



# *Minutes*

## *Ordinary Meeting of Council*

*15 February 2024*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.01pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

## 3. ATTENDANCE

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

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

Apologies:                      Nil

Observers:                      Kaye Crafter, Matt Powell and Mohammed Khan

Leave of Absence:              Nil

## 4. DECLARATION OF INTEREST

Cr Bianca Bradford declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 'Southern Cross District High School – Waiver of Sports Complex Hire Fees' due to being a Southern Cross District High School board member.

CEO, Nic Warren, declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 'Southern Cross District High School – Waiver of Sports Complex Hire Fees' due to being a Southern Cross District High School board member.

EMCS, Cameron Watson, declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 'Southern Cross District High School – Waiver of Sports Complex Hire Fees' due to being a Southern Cross District High School board member.

Cr Gary Guerini declared a financial interest pursuant to Section 5.60A of the Local Government Act in relation to agenda item 9.1.4 'Proposed Met Mast Application –Lot 620 adjacent Glendower Road' due to the land being owned by his father and used by the farm, the farm business to receive payments if the mast goes ahead.

Cr Bianca Bradford declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.5 'Proposed Warehouse/Storage Structure –Lot 714 (No 1) Draconis Street, Southern Cross' due to her partner being a friend with the applicant and occasionally work together.

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the December 2023 Ordinary meeting of Council, the following question was posed by Kaye Crafter.

**Question:** *Can Council consider placing white paint on some curbing and tidy road side edging around town to make it easier to see while driving at nighttime. I recently drove over the curb near Canopus and Spica Street by the bowling club as it is hard to see, also the give way sign from the intersection appears to be missing.*

**Answer During the meeting:** The Shire President referred the question to the CEO, the CEO responded that as the EMI is currently on leave the question would be taken on notice. The CEO also confirmed that the intersection missing a give way sign would be looked into.

### Follow up information for Council and Observers

The painting of kerbs is not required under the Main Roads guidelines. Due to the significant costs involved with maintaining painted kerbs and the low number of complaints and incidents currently, the painting of kerbs it is not deemed to be a feasible option. The kerbs within the townsite area are all in 50km/hr zones and are generally mountable, as such, risk of damage to kerb or vehicle is deemed to be low.

## 5.1. PUBLIC QUESTION TIME

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

**Question:** **Can the Shire please look at repairing the area of Arcturus Street by our freight business depot where the freight trucks turn around, it needs some maintenance or perhaps sealing.**

**Answer:** *The Shire President confirmed the Executive Manager Infrastructure would take a look at the road.*

**Question:** I have recently attended the cricket matches played at the Southern Cross oval, due to the time of year cricket is played could the Shire consider placing misters on the Sports Complex verandah.

**Answer:** *The Shire President noted the suggestion and advised it would be considered by staff.*

## 6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 21 December 2023

*1/2024*

*Moved Cr Guerini/Seconded Cr Close*

*That the minutes from the Ordinary Council Meeting held on the 21 December 2023 be confirmed as a true record of proceedings.*

**CARRIED (7/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

## 8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the Australia Day celebrations on the 25 January 2024
- Attended the Wheatbelt Secondary Freight Route meeting on the 31 January 2024
- Attended a meeting with Covalent on the 9 February 2023
- Attended the Wheatbelt North East Regional Road Group meeting on the 9 February 2024

Cr Close announced the following;

- Attended the Australia day celebrations on the 25 January 2024
- Attended a meeting with Covalent on the 9 February 2023
- Attended DAP training

Cr Bradford announced the following;

- Attended the Australia Day celebrations on the 25 January 2024

Cr Granich announced the following;

- Attended the Australia Day celebrations on the 25 January 2024
- Attended the Yilgarn History Museum on the 7 February 2024
- Attended DAP training

Cr Newbury announced the following;

- Attended the Australia Day celebrations on the 25 January 2024
- Attended the Ag Care committee meeting on the 12 February 2024

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Mount Hampton Dam – Transfer of Ministerial Statement 337

<b>File Reference</b>	<b>10.1.4.2</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>Ministerial Statement 337 MS337 Audit Table</b>

#### Purpose of Report

For Council to consider the proposed transfer of Ministerial Statement 337 for the Mount Hampton Dam from Department of Water to the Shire of Yilgarn.

#### Background

In August 2023 the CEO was contacted by Mr Brian Scott, an Environmental Risk Specialist with the Water Corporation, regarding a Ministerial Statement for Mount Hampton Dam reserve. MS337 is attached for Councillors perusal.

Mr Scot was undertaking an investigation with regards to Ministerial Statement 337 (MS337), which is currently held by the Water Corporation.

On the 20<sup>th</sup> September 2023, Mr Scott advised:

*I have some historical commentary (2006/2009) this end that states it was our intent to transfer the proponent for Ministerial Statement 337 from Water Corp to Shire of Yilgarn (in accordance with condition 4 of Ministerial Statement 337). Apparently we initially thought Mt Hampton Progress Association should be the proponents, but the Regulators (then DEC) squashed this idea, in preference to the Shire. I don't believe there was any actual action on this aspect, but I'm wondering if there is any info your side that acknowledges that the Shire was keen (or not) for such a transfer to take place?*

Mr Scott continued with his investigations, and commenced liaisons with relevant stakeholders as to whether or not they still held an appetite for the transfer of responsibility to the Shire. Mr Scott advised the following:

- DWER (Rural Water Planning) — email received 6/11/2023 confirming they are supportive of Shire of Yilgarn becoming the proponent for MS337.
- DWER (EPA Services – who are responsible for administering part IV of the EP Act 1986 and will be assessing the change-of-proponent application) – email string

3/10/2023 providing direction to Water Corporation to submit a change of Proponent for this situation.

- DWER (Environment – compliance and enforcement) – Email string 26/10/2023 with response from DWER regarding possible fees — that it is still being determined whether MS337 will receive a cost recovery invoice and, if a fee were to be charged, it would be based on a Compliance Priority Rating (CPR) of ‘low’ (attracting a \$3,500 fee per year). Whilst the charging of a fee is yet to be decided, we suggest you factor in an annual fee of \$3,500 as a worst case scenario, when determining impacts to the Shire of being the proponent.

### Comment

Ministerial Statement 337 has a number of conditions applied to it. An audit table has been included as an attachment, it details that a number of the conditions of MS337 have been actioned, as of November 2023.

However, there are still some remaining conditions that should the Shire take on MS337, would be responsible for. Mr Scott has summarised as follows:

All conditions/commitments of MS337 have been completed, with the exception of:

- 337:M3 - The decommissioning clause 4 (as we mentioned – if or when it ever happens). The requirement here may sound a bit uncertain, but may not necessarily require the removal of the entire dam structure. A decommissioning plan would need to be prepared beforehand for approval by DWER-EPA. That plan would have to focus on best environmental outcome, and the best outcome/least environmental disturbance may mean leaving the dam structure and walling in place and just removing the hard engineering assets.
- 337:M6 – The reporting condition may still be required but, as all construction and monitoring aspects of the project have been completed and the project is in a stasis phase (except for silt removal – see P3-5 below), we suggest reporting could be structured (by agreement with DWER) to an annual (even biennial or triennial) one-page letter. This would simply state if any silt had been removed during the period, and that no decommissioning was contemplated for the foreseeable future.
- 337:P3.5 The proponent commitment 3.5 requires any silt removed from the silt pit to be disposed of at the nearest Shire of Yilgarn landfill site. Presumably this is a relatively innocuous, easily achievable requirement.



The relevant conditions referenced above are as follows:

Condition	Term	Comment
3	<b>Decommissioning</b> The satisfactory decommissioning of the project, removal of the plant and installations and rehabilitation of the site and its environs is the responsibility of the proponent.	Any decommissioning works, including drafting of any required plans would incur a costs to the proponent, however, given the reducing availability of water in the regions, it is unlikely decommissioning will occur, and if it does, it will be many decades from now, allow sufficient time for Council to consider and budget accordingly.
3-1	At least six months prior to decommissioning, the proponent shall prepare a decommissioning and rehabilitation plan.	
3-2	The proponent shall implement the plan required by condition 3-1.	
6	<b>Compliance Auditing</b> In order to ensure that environmental conditions and commitments are met, an audit system is required.	As summarised by Mr Scott, compliance reporting may still be a requirement, however, given the remaining active conditions of MS 337 are minimal, this is likely to not be an onerous task.
6-1	The proponent shall prepare a periodic “Progress and Compliance Reports”, to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority	
3.5	Any silt removed from the silt pit will be disposed of at the nearest Shire of Yilgarn landfill site.	This will incur a cost, but will see benefit to the local community users, and may be funded from Mt Hampton/Dulyalbin tank reserve.

Furthermore, it has been indicated the Department of Water and Environmental regulation may apply a compliance fee to MS337. Whilst it is still being determined whether MS337 will receive a cost recovery invoice, if a fee were to be charged, it would be based on a Compliance Priority Rating (CPR) of ‘low’ (attracting a \$3,500 fee per year). Whilst the charging of a fee is yet to be decided, Mr Scott suggested the Shire factor in an annual fee of \$3,500 as a worst case scenario.

### Summary

The Shire has in reality utilised and maintained the Mt Hampton Dam as if it were it’s own asset.

The dam provides a strategic water source in the Shire’s south, and is important asset for the Shire, for road works purposes, and the local agricultural community.

As with any asset there is a cost associated, and the reporting Officer believes costs associated with the remaining requirements of MS337 are justifiable in order to maintain the Shire's and communities access to this water source.

However, the possible costs associated with the DWER compliance fee seems unjustifiable, as any compliance and reporting requirements will be minimal.

As such, it is proposed that Council agree to the transfer of Ministerial Statement 337 for the Mount Hampton Dam from the Water Corporation, on the provision the Department of Water and Environment Regulation either agree to not charge a compliance fee or provide justification to Council of the \$3,500 costs, relative to MS337.

### Statutory Environment

Ministerial Statement 337

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Undetermined costs associated with management of Mt Hampton Dam.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Financial Impact to the Shire for taking on MS337	Moderate (5)	Offset by the ongoing availability of water in the South.
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Should Shire not take on MS337, then Water Corp may decommission site to remove their liability.	Moderate (9)	Shire taking on MS337 ensures site remains accessible to Shire and local community.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

#### Officer Recommendation and Council Decision

2/2024

*Moved Cr Granich/Seconded Cr Close*

*That Council agree to the transfer of Ministerial Statement 337 for the Mount Hampton Dam from the Water Corporation to the Shire of Yilgarn, on the provision the Department of Water and Environment Regulation either:*

- 1. Agree to not charge a compliance fee; or*
- 2. Provide justification to Council of the \$3,500 costs, relative to MS337.*

*Council note, in taking on MS337, there are undeterminable cost liabilities that will be incurred. These costs are deemed to be either unlikely to be realised, and/or insignificant in value.*

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 WALGA Proposal - Road Line Marking

<b>File Reference</b>	<b>1.6.21.2</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>WALGA Correspondence</b>

#### Purpose of Report

For Council to consider a position on line marking on roads that do not meet the Main Roads traffic volume requirements.

#### Background

The Shire is in receipt of correspondence from the Western Australian Local Government Association (WALGA) relating to line marking on Shire managed roads that would not normally fit the Main Roads WA criteria for line marking.

The correspondence detailed:

*As road managers, Local Governments place a high importance on road safety when planning, constructing, and maintaining the road network under their control. Low-cost road safety improvements are one of the most effective and financially feasible methods of increasing the safety of the road network for Local Governments.*

*The installation of separation (centre) and edge line markings on sealed roads is one such low-cost method, which can result in reductions of between 10% and 25% in casualty (killed and serious injury) crashes, depending on the type of implementation and context. However, the current Main Roads warrant for installing line markings includes thresholds for traffic volumes that must be achieved before line marking will be installed. In many cases, these vehicle volume thresholds are not met, precluding the installation of line markings on roads that would otherwise meet the criteria for the provision of line markings.*

*Based on submissions from the Central Country Zone, WALGA State Council delegates will be asked at the March meeting to consider a proposed process whereby Local Governments can install and maintain line marking, with Main Roads's approval, at their own cost on roads that carry low traffic volumes, but otherwise meet the warrant for line marking installation.*

*Participation in the proposed process would be completely voluntary. All costs would be borne by the Local Government in question and there would be no requirement for any Local Government to participate. As no lines would otherwise have been marked on roads that do*

*not meet the Main Roads criteria, allowing Local Governments to undertake the line marking work does not represent a cost shift from the State to Local Government.*

*A Council resolution would be required to undertake the line marking works, committing the Local Government to funding the installation and maintenance costs. It would also be incumbent on Local Government to pay any maintenance costs or costs to remove the line markings, should maintenance not be undertaken to an acceptable standard.*

*The cost to install line markings varies between regions, but an approximate cost breakdown is as follows:*

- *Line marking (centre and edge lines) - \$1,580/km; Lifespan – 1-5 years*
- *Audio tactile line markings (centre and edge line)- \$7,000/km; Lifespan – 5 years*

*The WALGA Infrastructure Policy Team has requested that Councils consider this matter prior to the upcoming February/March Zone meetings so that your Zone representative is able to represent the collective view of Council.*

#### **Comment**

If Council were to support the proposal, if it was successful and gained the support of Main Roads WA, then it provided the ability for the Shire to install line marking on low volume roads that meet the criteria, but does not result in an obligation to do so.

As such, it is recommended that Council support the WALGA proposal, and instruct the Shire's Great Eastern Country Zone delegate, to vote as such at the next Zone meeting.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

Costs incurred in the event the Shire chooses to install line marking on a road that would not normally fit the criteria due to low traffic volumes..

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Failure to provide practicable protection to road users on Shire roads.	Moderate (6)	Ability to install line markings may provide ability to improve road safety.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

**Officer Recommendation and Council Decision**

*3/2024*

*Moved Cr Guerini/Seconded Cr Close*

*That Council, support the WALGA proposal to allow Local Governments to install and maintain line marking, with Main Roads's approval, at their own cost on roads that carry low traffic volumes, but otherwise meet the warrant for line marking installation.*

*And*

*That Council, support the Shire's Great Eastern Country Zone Delegate voting to support the proposal at the February Zone meeting.*

**CARRIED (7/0)**

Cr Bianca Bradford declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 ‘Southern Cross District High School – Waiver of Sports Complex Hire Fees’ due to being a Southern Cross District High School board member.

CEO, Nic Warren, declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 ‘Southern Cross District High School – Waiver of Sports Complex Hire Fees’ due to being a Southern Cross District High School board member.

EMCS, Cameron Watson, declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.3 ‘Southern Cross District High School – Waiver of Sports Complex Hire Fees’ due to being a Southern Cross District High School board member.

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Southern Cross District High School – Waiver of Sports Complex Hire Fees

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

#### Purpose of Report

To submit to Council a request from the Southern Cross District High School (SXDHS), for the waiving of Sports Complex Hire fees for use as part of the School physical education program.

#### Background

The Shire is in receipt of a request from the Southern Cross District High School, seeking a waiver of fees and charges associated with hiring the sports complex gym for the purpose of undertaking physical education.

The request stated: *“The use would be for the benefit of the students, providing a larger undercover space to participate in Physical Education and Physical Recreation classes.”*

The proposed use of the facility details a number of sessions throughout the year, with the total hire fee to be waived calculated at \$667.50.



## Comment

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

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

The reporting officer sees this is a great opportunity to further utilise the Sports Complex facilities, whilst also benefitting the youth at SXDHS. As such, it is recommended that Council endorse 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 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 – Social – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

**Policy Implications**

Nil.

**Financial Implications**

Requested Donation/Waiving of Hire Fees of \$667.50.

**Risk Implications**

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

<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	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.
<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 and Council Decision

4/2024

*Moved Cr Rose/Seconded Cr Guerini*

*That Council waives the fees associated with hire of the Sports Complex, for the Southern Cross District High School, being \$667.50, allowing students to undertake physical education activities as part of their curriculum throughout 2024.*

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

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

Cr Gary Guerini declared a financial interest pursuant to Section 5.60A of the Local Government Act in relation to agenda item 9.1.4 'Proposed Met Mast Application –Lot 620 adjacent Glendower Road' due to the land being owned by his father and used by the farm, the farm business to receive payments if the mast goes ahead.

Cr Guerini left the meeting at 5.16pm

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Proposed Meteorological Mast –Lot 620, adjacent to Glendower Road

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i></b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for a Meteorological Mast on Lot 620.

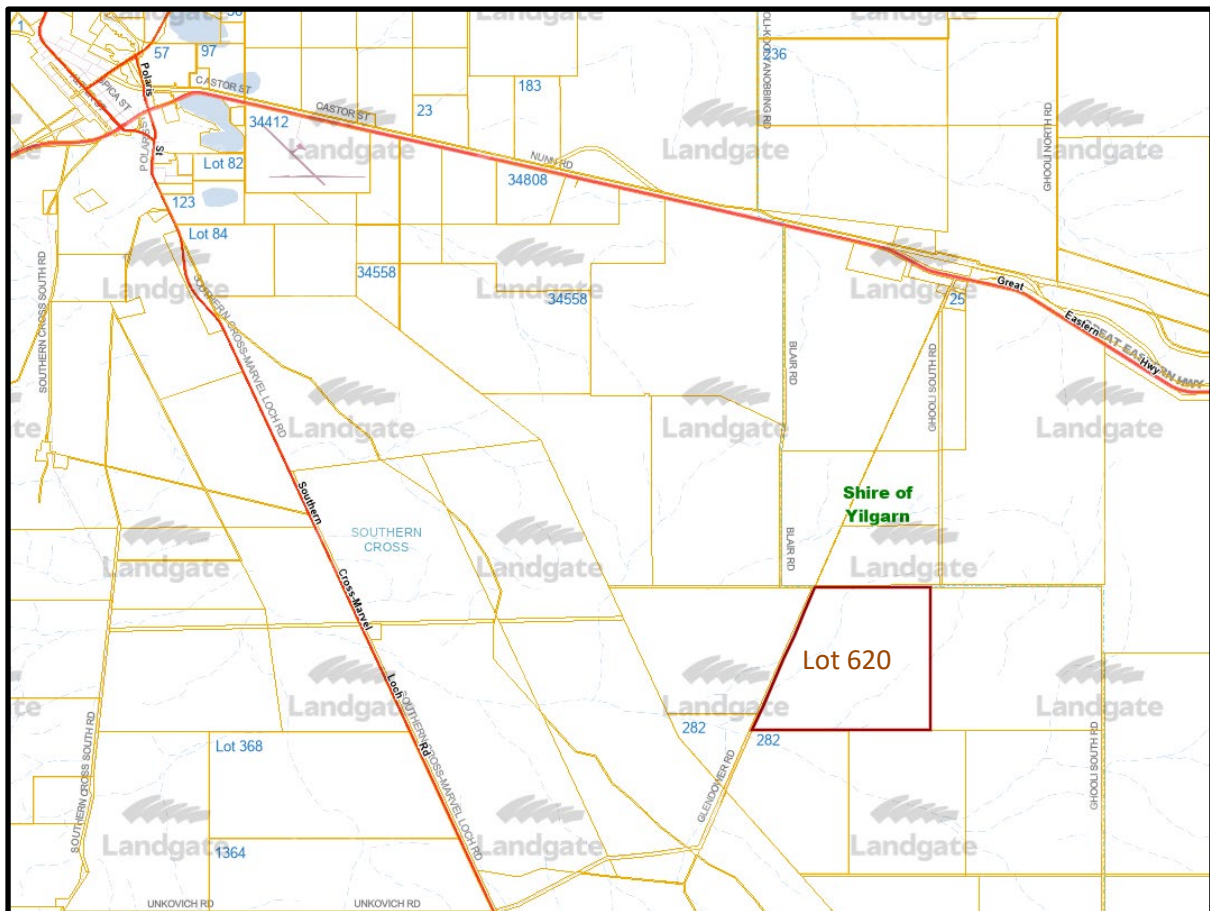
#### Background

- **Location and Existing Development**

Lot 620 has no street address however it has frontage to Glendower Road to the west and Ghooli South Road to the north.

The lot has an area over 516 hectares, is used for agricultural activities, and is located approximately 13 kilometres south east of the Southern Cross townsite.

A location plan is included over page for convenience.



*Above: Location Plan*

## Comment

- **Description of Application**

The Shire is in receipt of a Development Application from Fortescue seeking approval for a Meteorological Mast (Met Mast) on Lot 620.

The proposed Met Mast will be of triangular steel lattice construction. It will be 120 metres in height and will be 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 mast is intended to be temporary for up to 5 years.

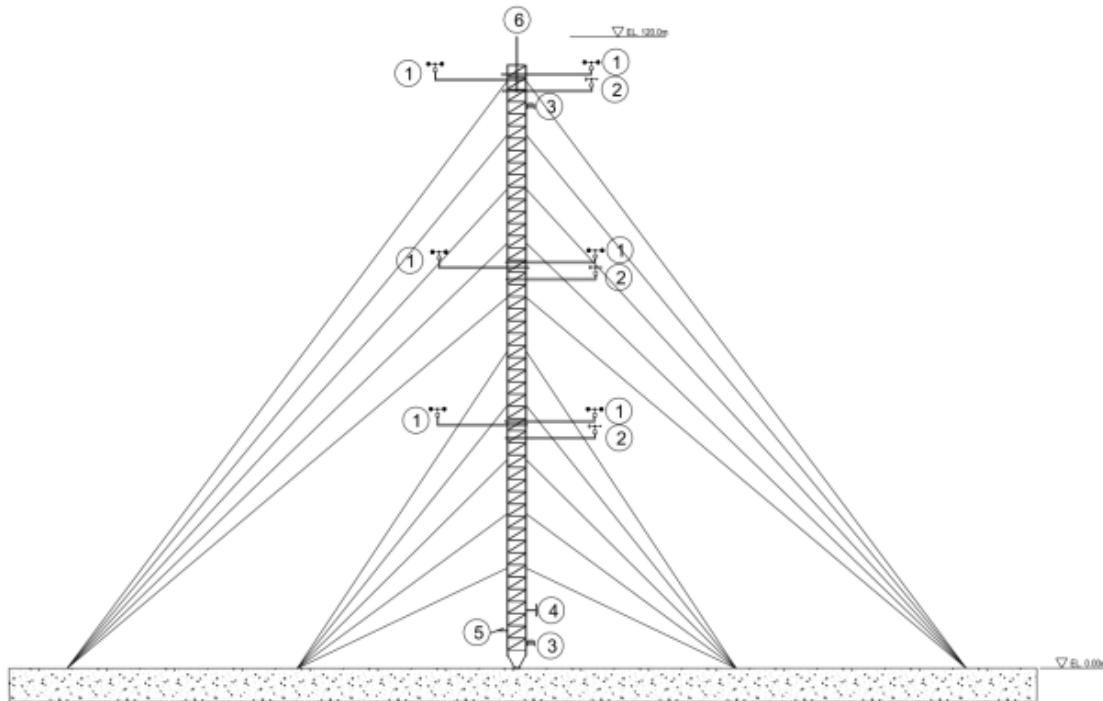
The Met Mast will be unmanned for most of its operation and is primarily to be monitored from a remote location with inspections taken out on a periodical basis annually.

A site plan is included below.



Any potential future development of a wind farm is dependent on the outcome of a separate Development Application to be determined by a Development Assessment Panel in March 2024.

An elevation plan is included below.



- **Zoning and Scheme requirements**

Lot 620 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Clause 16 of the Scheme states that *"The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement"*

Although the rural/mining zone objective is to be used for agricultural, residential and public recreation, Council has discretion to consider other land uses in accordance with 'Table 1 – Zoning Table' and / or Clause 18 of the Scheme.

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).

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

There is no specific definition for Meteorological Mast in the Scheme.

Where a land use is not defined in the Scheme, and is not listed in Table 1, it is processed as what is referred to as a 'Use Not Listed'.

Under Clause 18 (4) Council has three options for dealing with a 'Use Not Listed' as follows:

Option 1 - Determine that the 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.

Option 1 is not recommended as it would set a precedent for future Met Masts to be dealt with as being 'permitted' in the zone.

Option 2 - Determine that the proposed 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.

Option 2 is recommended to allow for consultation.

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

Option 3 is not recommended as the proposal will not impact on the zone. The lot can continue to be used for agricultural activities.

- **Advertising**

The application was advertised for public comment by Shire Administration for 28 days. The application was also referred to aviation stakeholders including Air Services Australia and the Civil Aviation Safety Authority (CASA).

- **Aviation Assessment**

The lot is within 10 nm MSA of the Southern Cross aerodrome. The applicant lodged an Aviation Assessment which doesn't identify any impact on the Southern Cross aerodrome.

Two submissions of non-objection were received as summarised in the table below.

Submissions	TPI Comment
<p>1. Air Services Australia</p> <p>With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Doc 9905, at a height of 520m (1707ft) AHD the met mast will not affect any sector or circling altitude, nor any</p>	<p>Noted. Air Services Australia have no objections to the application, however have requested they be notified when the mast is constructed. This can be included as a condition and advice note.</p>



<p>instrument approach or departure procedure at Southern Cross aerodrome.</p> <p>We have assessed the proposed activity to the above specified height for any impacts to Airservices Precision/Non Precision Navigation Aids, Anemometers, HF/VHF/UHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links and have no objections to it proceeding.</p> <p>Our view is that the proposed activity would not have an impact on Airservices designed Airspace Procedures, CNS facilities or ATC operations at Southern Cross aerodrome.</p> <p>As this proposed Meteorological Mast is in excess of 30m (99ft) AGL, we request that the proponent completes the Vertical Obstacle Notification Form for tall structures and submits it to VOD@airservicesaustralia.com as soon as the development reaches the maximum height.</p>	
<p>2. CASA</p> <p>CASA has reviewed the wind monitoring mast proposal at 20 m AGL, as requested and we agree with the Aviation Projects advice:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- marker balls or high visibility flags or high visibility sleeves placed on the outside guy wires; and</li> <li>- guy wire ground attachment points in contrasting colours to the surrounding ground/vegetation</li> <li>- a flashing strobe light during daylight hours.</li> </ul>	<p>Noted. CASA has no objections to the application. Safety requirements can be included as conditions of approval.</p>

<p>The flashing strobe light should be a medium intensity red light as described in CASA's Manual of Standards for Part 139 – Aerodromes.</p>	
---	--

- **Assessment**

In the absence of any specific scheme requirements, the main considerations are aviation safety and whether there will be any significant negative impact on neighbouring lots.

It is important to note that by their very nature, any Met Mast will likely be visible from surrounding areas simply due to the height. From a practical perspective, height is an essential attribute of Met Masts and is integral to the development being able to monitor wind.

The design of the tower combined with the setback to the street minimises adverse visual impacts.

### 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.

As the application is being processed as a 'Use Not Listed', it is classified as a 'complex application' under the Regulations. Public advertising must be for a minimum of 28 days.

Relevant authorities such as CASA and Air Services Australia have to be provided with 42 days to comment.

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

### Strategic Implications

Nil.

### Policy Implications

There is no Council policy applicable to this report.

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

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

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

## Officer Recommendation and Council Decision

5/2024

*Moved Cr Rose/Seconded Cr Close*

*That Council:*

- A. *Determine that the proposed 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.*
- B. *Note the application has been advertised for public comment and that the Aviation Assessment report was referred to Air Services Australia, CASA, the Department of Defence, Aerodrome Management Services and other aviation stake holders.*
- C. *Approve the application for a Met Mast on Lot 620 (adjacent to Glendower Road) subject to the following conditions and advice notes:*
  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 separately in writing by the Chief Executive Officer.*
  2. *This decision constitutes a temporary development approval only and is valid for a period of 6 years from the date of this approval. The Mast structure and associated guy wires shall be removed within 6 years from the date of this approval.*
  3. *The mast shall be marked and lit in accordance with Clauses 39a) to 39d) of the 'National Airports Safeguarding Framework - Guideline D: Managing the Risk to Aviation Safety or Wind turbine Installations/Wind Monitoring Towers' including:*
    - a) *Obstacle marking for at least the top 1/3 of the mast and be painted in alternating contrasting bands of colour;*
    - b) *Marker balls or high visibility flags or high visibility sleeves placed on the outside guy wires;*
    - c) *Guy wire ground attachment points in contrasting colours to the surrounding ground/vegetation; and*
    - d) *A red flashing strobe light of a medium intensity (as described in CASA's Manual of Standards for Part 139 – Aerodromes) during daylight hours.*

3. ***The applicant/developer is to advise the following entities regarding the construction of the Mast;***
  - a) ***Civil Aviation Safety Authority (CASA);***
  - b) ***Air Services Australia; and***
  - c) ***The Shire of Yilgarn.***
  
5. ***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.***

**CARRIED (7/0)**

Footnote Advice:

- a) The Met Mast has been considered based on its individual merit. Support for the Met Mast should not be construed as support for any separate wind farm proposal.
  
- b) As this proposed Meteorological Mast is in excess of 30m (99ft) AGL, CASA has requested that the proponent completes the Vertical Obstacle Notification Form for tall structures and submits it to [VOD@airservicesaustralia.com](mailto:VOD@airservicesaustralia.com) as soon as the development reaches the maximum height.

Cr Guerini rejoined the meeting at 5.20pm

Cr Bianca Bradford declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.1.5 ‘Proposed Warehouse/Storage Structure –Lot 714 (No 1) Draconis Street, Southern Cross’ due to her partner being a friend with the applicant and occasionally work together.

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Proposed Warehouse/Storage Structure –Lot 714 (No 1) Draconis Street, Southern Cross

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i></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 warehouse/storage structure on Lot 714 (No 1) Draconis Street, Southern Cross.

### Background

- **Location and Existing Development**

Lot 714 is located at the corner of Draconis Street and Bullfinch Road in the Southern Cross townsite.

The lot has an approximate area of 1.87 hectares.

A location plan is included over page for convenience



*Above: Location Plan*

### Comment

- ***Description of Application***

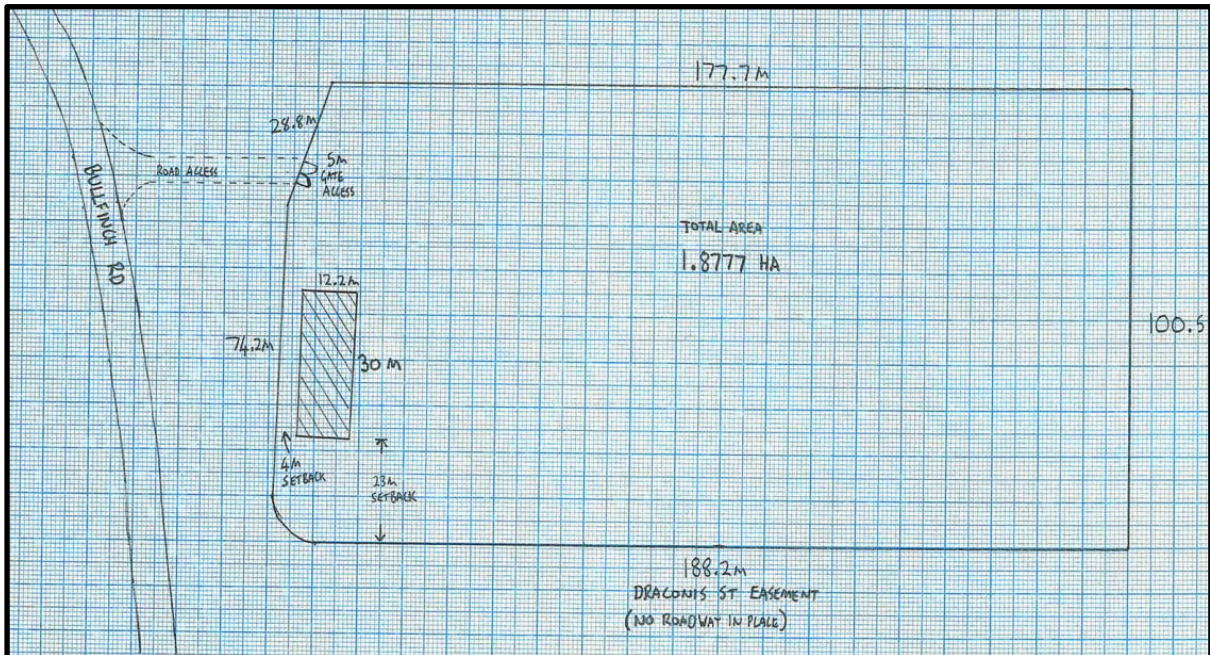
The owner has advised that a new structure is proposed for storing their own equipment / machinery associated with their quarry operations.

The new structure will consist of sea containers with two curved dome rooves – refer plans overpage.

The structures will be setback 4 metres from Bullfinch Road, and 23 metres to the Draconis Street lot boundary.

The total gross floor area will be approximately 366m<sup>2</sup>.

The owner has confirmed that no motor vehicle repairs are conducted onsite as they use local businesses for servicing and repairs.



*Above: Site Plan*

The owner has advised the structure will be used for storage and protection of their own vehicles which includes diggers and a dump truck.





- **Zoning and Scheme requirements**

Lot 714 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Clause 16 of the Scheme states that *the Rural/Mining Zone is 'to be used for agricultural, residential and public recreation uses.'*

Although the rural/mining zone objective is to be used for agricultural, residential and public recreation, Council has discretion to consider other land uses in accordance with 'Table 1 – Zoning Table' and / or Clause 18(4) of the Scheme.

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).

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

As the structure is not associated directly with agricultural use of the lot, it is construed that it is best described as a 'warehouse/storage' defined in the Scheme as *'means premises including indoor or outdoor facilities used for —*

- (a) the storage of goods, equipment, plant or materials; or*
- (b) the display or sale by wholesale of goods'.*

Whilst a 'warehouse/storage' use is defined in the Scheme, it is not listed in Table 1, so has to be processed as what is referred to as a 'Use Not Listed'.

Under Clause 18 (4) Council has three options for dealing with a 'Use Not Listed' as follows:

Option 1 - Determine that the 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.

Option 1 is not recommended as it would set a precedent for future 'warehouse/storage uses to be dealt with as being 'permitted' in the zone.

Option 2 - Determine that the proposed 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.

Option 2 is recommended to allow for consultation.

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

Option 3 is not recommended as the proposal will not impact on the zone.

- **Assessment**

The application is being advertised for public comment. To expedite processing, it is recommended that Council consider granting delegated authority to the Chief Executive Officer to determine the application.

- **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 Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

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.

The development is proposed within the declared bushfire prone area. Whilst a Bushfire Attack Level assessment can be required, the Guidelines that make it clear that application of SPP3.7 is to the discretion of the decision maker, being the Shire Council.

TPI does not recommend that a Bushfire Attack Level assessment be required for the development as:

1. The owner has confirmed that only 2 employees will be on site for two hours per day;
2. This means the development will not result in any significant number of people being on site; and
3. The purpose of a BAL is mainly to inform whether higher construction standards need to be applied at the Building Permit stage. Higher construction standards are only applicable to habitable buildings.

## **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.

As the application is being processed as a ‘Use Not Listed’ , it is classified as a ‘complex application’ under the Regulations. Public advertising must be for a minimum of 28 days.

Clause 82(1) and 82(2) provides Council with the ability to grant delegated authority to the Chief Executive Officer to determine the application. Any delegation must be made by an Absolute Majority of Council.

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

## **Strategic Implications**

Approval of the development may set a precedent for similar storage buildings in the Rural/Mining zone.

## **Policy Implications**

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

## **Financial Implications**

The Shire pays consultancy fees to Town Planning Innovations.

## Risk Implications

There are no known risks associated with the proposed development.

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

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

## Officer Recommendation and Council Decision

**6/2024**

**Moved Cr Rose/Seconded Cr Granich**

**That Council:**

- A. Determine that the proposed warehouse/storage 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.**
- B. Note the application is being advertised for public comment by Shire Administration.**
- C. 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 development application for a 'warehouse/storage' structure on Lot 714 (No 1) Draconis Street, Southern Cross.**

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.6 Request for Section 91 LAA Licence over Unallocated Crown Land - Case 2202448 File 00302-2022

<b>File Reference</b>	<b>1.6.37.1</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>Inquiry Tenure Map - Case 2202448 Land List</b>

#### Purpose of Report

For Council to consider a request from the Department of Planning, Lands and Heritage (DPLH) regarding a request from Carbolt LTD for a section 91 LAA licence over unallocated crown land for two (2) years

#### Background

The site in question is unallocated crown land, and the shire has received the following request from DPLH:

The Department of Planning, Lands and Heritage (DPLH) received a request from Carbonaut Limited for a section 91 LAA licence over unallocated Crown land. The proposed term of the s91 LAA licence is two (2) years.

The purpose of the proposed licence is as follows:

Investigation works related to a potential project involving land and vegetation regeneration management, biodiversity wildfire management and carbon abatement project(s), including:

1. General inspections;
2. Biological studies, including microbial, flora and fauna studies;
3. Soil and other sampling;
4. Geotechnical studies;
5. Heritage studies;
6. Site monitoring and testing, including aerial surveys, installation of remote sensors and other monitoring of flora and fauna and climatic conditions; and
7. Carrying out all activities reasonably necessary for or incidental to the abovementioned activities.

#### Comment

Please see the below attachments;

#### 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 and Council Decision**

**7/2024**

***Moved Cr Close/Seconded Cr Newbury***

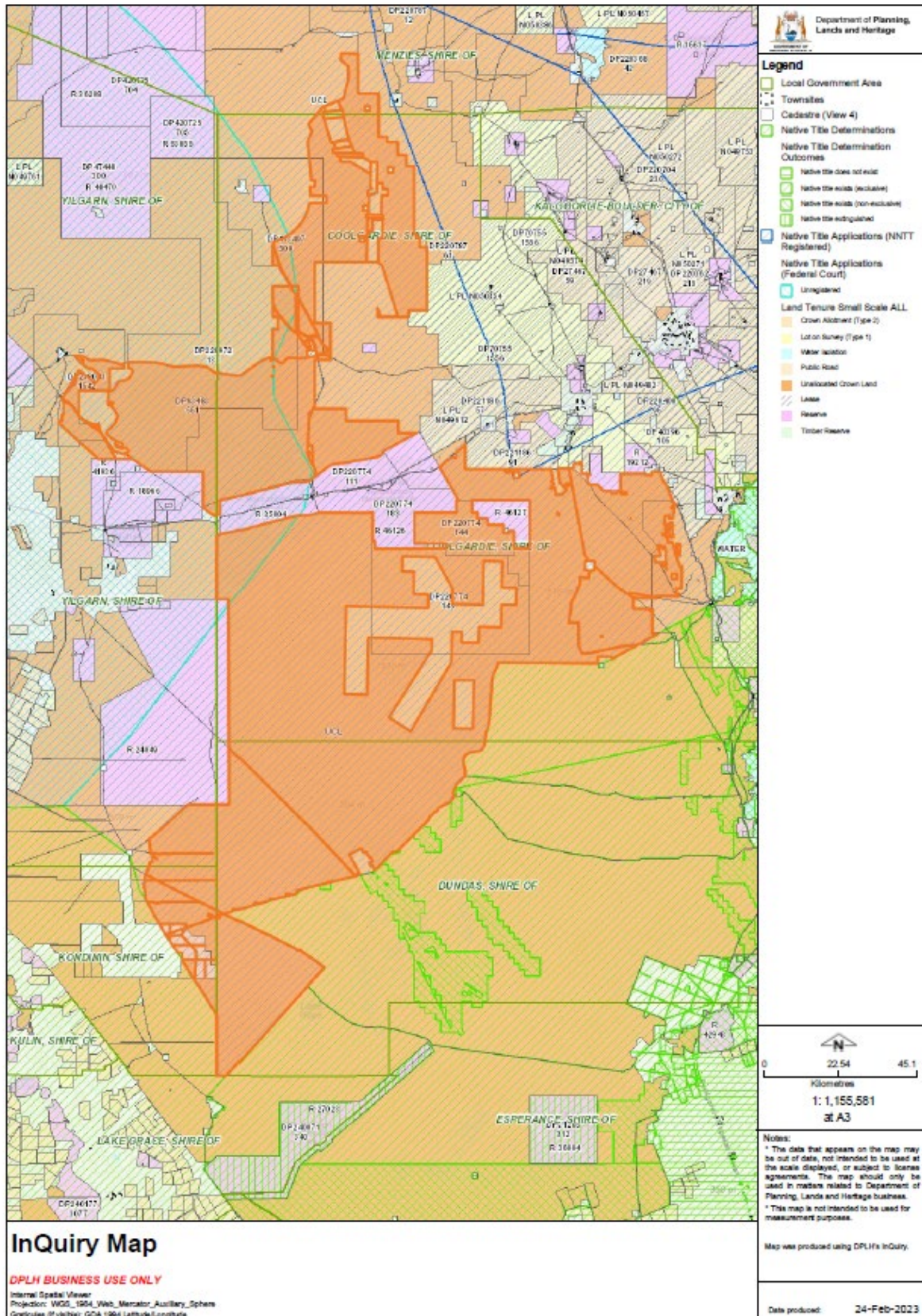
***Council endorse the following response to the Department of Planning, Lands and Heritage:***

***Regarding the application from Carbonaut LTD for a section 91 LAA licence over unallocated Crown land listed below. For a proposed term of a request for two (2) years. The shire has no objections.***

<b>Land Description</b>	<b>PIN</b>	<b>Tenure</b>	<b>LGA</b>
PIN 1031144	1031144	UCL	Coolgardie, Dundas & Yilgarn
PIN 1032078	1032078	UCL	Coolgardie, Menzies, Yilgarn
PIN 11481069	11481069	UCL	Coolgardie, Yilgarn
PIN 1342816	1342816	UCL	Coolgardie, Yilgarn
PIN 1093056	1093056	UCL	Dundas, Kondinin, Yilgarn
Lot 1542 on DP 238083	12077998 12077999 12078006 12078008 12078009 12078010	UCL	Yilgarn
Lot 551 on DP 63483	11827335	UCL	Yilgarn
PIN 1053522	1053522	UCL	Yilgarn
PIN 1066862	1066862	UCL	Yilgarn
PIN 973507	973507	UCL	Yilgarn
PIN 973508	973508	UCL	Yilgarn

**CARRIED (7/0)**





## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports–December 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 December 2023

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

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

#### Comment

Nil

#### Statutory Environment

##### Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### Risk Implications

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

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

### Officer Recommendation and Council Decision

8/2024

*Moved Cr Close/Seconded Cr Rose*

*That Council endorse the Financial Reports as presented for the period ending 31 December 2023.*

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Financial Reports–January 2024

<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 January 2024

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

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

#### Comment

Nil

#### Statutory Environment

##### Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### Risk Implications

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

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

### Officer Recommendation and Council Decision

9/2024

*Moved Cr Rose/Seconded Cr Close*

*That Council endorse the Financial Reports as presented for the period ending 31 January 2024.*

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Accounts for Payment – December 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 41254 to 41258 totalling \$22,105.42
- Municipal Fund - EFT 14691 to 14744 and 14747 to 14806 totalling \$1,616,988.96
- Municipal Fund – Cheques 2290 to 2306 totalling \$303,818.48
- Municipal Fund - Direct Debit Numbers:
  - 18416.1 to 18416.14 totalling \$25,718.89
  - 18441.1 to 18441.14 totalling \$25,424.74
- Trust Fund – EFT 14690 and 14745 to 14746 totalling \$1,118.45

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
<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)

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

### Officer Recommendation and Council Decision

*10/2024*

*Moved Cr Bradford/Seconded Cr Newbury*

- *Municipal Fund – Cheques 41254 to 41258 totalling \$22,105.42*
- *Municipal Fund - EFT 14691 to 14744 and 14747 to 14806 totalling \$1,616,988.96*
- *Municipal Fund – Cheques 2290 to 2306 totalling \$303,818.48*
- *Municipal Fund - Direct Debit Numbers:*
  - *18416.1 to 18416.14 totalling \$25,718.89*
  - *18441.1 to 18441.14 totalling \$25,424.74*
- *Trust Fund – EFT 14690 and 14745 to 14746 totalling \$1,118.45*

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

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Accounts for Payment – January 2024

<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 41259 to 41262 totalling \$264.50
- Municipal Fund - EFT 14807 to 14831 and 14834 to 14908 totalling \$431,506.94
- Municipal Fund – Cheques 2307 to 2325 totalling \$387,061.69
- Municipal Fund - Direct Debit Numbers:
  - 18450.1 to 18450.14 totalling \$25,818.25
  - 18514.1 to 18514.14 totalling \$24,708.75
  - 18551.1 to 18551.14 totalling \$26,379.50
- Trust Fund – EFT 14832 to 14833 totalling \$314.52

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
<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)

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

### Officer Recommendation and Council Decision

*11/2024*

*Moved Cr Bradford/Seconded Cr Close*

- *Municipal Fund – Cheques 41259 to 41262 totalling \$264.50*
- *Municipal Fund - EFT 14807 to 14831 and 14834 to 14908 totalling \$431,506.94*
- *Municipal Fund – Cheques 2307 to 2325 totalling \$387,061.69*
- *Municipal Fund - Direct Debit Numbers:*
  - *18450.1 to 18450.14 totalling \$25,818.25*
  - *18514.1 to 18514.14 totalling \$24,708.75*
  - *18551.1 to 18551.14 totalling \$26,379.50*
- *Trust Fund – EFT 14832 to 14833 totalling \$314.52*

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

**CARRIED (7/0)**

### 9.3 Reporting Officer– Executive Manager Infrastructure

#### 9.3.1 Budget Amendment - Unbudgeted Expenditure to Allow Pre-order of Plant for 2024/2025 Financial Year

<b>File Reference</b>	<b>8.2.5.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Glen Brigg-Executive Manager Infrastructure</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To pre-approve expenditure from Council’s 2024/25 budget to preorder 4 light trucks planned for replacement in the 2024/2025 financial year.

#### Background

Council’s 2024/2025 plant replacement program makes provision to replace a number of light trucks in the 2024/2025 financial year. The supply chain is getting better but there are still long delays from ordering trucks to delivery. Isuzu and Hino still exceed 12 months with some other brands under 12 months from order to delivery.

Four trucks are due for replacement 2024/2025 financial year which includes 2 personal carriers (road construction and road maintenance), one light tipper for (Parks & Gardens) and one road maintenance truck.

Existing Plant									2023/2024		2024/2025	
Plant No	Rego	Item	Make	Year	Estd Life	Cost	Current Hours or Kilometres	Purchase Disposal	Net Impact	Purchase Disposal	Net Impact	
2042	YL 311	Truck Dual cab 4x4 (with crane)	Fuso (personal carrier)	2020	4	\$85,546	77,439 km				120,000	
										(50,000)	70,000	
2043	YL 4949	Truck Dual Cab 4x4 (with Crane)	Fuso (personal carrier)	2020	4	\$85,546	53,183 km				120,000	
										(35,000)	85,000	
2046	YL 046	Light Tip Truck - Parks & Gardens	Fuso	2021	5	\$69,732	60,300 km				90,000	
										(30,000)	60,000	
2027	YL 329	Truck - Maintenance - (flatdeck with crane)	Fuso	2018	5	\$82,730	109,814 km				200,000	
										(50,000)	150,000	

Staff are currently seeking quotes to obtain the latest pricing.

#### Comment

Supply of trucks is getting better but most brands still experience long delays from the factory. After delivery to the dealer, there are further delays with the body builders. Companies like Daimler Trucks (Fuso) have up to 80 trucks in the yard waiting to be fitted with bodies and accessories. The Shire has been using Blackmans Fabrications in Southern Cross to help speed up the process.



The road maintenance truck is critical to the shire's operations. This truck no longer has the ability to install signage as auger for digging holes has been removed due to safety implications.

The new road maintenance truck will require a new type of auger system using a PTO driven hydraulic crane. This system is expensive and there are currently long waits for any type of hydraulic cranes. This new system will overcome any safety risks to operators when compared to manual earth auger.



The two personnel carriers are used in road construction and road maintenance. They are both dual cab, 6 tonne, 4x4 Fuso trucks. All dealers have informed staff if any trucks were ordered by next month, they doubt the units would be delivered before the end of the 2024 calendar year.

The five, tonne tipping truck is used in Parks and Gardens. This unit will require a tipping body to be built. This truck is unlikely to be delivered before the end of 2024 calendar year.

The maintenance truck is the highest priority, as crews have no ability to auger holes for signage unless the skid steer is transported to site. Crews have tried a variety of options including battery operated augers which haven't been successful.

There will be no impact to the current 2023/2024 budget. Preordering trucks will help delivery of the units within the financial year they are due for replacement. Any trucks ordered this financial year will be included in the 2024/2025 budget.

Dealers have informed staff that even if an order is raised, the shire is not bound to take delivery of any of the trucks if circumstances change. The order is used to secure the truck within the system.

### Statutory Environment

Local Government Act 1995  
Local Government (Functions and General) Regulations 1996

### Strategic Implications

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

### Policy Implications

Councils Ten Year, Plant Replacement Program  
Finance Policy 3.5 Purchasing and Tendering  
Local Government Act 1995  
Local Government (Functions and General) Regulations 1996

### Financial Implications

There is no impact to the 2023/2024 budget. Any trucks order in the 2023/2024 budget will be included in the 2024/2025 budget. If circumstances change the Shire can cancel any order.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Using equipment not fit for purpose increases the risk to the health of staff	Likely / Moderate (8)	Insignificant / Unlikely (2)
Financial Impact	Nil	Nil	Nil
Service Interruption	Levels of service, road construction and maintenance	Almost Certain / High (15)	Insignificant / Unlikely (2)
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

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

#### Officer Recommendation and Council Decision

12/2024

*Moved Cr Guerini/Seconded Cr Rose*

1. *That, by Absolute Majority in accordance Local Government Act 1995 Local Government (Functions and General) Regulations 1996 that council approves staff to raise orders to replace 4 light trucks to be delivered in the 2024/2025 financial year*
2. *Any truck ordered prior to 30th June 2024 will be included in the 2024/2025 budget. If circumstances change staff have the ability to cancel the order and not take delivery of any truck.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

**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**

*13/2024*

*Moved Cr Close/Seconded Cr Granich*

*That the new business of an urgent nature be accepted by Council for consideration.*

**CARRIED (7/0)**

**12.1 Officers Reports – Chief Executive Officer**

**12.1.1 Sports Complex Upgrade Tender**

<b>File Reference</b>	<b>6.6.6.7</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>Confidential</b>

**Purpose of Report**

For Council to consider tenders for the Sports Complex Upgrades and endorse funding model.

**Background**

At the May 2022 Ordinary meeting, Council endorsed the Southern Cross Sports Complex upgrade project, as a result of the Local Roads and Community Infrastructure project.

*60/2022*

*Moved Cr Cobden/Seconded Cr Close*

*That Council endorses the submission of the following projects to the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications for approval under the Local Roads and Community Infrastructure Round 3 Program:-*

- 1. Southern Cross Sports Complex Upgrade \$1,237,044.00*
- 2. Yilgarn Satellite Townsite Playground/Open Space Upgrades \$650,000.00*

**CARRIED (7/0)**

The agenda item detailed that once approved by the Department of Infrastructure, Transport, Regional Development and Communications, a tender process will then be undertaken in line with Council's Purchasing and Tendering Policy.

The Shire engaged Rob White Consulting to undertake the concept designs ready for tender, these were then extensively workshopped with Council and the community. With the final designs recognising the needs and requests of the community.

After significant delays in obtaining certified drawings, due to availability issues regarding engineering consultants and onsite referencing, the Shire commenced the tender process for the construction of the Southern Cross Sports Complex upgrade on the 27 November 2023.

Upon the closure of the tender acceptance period at 3pm on 1 February 2024, four (4) tenders were received from:

- Devlyn Australia Pty Ltd;
- Acorp Construction Pty Ltd;
- Linker Australia; and
- Kilmore Group Pty Ltd

The tender submission documents and overall assessment from Rob White Consulting has been provided to Council separately as it contains confidential information, however, the assessment of tenders identified Devlyn Australia Pty Ltd (Devlyn) as being the preferred tendered, with a lump sum tender price of \$4,855,737.00 ex gst.

It is important to note, that whilst Devlyn were the cheapest tender, this was not the sole factor in making the decision, they also provided a thorough tender submission document, of which was assessed as the most preferred overall.

In assisting with the decision, Rob White Consulting identified:

- Having requests from 11 builders and receiving 4 submissions indicates a good, competitive market;
- Devlyn made good legitimate inquiries during the tender process demonstrating competitive pricing with an intent to secure the work.
- Devlyn Construction, based in Bunbury & Albany, will engage some local supply as referenced in their submission;
- I would recommend accepting Devlyn as the preferred tenderer. Their tender submission provides substantial information supporting a good building history and competence. They are highly recommended for their work on the Southern Cross Hospital, also referenced in their submission.
- The recommendation is also verified by the selection criteria calculation of a 95% approval rating.

### **Comment**

Whilst above the original project estimate from Rob White Consulting (\$3.37 million), the Shire is still in a position to fund the full project cost of \$4,855,737.00 ex gst.

The Shire could look at cost savings by removing items from the project scope, however, the project has been through extensive community consultation with each project inclusion based on feedback or a request from the community. Removing items at this stage may result in a sub-standard project that does not meet the expectations of the community.

Furthermore, Rob White Consulting advised that should an element or elements be removed, then a full repricing may be required.

As such, it is proposed the full project is funded. It is also appropriate to have a contingency for large projects, of which is generally 5% of the total project cost, being approximately \$250,000.

As such, it is estimated the full project cost including contingency will be \$5,105,737.

To fund the full project, it is proposed to utilise a mix of Local Roads and Community Infrastructure funding, Reserve funding and seek a loan from the Western Australian Treasury Corporation (WATC).

The Shire is finalising approval for the Local Roads and Community Infrastructure program Phase 4 funding, which will provide \$943,522.00, in addition to the \$1,102,745.00 remaining from the already committed and approved phase 3 funding.

It is proposed the Sport and Recreation Facilities Reserve fund of \$648,318 be utilised for the project. The reserve account purpose is “To be used to fund any major projects relating to recreation within the community” of which fits with the proposed project.

The Shire has sought an indicative loan schedule as of 01/07/2024 from the WATC, with a \$1,000,000 loan at 4.4867% pa costing \$252,168.03 over 10 years (\$125,448.44/annum repayment). This is only indicative, and forecasts indicate a downward trend is more likely than increases in interest rates.

Obtaining a loan is considered a sound method of financing the project. Current and past ratepayers have contributed to current reserve funds so it makes sense that future ratepayers, who will be able to enjoy the new facility, should also be required to contribute to the facility, which will be achieved through the loan repayments over the next ten years.

The remainder of the funding required will be taken from the Building Reserve, of which at the end of 2023/2024 will contain \$2,873,061. With the Shire obtaining a loan, this will also mean the building reserve will not be fully depleted, ensuring there is capacity in the event of emergency funding requirements.

The use of reserve funds will be included into the 2024/2025 budget, however, by accepting the recommendation, Council are committing to utilising the Reserve funds as required.

Whilst not factored into the funding model, the Shire has also contacted all operational and impending mining and renewable energy operators within the Shire of Yilgarn, seeking a contribution to this important community project. Whilst no contribution offers have been received, a number of entities have advised they are considering. Any contribution of this nature will result in less funds being drawn from Reserve accounts.

## Statutory Environment

Nil

## Strategic Implications

### Shire of Yilgarn Strategic Community Plan 2020-2030

**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 1.1** 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)

## Policy Implications

Nil.

## Financial Implications

No additional funding requirements in 2023/2024;

Council committing to a \$1,000,000 loan from the WATC, with indicative interest rates of 4.487% p.a. costing \$252,168.03 over 10 years (\$125,448.44/annum repayment); and

Council committing to use of the Sport and Recreation Facilities Reserve and Building Reserve funds in 2024/2025 budget.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Lack of facilities to accommodate multiple sports (Football netball)	High (10)	Development will ensure adequate facilities for all sports
Financial Impact	Significant cost incurred via project	Moderate (6)	Identified as important project by community, significant work undertaken to ensure meets the needs of community, will ensure facility is fit

			for purpose and modern.
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Reputational damage for not providing community with facilities that meet current and future needs	Moderate (6)	Project ensures the facility is modern and meets current expectations and needs.
<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 and Council Decision

14/2024

*Moved Cr Guerini/Seconded Cr Close*

*That Council:*

1. *Note the tenders received and assessment undertaken by Rob White Consulting;*
2. *Award the contract for the whole of works associated with the Southern Cross Sports Complex upgrade, as per Tender 01-2023/2024 documentation, to Devlyn Australia Pty Ltd, at a cost of \$4,855,737.00 excluding gst;*
3. *Endorse a \$250,000 project contingency;*



4. *Commit to obtaining a \$1,000,000 loan from the Western Australian Treasury Corporation within the 2024/2025 budget, noting indicative interest rate is 4.4867% per annum, to be repaid over 10 years, with annual repayments estimated at \$125,448.44.*
5. *Commit to the full use of funds contained in the Sport and Recreation Facilities Reserve for the project in the 2024/2025 budget; and*
6. *Commit to the use of funds contained in the Building Reserve for the remainder of the funding requirements for the project in the 2024/2025 budget.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 12.1 Officers Report – Chief Executive Officer

### 12.1.2 Request for Comment - Application for a New Clearing Permit CPS 10453/1

<b>File Reference</b>	<b>7.2.1.21</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements.</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts – Regulatory Services Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider a request for comment by the Department of Energy, Mines, Industry, Regulation and Safety regarding an application by Richard Read and Associates Pty Ltd and Highscore Pty Ltd for a permit to clear native vegetation under the Environmental Protection Act 1986 (the Act).

#### Background

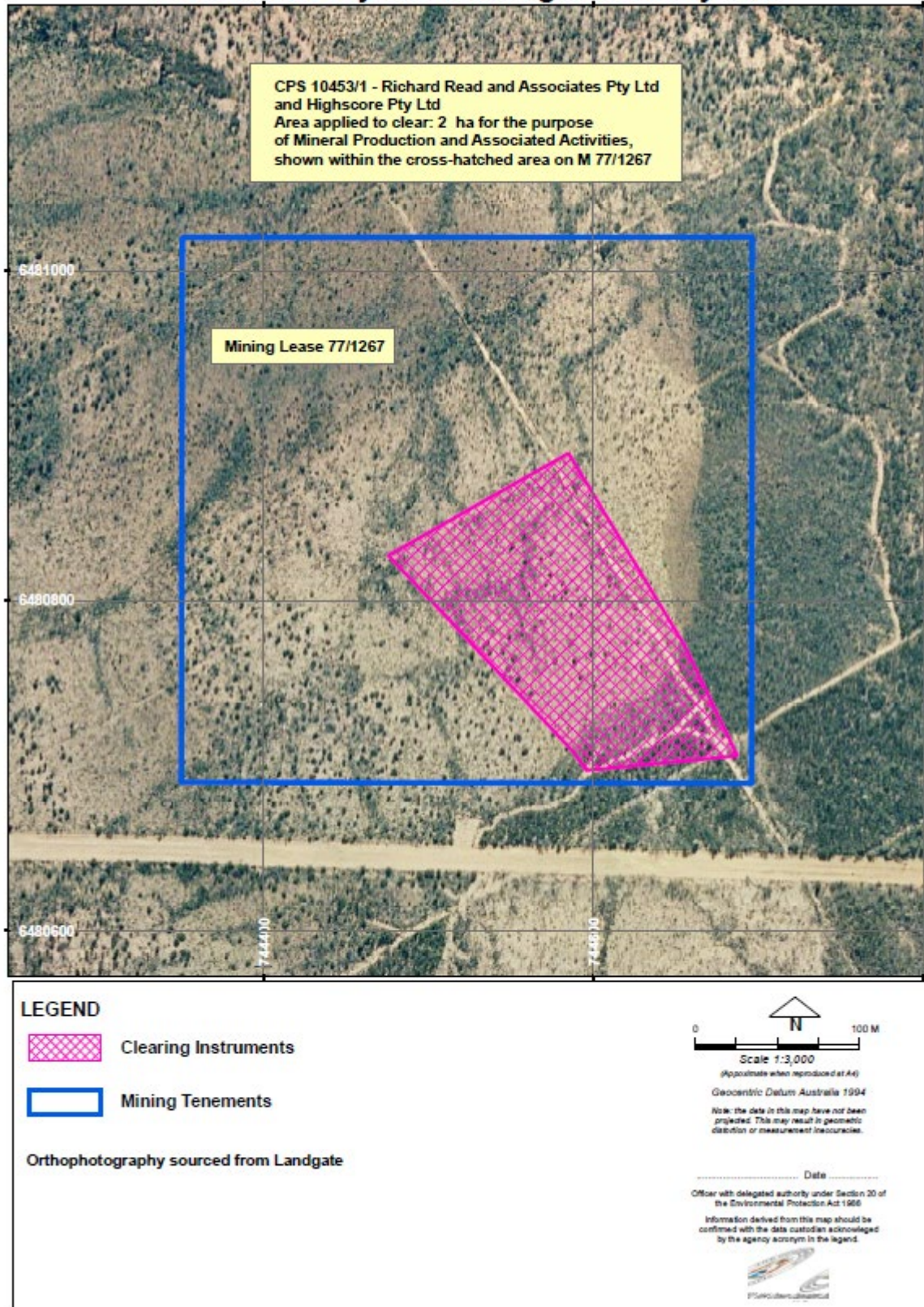
The Department of Energy, Mines, Industry, Regulation and Safety has received an application to clear 2 hectares of land for the purpose of sand mining upon Mining Lease 77/1267.

Included below is the provided photomap and tenure map for Councillors reference.

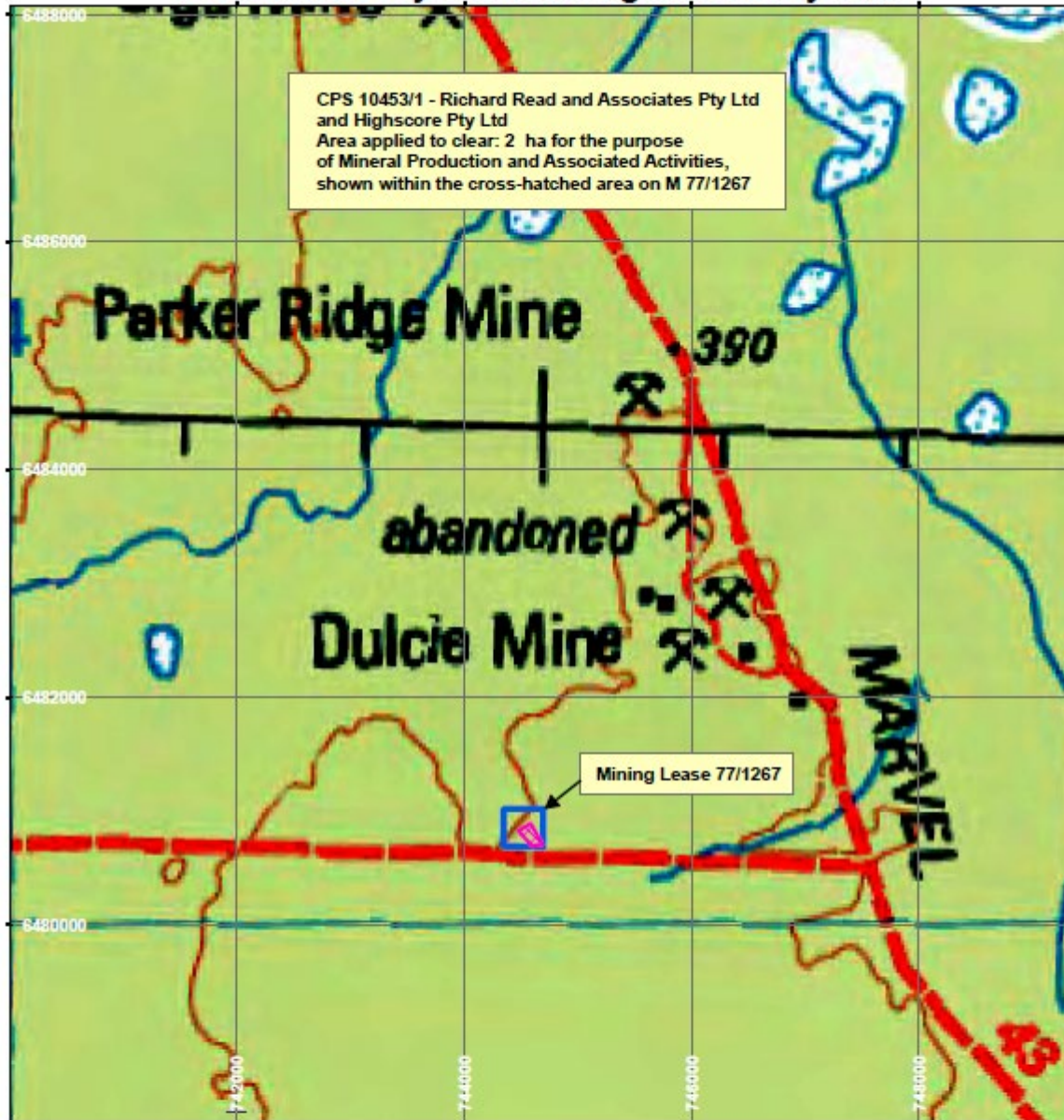
#### Comment

The proposal is minor in nature and there is not thought to be any significant additional strain on the Shire's road network as a result.

## CPS 10453/1 - Richard Read and Associates Pty Ltd and Highscore Pty Ltd

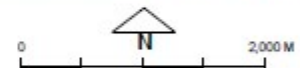


### CPS 10453/1 - Richard Read and Associates Pty Ltd and Highscore Pty Ltd



**LEGEND**

-  Clearing Instruments
-  Mining Tenements



Scale 1:50,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Date .....

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



### 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>	Nil	Nil	Nil
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Compliance with relative environmental and mining legislation.	Moderate (6)	DEMIRS Assessment and Approval Processes
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Environmental Impacts from Mining Activities	Moderate 6	DEMIRS Assessment and Approval Processes

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)

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

### Officer Recommendation and Council Decision

*15/2024*

*Moved Cr Close/Seconded Cr Guerini*

*That Council endorse the following response to the Department of Energy, Mines, Industry, Regulation and Safety:*

*In relation to the application by Richard Read and Associates Pty Ltd and Highscore Pty Ltd (CPS10453/1) for a permit to clear native vegetation under the Environmental Protection Act 1986 (the Act), on Mining Lease 77/1267, the Shire has no objections.*

**CARRIED (7/0)**

## 12.1 Officers Report – Chief Executive Officer

### 12.1.3 Request for Comment – Amendment to Licence L5850/1993/11

<b>File Reference</b>	<b>1.1.26.3 &amp; 3.2.1.29</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements.</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts – Regulatory Services Officer</b>
<b>Attachments</b>	<b>Application Supporting Documentation</b>

#### Purpose of the Report

For Council to consider a request for comment to the Department of Water and Environmental Regulation, relating to an application by Yilgarn Iron Pty Ltd to amend their current licence (L5850/1993/11).

#### Background

The Department of Water and Environmental Regulation (DWER) has recently received an application from Yilgarn Iron Pty Ltd for an amendment to licence (L5850/1993/11) under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at Koolyanobbing Iron Ore Project within Mining Tenements L77/319, M77/606-I, M77/607-I, M77/611-I, M77/988-I, M77/989-I, M77/990-I, and M77/1278-1, and Crown Lease N466339 Koolyanobbing.

The application is in relation to:

- Category 5 – Processing or beneficiation of metallic or non-metallic ore; and
- Category 6 – Mine dewatering.

#### Comment

The Supporting documentation provided by the Department has been attached for Councillors reference.

The application is to amend the Licence to reflect the following proposed activities:

- Discharge of water from dewatering of A Pit into B Pit.
- Construction of two tailings transfer pads for the unloading and temporary storage of tailings from haulage vehicles to mining equipment.
- Changes to the onsite methodology for deposition of lithium tailings into the C Pit mining void, resulting in an increase of 400,000 tpa to Category 5.
- Replacement of C Pit monitoring bore MB02 (dry) with MB02A, replacement of MB03 with MB05 and the addition of monitoring bores MB06 and MB07.
- Potential construction of a contingency production bore between B Pit and C Pit in the future, if groundwater levels within the C Pit rise above pre mining water levels (337 mRL). It should be noted that the likelihood of this bore being required is considered to be very low.

### 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	Compliance with relative environmental and mining legislation.	Moderate (6)	DEMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	DEMIRS Assessment and Approval Processes

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)



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

### Officer Recommendation and Council Decision

*16/2024*

*Moved Cr Granich/Seconded Cr Guerini*

*That Council endorse the following response to the Department of Water and Environmental Regulation:*

*In regards to the application from Yilgarn Iron Pty Ltd, for an amendment to licence L5850/1993/11, the Shire has no objections.*

**CARRIED (7/0)**

## 12.1 Officers Report – Regulatory Services Officer

### 12.1.4 Request For Temporary Works Exemption – Sea Container - 56 Spica Street, Southern Cross

<b>File Reference</b>	<b>3.1.3.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements.</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts – Regulatory Services Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider a request for temporary works approval for the placement of a sea container on a residential block, being 56 Spica Street, Southern Cross.

#### Background

The Shire has received a request from the owner of 56 Spica Street to temporarily place a 20 foot sea container on their property. The homeowner is renovating the premises and requires short-term storage for furniture.

The layout plan with proposed location has been included below.



### Comment

The Planning and Development (Local Planning Schemes) Regulations 2015 provides scenarios whereby Development Approval is not required, as per the extract below, temporary works are exempt from requiring formal Development Approval.

However, as the period of time the sea container will be required is longer than 48 hours, the Local Government is required to provide consent.

As such, Council are asked to consider deeming the placement of the sea container for the advised purpose as “Temporary Works” and permit the placement for no longer than six months.

**Planning and Development (Local Planning Schemes) Regulations 2015**  
**Schedule 2** Deemed provisions for local planning schemes  
**Part 7** Requirement for development approval  
**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).

### Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015

### 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	Non-compliance with legislation	Low (3)	Council providing consent as per 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)

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

### Officer Recommendation and Council Decision

17/2024

*Moved Cr Rose/Seconded Cr Guerini*

*That Council:*

- 1. Deem the placement of a 20 foot sea container at the rear of 56 Spica Street, Southern Cross for the storage of furniture as "Temporary Works" as per the Planning and Development (Local Planning Schemes) Regulations 2015.*

*and*

- 2. Provide consent for the sea container to be placed at 56 Spica Street Southern Cross for no longer than 6 months, after which a further request must be sought or sea container removed.*

**CARRIED (7/0)**

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

Nil

### 14 CLOSURE

Prior to the closure of the meeting Cr Della Bosca took the opportunity to thank all involved in the organisation and execution of the Australia Day celebrations.

As there was no further business to discuss, the Shire President declared the meeting closed at 5.49pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 15 February 2024, are confirmed on Thursday, 21 March 2024 as a true and correct record of the February 2024 Ordinary Meeting of Council.

**Cr Wayne Della Bosca**  
**SHIRE PRESIDENT**