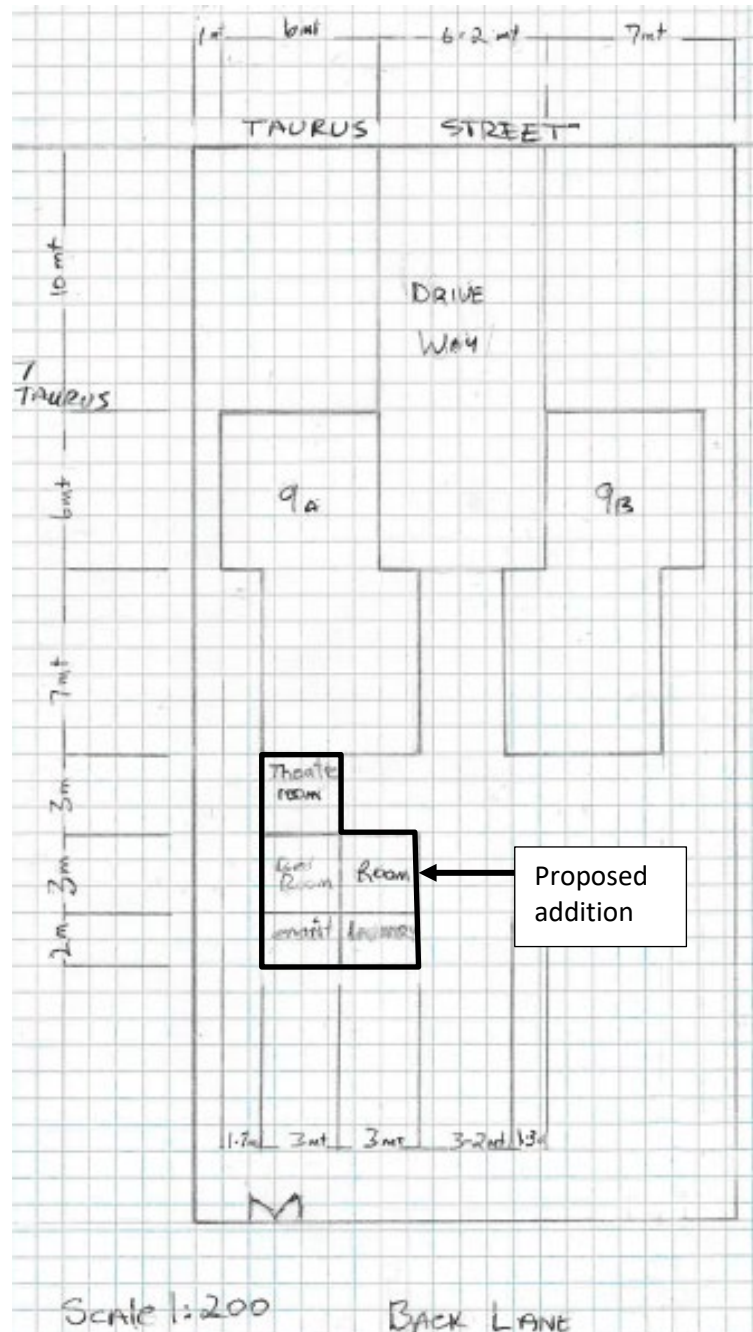


Above: Site Plan from 1988 Building Permit

**Comment**

- Description of Development**

Plans have been lodged for rear additions to one of the existing dwellings on the lot.



The addition will allow for a bedroom, theatre room, laundry and ensuite. The external walls are proposed to be constructed out of hardiflex, with wood doors and aluminium framed windows. A corrugated iron roof is proposed.

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

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.

The proposed addition complies with all 'deemed to comply' requirements of the Residential Design Codes including building setbacks and site open space.

The proposed development only requires planning approval because it is an addition to a grouped dwelling.

- **Consultation**

The application has not been advertised for public comment as it complies with the Residential Design Codes.

### **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.

### **Strategic Implications**

There are no known strategic implications associated with this report.

## 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 the current 2021 version of the Codes.

## 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.** *Approve the application for an addition to an existing grouped dwelling on Lot 912 (No 9) Taurus Street, Southern Cross subject to the following conditions and footnote:*
- 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 the rear laneway.*
  - 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 and owners need a separate building permit approval prior to commencing any site works or construction.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.7 Proposed Met Mast Application –Lot 620 (adjacent Glendower Road), Southern Cross

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations (TPI)</b>
<b>Attachments</b>	<b>Nil.</b>

#### Purpose of Report

Council is to consider an application for a Met Mast on Lot 620 which is adjacent to Glendower Road in Southern Cross.

The application is being advertised for public comment, and has been referred to relevant government agencies and key stakeholders.

#### Background

- **Separate wind farm application**

The Shire is currently processing a separate application for a wind farm which includes proposed turbines on Lot 620. The wind farm application will be determined by a Development Assessment Panel (DAP).

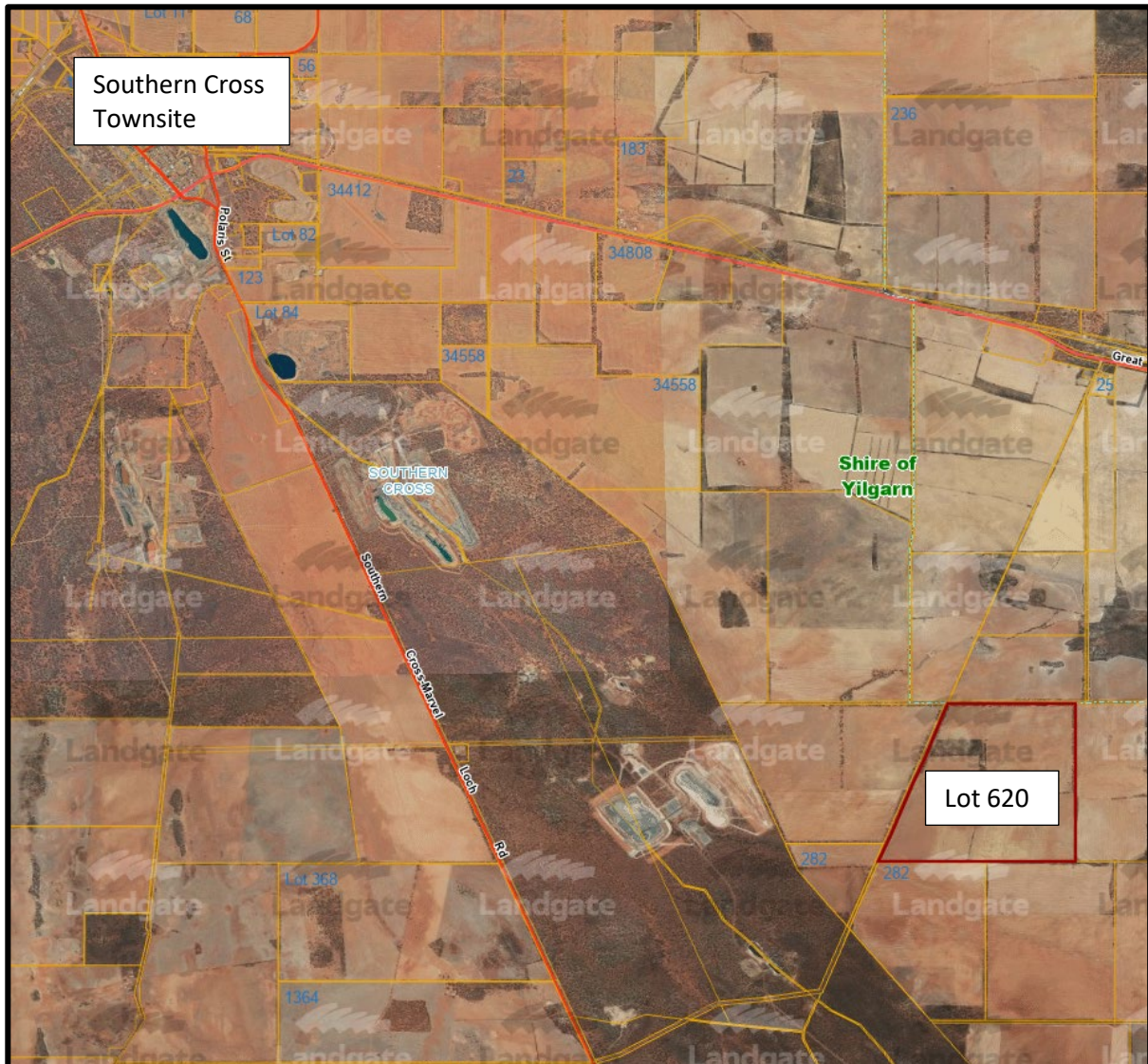
This application, for a Met Mast, has to be assessed and determined independently of the DAP wind farm proposal.

- **Location**

Lot 620 is located approximately 13 kilometres to the south-east of the Southern Cross townsite.

The lot has an approximate area of 516 hectares, and is used for agricultural purposes. The closest intersection to the lot is Glendower and Ghooli South Road.

A location plan is included over page for convenience.



Above: Location Plan

### Comment

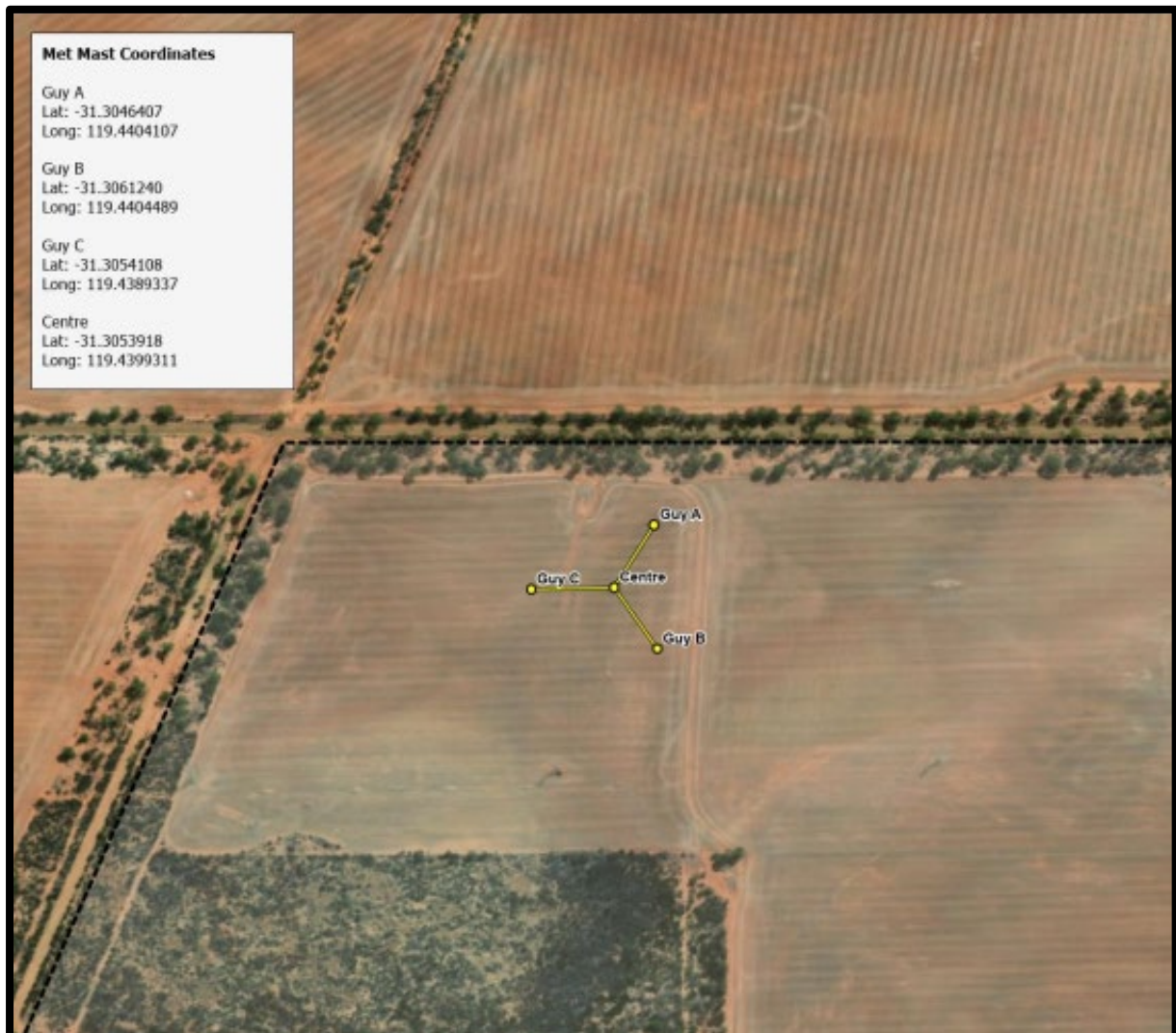
- **Description of Application**

The application proposes a 120 mere high Met Mast which will be of lattice construction and supported by guy wires.

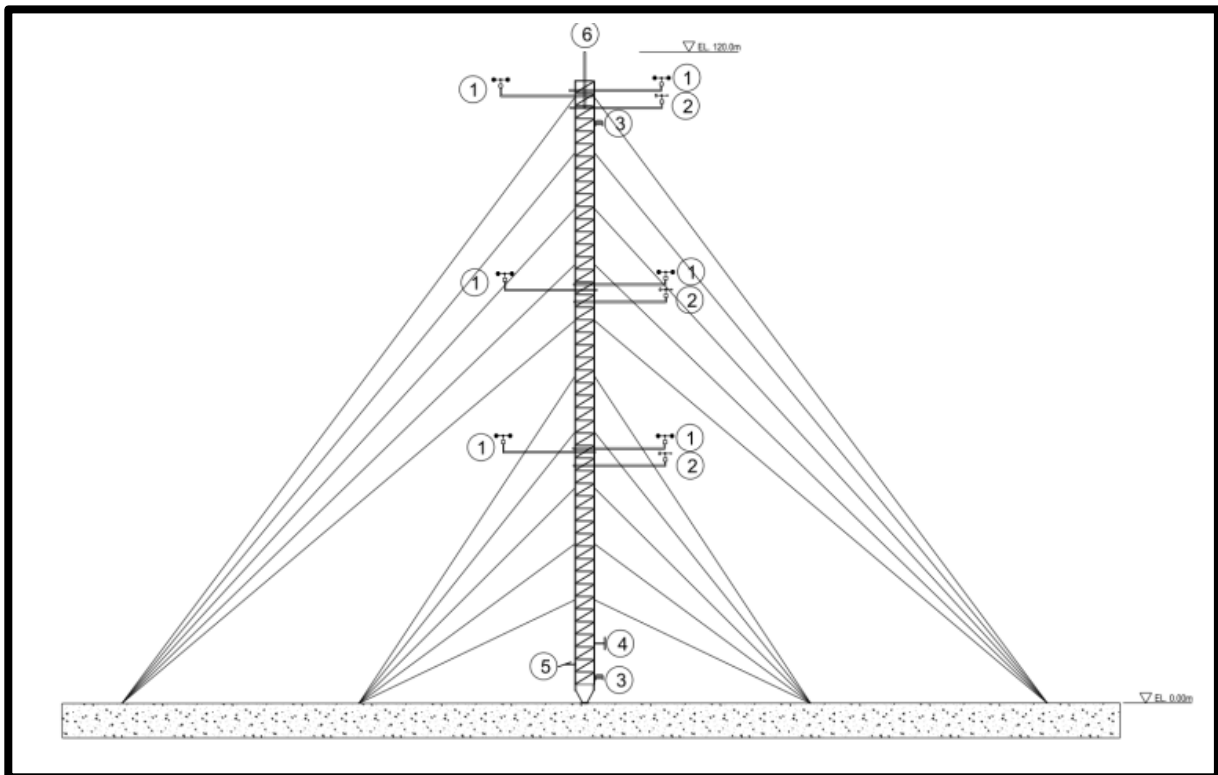
The Met Mast will be equipped with wind and weather sensors at various heights, allowing for the measurement of wind speed, wind direction, wind shear, wind turbulence and air density.

The Met Mast will be located in a cleared area and is anticipated to be required for 5 years.

A partial site plan is included below.



An elevation is included below.



A complete copy of the application is available on the Shire website - [News Story - Proposed Metmast - Lot 600 Glendowner Rd - PLANNING AND DEVELOPMENT ACT 2005 » Shire of Yilgarn](#)

- **Zoning and Land Use Permissibility**

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

Under the Scheme the objective of the Rural/Mining zone *'is to be used primarily for rural, mining, agricultural, single houses and public recreation'*.

Part of the planning assessment for any application involves determining which land use definition from the Scheme 'best fits' the proposal.

There is no land use definition applicable to a Met Mast under the Scheme.

Table 2 (Zoning Table) lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 2 outline the permissibility of land uses in different zones.

As a 'Met Mast' is neither defined in the Scheme or listed in Table 2, it can be processed as what is referred to as a 'Use Not Listed'.

In processing the 'Met Mast' as a 'Use Not Listed' Council has three options under the Scheme as follows:

Option 1 - Determine that the 'Met Mast' use is consistent with the objectives of the Rural/Mining zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government.

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

Option 2 - Determine that the proposed 'Met Mast' use may be consistent with the objectives of the Rural/Mining zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land.

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

Advertising the application in accordance with Option 2 will provide opportunity to liaise with aviation stakeholders and neighbours.

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

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

- **Aviation Safety**

An Aviation Impact Assessment has been lodged as part of the application.

The findings of the Aviation Assessment conclude that:

- (a) The Project is within 15 nautical miles (nm) and 30 nm of Southern Cross aerodrome however it will not affect the Procedures for Air Navigation Services - Aircraft Operations PANS-OPS surfaces. The Met Mast will not affect the 10 nm or 25 nm MSA.
- (b) The Met Mast will not infringe the obstacle limitation surfaces established for the Southern Cross aerodrome, and will not affect any PANS-OPS instrument approach surfaces.

The Aviation Assessment is being advertised as part of the application and has been referred to Air Services Australia, the Civil Aviation Safety Authority (CASA) and other aviation stakeholders.

CASA has already reviewed the Met Mast proposal, and advised that they agree with the Aviation Projects advice. CASA has also advised that:

- The WMT is recommended to have the following markings in accordance with NASF Guideline D: obstacle marking for at least the top 1/3 of the mast and be painted in alternating contrasting bands of colour
- Marker balls or high visibility flags or high visibility sleeves should be placed on the outside guy wires;
- Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation; and
- A flashing strobe light be lit during daylight hours. The flashing strobe light should be a medium intensity red light as described in CASA's Manual of Standards for Part 139 – Aerodromes.

- **Consultation**

Shire Administration has commenced advertising of the application for public comment. Advertising for neighbours and the general public closes on the 30<sup>th</sup> November 2023.

Advertising to relevant government agencies closes on the 18<sup>th</sup> December 2023.

### **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 the local government' 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.

### **Strategic Implications**

There are no known strategic implications associated with the proposal.

### **Policy Implications**

There are no Local Planning 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 because it will be determined by a RDAP. Council is not the decision making authority for the application.

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 'Met Mast' use may be consistent with the objectives of the Rural/Mining zone and advertise the application in accordance with clause 64 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
2. *Note that Shire Administration has commenced advertising of the application.*  
  
*Advertising for neighbours and the general public closes on the 30<sup>th</sup> November 2023.*  
*Advertising to relevant government agencies closes on the 18<sup>th</sup> December 2023.*
3. *Note that a second report item will be referred to a future Council meeting to consider any submissions received, and for determination of the application.*

## 9.1 Officers Report – Chief Executive Officer

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

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

#### Purpose of Report

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

#### Background

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

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

They have sought a waiver of fees for the hire of the Southern Cross Sports Complex for the 5-6 May 2024.

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

#### Comment

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

As such, Council are asked to consider the waiver.

## Statutory Environment

### Delegation Register

#### LGA14 Donations and Waiver of Hire Fees

<b>Date Adopted:</b>	17 March 2016
<b>Document Control:</b>	Amended – 20 April 2023 - <a href="#">Link</a> Amended - 21 April 2022 - <a href="#">Link</a> Amended – 21 February 2019 - <a href="#">Link</a> Adopted – 17 March 2016 - <a href="#">Link</a>
<b>Policy Reference:</b>	
<b>Delegate:</b>	CEO
<b>Sub-Delegated:</b>	No
<b>Chief Executive Instruction/Procedure:</b>	N/A
<b>History:</b>	Previously LGA30

#### Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

#### Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

#### Extent of Delegation:

Council delegates its authority and power to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
  - a. less than \$500
  - b. for a non-profit group that is located in the Shire of Yilgarn
  - c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

#### Conditions Imposed:

Nil

#### Legislation:

##### *Local Government Act 1995*

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

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

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.
- \* Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
  - (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Social – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

### Policy Implications

Nil.

### Financial Implications

Requested Donation/Waiving of Hire Fees to the value of \$360.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damage to property	Low (4)	Bond for hire of the Complex to be paid
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 waives the fees, being \$360, for the hire of the Southern Cross Sports Complex by Youth Futures, for their stay on the 5-6 May 2024, as part of the Charity Pipeline Challenge.*

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports–October 2023

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

#### 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 October 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 October 2023.*



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – October 2023

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

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41246 to 41249 totalling \$581.00
- Municipal Fund - EFT 14474 to 14530 and 14532 to 14573 totalling \$737,784.63
- Municipal Fund – Cheques 2253 to 2271 totalling \$297,809.84
- Municipal Fund - Direct Debit Numbers:
  - 18266.1 to 18266.14 totalling \$26,408.33
  - 18297.1 to 18297.14 totalling \$26,058.18
- Trust Fund – EFT 14531 totalling \$56.65

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

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x Likelihood)</b>	<b>Mitigation Action</b>
<b>Health/People</b>	Transactions require two senior managers to approve.	Moderate (8)	Transactions require two senior managers to sign cheques or approve bank transfers.
<b>Financial Impact</b>	Reduction in available cash.	Moderate (5)	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
<b>Reputational</b>	Non or late payment of outstanding invoices and/or commitments	Moderate (9)	Adherence to Timely Payment of Suppliers Policy
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 41246 to 41249 totalling \$581.00*
- *Municipal Fund - EFT 14474 to 14530 and 14532 to 14573 totalling \$737,784.63*
- *Municipal Fund – Cheques 2253 to 2271 totalling \$297,809.84*
- *Municipal Fund - Direct Debit Numbers:*
  - *18266.1 to 18266.14 totalling \$26,408.33*
  - *18297.1 to 18297.14 totalling \$26,058.18*
- *Trust Fund – EFT 14531 totalling \$56.65*

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Budget Amendment – Swimming Pool Inflatable

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Jodie Karra – Administrative Services Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

This report seeks Council’s approval for an amendment to its 2023/2024 budget to allow for expenditure from its municipal fund for the purchase of an inflatable for the Southern Cross Aquatic Centre.

#### Background

The old pool had an inflatable that was used on special occasions such as Australia Day but when the new Aquatic Centre was built, the old inflatable no longer suited the smaller size pool. An indicative price for a suitable replacement was sought for budget consideration from the company that supplied the old one, Aflex Technologies (NZ) Ltd, and was received in February 2023.

The amount included in the 2023/2024 budget, based on the indicative quote received in February 2023, was \$8,500 ex gst. An updated price was requested in October 2023 which was \$10,255 ex gst. This increase in the cost of the pool inflatable requires Council’s approval for an amendment to the budget.

#### Comment

A decision has been made to change the format for the 2024 celebration of Australia Day. The change has come about due to several inflatable hire companies going out of business. The only business still willing to travel to Southern Cross is far more expensive than the ones that have been used in the past. Because of this, it has been decided that the event be held within the grounds of the Southern Cross Aquatic Centre rather than at Constellation Park like it has been in recent years and utilise the all the activities that the Aquatic Centre facility offers.

Rotary Park has been used for previous Australia Day events and is conveniently situated next to the Aquatic Centre, so is ideal to use for overflow of attendees and use of BBQ facilities situated within the grounds. The gate between the Aquatic Centre grounds and Rotary Park will be opened to extend the area. Tables and chairs can be set up to allow for more people to sit and eat the breakfast provided on the day.

## Statutory Environment

### Local Government Act 1995

#### 6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

The recommendation that follows is consistent with the legislative requirements.

## Strategic Implications

### Strategic Objective

- Outcome 1.1 - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.
  - 1.1.2 - Provide and maintain high quality community infrastructure (recreation centre, oval, bowls, swimming pool, library, community centre, halls).
  - 1.1.4 - Explore opportunities for youth programs.

## Policy Implications

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

## Financial Implications

If the recommendation below is endorsed, an additional \$1,725 ex gst will be incurred in Councils Operational Expenditure Budget.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Slip and fall injury during use of inflatable	Moderate (9)	Extra staffing utilised during use of inflatable
Financial Impact	Increased amount expended	Moderate (8)	Timely requesting of indicative pricing closer to budget review
Service Interruption	Nil	Nil	Nil

<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Community expectation to provide entertainment on Australia Day	Low (4)	To continue to provide more than just a breakfast and awards on Australia Day
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 approves the following budget amendments:

<i>Sub-Program</i>	<i>Account / Job</i>	<i>Current Budget</i> \$	<i>Amended Budget</i> \$
<i>Expenditure</i>			
<i>Swimming Areas and Beaches</i>	E11252 - Swimming Pool - Plant & Equipment	8,500	10,500
<i>Community Development</i>	J10605 - Other Community Development	25,000	23,000

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Disposal of Council Assets – 71 Antares St & 80 Spica St, Southern Cross

<b>File Reference</b>	<b>10.4.1.11 &amp; A4260 and 10.4.1.13 &amp; A4250</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson – Exec Manager Corporate Services</b>
<b>Attachments</b>	<b>1 - Appraisal 80 Spica St Southern Cross 2 - Appraisal 71 Antares St Southern Cross</b>

#### Purpose of Report

To submit to Council for consideration, the proposal by Mr Gilbert Foster to purchase the Council residence located at 71 Antares St, Southern Cross and to offer for sale the vacant residence located at 80 Spica St, Southern Cross.

#### Background

Mt Foster, who is a long-term employee of Council, has expressed an interest in purchasing the Council owned residence he is currently tenanting, this residence is located at 71 Antares Street, Southern Cross.

The residence located at 80 Spica St, Southern Cross has previously had an offer to purchase submitted by the then Chemist and tenant of the residence, Mr John Hall. Council resolved (Council meeting of October 2020) to allow the then Chief Executive Officer to commence the disposal process, however Mr Hall eventually declined to take his request further and whole process was ceased.

#### Comment

Both residences have been identified in the currently underway Asset Condition Assessment project as being past useful life and as not economically fit for upgrades or repairs and as such, have been designated as of low need.

80 Spica Street has historically been provided as an incentive to attracting / retaining a Chemist in Southern Cross. The current Chemist provides their own accommodation and has not sought the use of 80 Spica St since Mr Hall vacated.

As it stands, the residence at 80 Spica St would not conceivably be considered an attraction to any future professionally qualified Chemist unless significant resources are used to refurbish the residence. It could be argued that if the current or future Chemist seeks a Council residence, then a new build would be more economically viable.

A Real Estate Sales Specialist has viewed both locations and has provided Market Valuations (attached) for each. After the required advertising and consultation periods, it will be proposed that Council offer 71 Antares St to Mr Foster at a negotiated price lower than the indicated



listing price due to Mr Foster being the long-term resident of the premises. It is intended to offer 80 Spice St at the indicated listing price.

## 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.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

#### Economic Objective

- Outcome 2.3 - Quality and affordable housing is available
  - 2.3.1 - Continue to invest in housing to attract professionals to the region to attract and retain professionals and young people in the Shire.

#### Civic Leadership Objective

- Outcome 4.1 – A trustworthy and cohesive Council that functions efficiently and effectively
  - 4.1.1 - Ensure compliance whilst embracing innovation and best practice principles.
  - 4.1.2 - Maintain a high level of corporate governance, responsibility and accountability.

### Policy Implications

Nil

### Financial Implications

It will be proposed that any proceeds from the sale of 71 Antares St & 80 Spica St, Southern Cross be transferred to the Building Reserve for the use in suitable future projects.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure disposals comply with legislation.
Reputational	Nil	Nil	Nil
Property	Lack of housing stock if needed	Moderate (6)	Replace with new housing stock in a timely manner.
Environment	Nil	Nil	Nil

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

### **Officer Recommendation 1**

*That Council authorises the Chief Executive Officer to undertake the following in respect to the proposed disposal of the property located at 71 Antares Street, Southern Cross:-*

- 1. give local public notice of the proposed disposal of the property in accordance with section 3.58 (3) (a) and (b) of the Local Government Act 1995; and*
- 2. subject to NO submissions being received, commence negotiations with Mr Foster for a fair purchase price in accordance with the valuation provided.*

### **Officer Recommendation 2**

*That Council authorises the Chief Executive Officer to undertake the following in respect to the proposed disposal of the property located at 80 Spica Street, Southern Cross:-*

- 1. give local public notice of the proposed disposal of the property in accordance with section 3.58 (3) (a) and (b) of the Local Government Act 1995; and*
- 2. subject to NO submissions being received, appoint a suitably qualified and experienced Real Estate Sales Specialist and commence with the sale via a sealed Expressions of Interest process.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.5 Amendment to Delegation LGA28 – Payments from Municipal and Trust Funds

<b>File Reference</b>	<b>2.3.3.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson – Exec Manager Corporate Services</b>
<b>Attachments</b>	<b>Amended Delegation LGA28 – Payments from Municipal &amp; Trust Funds</b>

#### Purpose of Report

Request Councils endorsement of an amendment to its Delegation Register relating to purchasing limits.

#### Background

With the hiring of a second Building Maintenance Tradesperson within the building maintenance team, there is a need to amend Delegation LGA28 - Payments from Municipal Fund and Trust Fund to allow for this position to purchase minor building materials.

#### Comment

The intent of this amendment requests is to allow the additional Building Maintenance Tradesperson to have a purchasing power of up to \$5,000. This will allow the officer to purchase the materials required for the maintenance of Councils buildings.

#### 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.

#### 5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

Nil

### Policy Implications

Where a Policy exists for an activity/function that has been delegated, the Chief Executive Officer is to adhere to that Policy.

### Financial Implications

Nil

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure that Council Officers are aware of their obligations relating to delegations	Moderate (9)	An up-to-date Delegation Register approved by Council and disseminated to appropriate staff
<b>Financial Impact</b>	Allows Officers to be aware of their delegation responsibilities	Moderate (9)	Approved delegations ensure minimal impact
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Compliance with Section 5.42 of the Local Government Act 1995	Moderate (6)	Annual review of Register
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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 approves the amendment to Delegation LGA28 – Payments from Municipal & Trust Funds as presented.*

**10 APPLICATIONS FOR LEAVE OF ABSENCE**

**11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS**

Recommendation

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

**CONFIDENTIAL**

**13 Officers Report – Chief Executive Officer**

**13.1 Premier’s Australia Day Active Citizenship Awards 2024**

<b>File Reference</b>	<b>1.3.6.2</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>CONFIDENTIAL</b>

**Purpose of Report**

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

**Background**

Nominations for the following categories in the Premier’s Australia Day Active Citizenship Awards closed on Monday, 6 November 2023:

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

**Comment**

Copies of the confidential nominations have been provided to Councillors for their consideration and to choose a worthy recipient/s, which will allow staff to request the Australia Day Council to prepare the certificate/s prior to the presentation on Thursday, 26 January 2024.



### 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 considers the nomination/s received for the Premier's Australia Day Awards.*

#### Recommendation

*That the meeting be re-opened to the public*

### 14 CLOSURE