



# *Ordinary Meeting of Council*

## *Agenda*

*21 March 2024*

# Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

**March 2024**

## **Ordinary Meeting of Council**

Will be held in the Council Chambers on

Thursday, 21 March 2024

Commencing at **5pm**

### **COUNCILLORS PLEASE NOTE:**

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



**Cameron Watson**  
**ACTING Chief Executive Officer**

15/03/2024

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3. ATTENDANCE**

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

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

Apologies:                      N Warren                      Chief Executive Officer

Observers:

Leave of Absence:

**4. DECLARATION OF INTEREST**

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

**5.1. PUBLIC QUESTION TIME**

**6. CONFIRMATION OF MINUTES**

6.1     Ordinary Meeting of Council, Thursday, 15 February 2024- (Minutes Attached)

Recommendation

*That the minutes from the Ordinary Council Meeting held on the 15 February 2024 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

6.2 Special Meeting of Council, Wednesday, 13 March 2024- (Minutes Attached)

Recommendation

*That the minutes from the Special Council Meeting held on the 13 March 2024 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

6.3 Central East Accommodation & Care Alliance Inc (CEACA) Management Committee, Monday, 19 February 2024- (Minutes Attached)

Recommendation

*That the minutes from the CEACA Management Committee Meeting held on the 19 February 2024 be received.*

**Voting Requirements:** Simple Majority

6.4 Central East Accommodation & Care Alliance Inc (CEACA) Special General Meeting, Monday, 19 February 2024- (Minutes Attached)

Recommendation

*That the minutes from the CEACA Special General Meeting held on the 19 February 2024 be received.*

**Voting Requirements:** Simple Majority

6.5 Great Eastern Country Zone (GECZ), Thursday, 22 February 2024- (Minutes Attached)

Recommendation

*That the minutes from the GECZ Meeting held on the 22 February 2024 be received.*

**Voting Requirements:** Simple Majority

6.6 Yilgarn History Museum, Wednesday, 7 February 2024- (Minutes Attached)

Recommendation

*That the minutes from the Yilgarn History Museum Meeting held on the 7 February 2024 be received.*

**Voting Requirements:** Simple Majority

6.7 WALGA State Council, Wednesday, 6 March 2024- (Minutes Attached)

Recommendation

*That the minutes from WALGA State Council Meeting held on the 6 March 2024 be received.*

**Voting Requirements:** Simple Majority

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

Matthew Baker-Acting Project development Manager, Vincent Vercraeije-Project Manager and Elizabeth Davies-Stakeholder Engagement Manager from Mainroads will be presenting to Council.

**8. DELEGATES' REPORTS**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 2023 Compliance Audit Report

<b>File Reference</b>	<b>1.6.6.4</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>Attachment 1 - 2023 Compliance Audit Report</b>

#### Purpose of Report

To present to Council the 2023 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

#### Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be:-

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

*The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.*

#### Comment

The 2023 CAR contains 94 questions and is attached for Councillors reference.

The CAR has been tabled at the *Shire of Yilgarn Audit Committee* on 21 March 2024.

#### Statutory Environment

*Local Government (Audit) Regulations 1996*

#### 14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

- (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
- (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Internal review by senior management to Audit Committee and Council on an annual basis	Moderate (6)	Internal CAR review ensures Council and staff are meeting statutory requirements
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Section 14 of the <i>Local Government (Audit) Regulations 1996</i>	Moderate (6)	Annual Compliance Audit Return
<b>Reputational</b>	Not meeting statutory obligations could give rise to adverse response from DLGSC	High (15)	Annual review and Reporting process to DLGSC
<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)

#### Committee Recommendation

*That Council adopts the 2023 Local Government Compliance Audit Return for the Shire of Yilgarn for the period 1 January 2023 to 31 December 2023.*

*and*

*That Council in accepting the Compliance Audit Return, authorises the Shire President and Chief Executive Officer to sign and submit same to the Department of Local Government, Sport and Cultural Industries as required.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports-February 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 29 February 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

*That Council endorse the various Financial Reports as presented for the period ending 29 February 2024.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – February 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 41263 to 41265 totalling \$111.00
- Municipal Fund - EFT 14909 to 15004 totalling \$717,209.25
- Municipal Fund – Cheques 2326 to 2343 totalling \$272,725.05
- Municipal Fund - Direct Debit Numbers:
  - 18587.1 to 18587.14 totalling \$26,076.10
  - 18636.1 to 18636.14 totalling \$26,272.76

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

#### Comment

Nil

#### Statutory Environment

##### Local Government Act 1995

##### **5.42. Delegation of some powers and duties to CEO**

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

\* *Absolute majority required.*

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

### Strategic Implications

Nil

### Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

### Financial Implications

Drawdown of Bank funds

### Risk Implications

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

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

#### Officer Recommendation

- *Municipal Fund – Cheques 41263 to 41265 totalling \$111.00*
- *Municipal Fund - EFT 14909 to 15004 totalling \$717,209.25*
- *Municipal Fund – Cheques 2326 to 2343 totalling \$272,725.05*
- *Municipal Fund - Direct Debit Numbers:*
  - *18587.1 to 18587.14 totalling \$26,076.10*
  - *18636.1 to 18636.14 totalling \$26,272.76*

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



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2023/2024 Budget Review

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson – Exec Manager Corporate Services</b>
<b>Attachments</b>	<b>2023/2024 Budget Review</b>

#### Purpose of Report

Council is requested to adopt the 2023/2024 Budget Review as presented.

#### Background

Financial Management Regulation 33A – Review of Budget, requires a Local Government to review its annual budget between the 1<sup>st</sup> of January and the last day of February in any given financial year. The outcome of this review is to be submitted to Council for its adoption no later than the 31<sup>st</sup> March.

#### Comment

The budget review document, including budget amendment recommendations, for the 2023/2024 financial year is attached for Council’s consideration.

#### Statutory Environment

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

#### 33A. Review of budget

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government’s financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
  - (d) include the following —
    - (i) the annual budget adopted by the local government;
    - (ii) an update of each of the estimates included in the annual budget;

- (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
  - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- \*Absolute majority required.
- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### Strategic Implications

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

### Policy Implications

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

### Financial Implications

The presented review includes several budget amendments.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Review of Councils Annual Budget	Moderate (6)	Ongoing monitoring
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Low (3)	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)

### Committee Recommendation

*That Council adopts the budget review for the period 1st June 2023 to 31st January 2024 inclusive of the recommended budget amendments as indicated in Note 4 of the report.*

**10 APPLICATIONS FOR LEAVE OF ABSENCE**

**Recommendation**

That Cr Bryan Close be granted a Leave of Absence from the April 2024 Ordinary Meeting of Council

**Voting Requirements:** Simple Majority

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

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

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

**14 CLOSURE**