



# *Minutes*

## *Ordinary Meeting of Council*

*15 August 2024*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.06pm

## 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 Newbury  
Cr L Rose

|                  |               |                                      |
|------------------|---------------|--------------------------------------|
| 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, Onida Truran and Kent Broad

Leave of Absence: Nil

## 4. DECLARATION OF INTEREST

Cr Guerini declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 in agenda item 9.1.2, Proposed Renewable Energy Facility –Lots 231, 640, 620 and 622 in Southern Cross due to the proposed wind farm being partly on land used by the farm and will be paid yearly fees if it proceeds.

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

Nil

## 5.1. PUBLIC QUESTION TIME

Kaye Crafter attended Public Question Time and posed the following question;

**Question** The owners of the Southern Star Café have mentioned to Kaye that the buildings backing onto the café building have white ants and are generally in a bad state of repair, is there anything the Shire can do about these buildings?

**Answer** *The President, Cr Wayne Della Bosca, passed on the question onto Glen Brigg, EMI. Glen confirmed that as the buildings are privately owned, they are generally the owners' issues with the Shire only able to issue a notice but he and the CEO, Nic Warren, will confer to see what kind of solution they could come up with and come back with possible actions.*

## 6. PRESENTATIONS, PETITIONS, DEPUTATIONS

Kent Broad from Outback Carbon attended Council and gave a presentation on Outback Carbon.

Outback Carbon was co-founded by Harley Lacy and Kent Broad, the aim of restoring the carbon stocks across the Australian landscape making the landscapes more biodiverse and sustainable, through innovative carbon farming. Outback Carbon has been acquired by Mitsui E&P Australia whose goals are to net-zero emissions by 2050.

Outback Carbon works on the Agro farming model, in the Shire of Yilgarn five properties have been identified for carbon farming. Trees will be planted in twin rows with established perennials for grazing. The planting areas for the trees will only take up 75% of the farming land with the best land being left for cropping. With the planting of the trees water tanks will be installed for firefighting along with fencing to stop pests. Outback Carbon then have 25year permanence responsibility for the trees, with employees to maintain the areas. It is estimated that the trees, once planted, would not put any further pressure on the water supply with the planting system and furrows helping supply water to the plants.

Kent Broad then invited questions.

*Cr Della Bosca questioned the space intended between the rows of trees and the accuracy of having pasture grow in between due to the invasiveness of tree roots, and also if the model took into account the harsh climate in the Yilgarn as Cr Rose could confirm it is not easy to grow trees without extra care and water.*

*Cr Rose confirmed she had tried to grow trees on the family farm and found that without proper watering in the early years they did not survive due to the harsh climate.*

Kent Broad took these issues onboard and would look into them.

*Cr Granich inquired if Outback Carbon already owned the land in question?*

Kent Broad confirmed they did not the sale and lease was determined by the various approvals they would need first.

Cr Della Bosca thanked Kent Broad for his presentation.

Kent Broad left the meeting at 5.27pm

## 7. CONFIRMATION OF MINUTES

### 7.1 Ordinary Meeting of Council, Thursday, 18 July 2024

**93/2024**

***Moved Cr Guerini/Seconded Cr Rose***

***That the minutes from the Ordinary Council Meeting held on the 18 July 2024 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Guerini, Granich, Newbury, Rose*

*Cr's Against: Nil*

### 7.2 Yilgarn History Museum Meeting, Wednesday, 3 July 2024

**94/2024**

***Moved Cr Granich/Seconded Cr Bradford***

***That the minutes from the Yilgarn History Museum meeting held on the 3 July 2024 be received.***

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Guerini, Granich, Newbury, Rose*

*Cr's Against: Nil*

7.3 Wheatbelt North-East Sub Regional Road Group (SRRG) Meeting, Tuesday, 23 July 2024

**95/2024**

***Moved Cr Close/Seconded Cr Granich***

***That the minutes from the Wheatbelt North-East SRRG meeting held on the 23 July 2024 be received.***

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Guerini, Granich, Newbury, Rose*

*Cr's Against: Nil*

7.4 Wheatbelt East Regional Organisation of Council (WEROC), Wednesday, 31 July 2024

**96/2024**

***Moved Cr Guerini/Seconded Cr Newbury***

***That the minutes from the WEROC meeting held on the 31 July 2024 be received.***

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Guerini, Granich, Newbury, Rose*

*Cr's Against: Nil*

## **8. DELEGATES' REPORTS**

Cr Della Bosca announced the following:

- Attended the Town Teams workshop on the 22 July 2024
- Attended the Wheatbelt North Eastern Sub Regional Road Group meeting on the 23 July 2024
- Attended the Wheatbelt East Regional Organisation of Councils on the 31 July 2024
- Attended the Merredin Apex Park Gran Opening on the 7 August 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Close announced the following:

- Attended the Wheatbelt North Eastern Sub Regional Road Group meeting on the 23 July 2024
- Attended the Mt Walton Intractable Waste Disposal Facility Community Liaison Committee meeting on the 27 July 2024
- Attended the Pox Eclipse meeting on the 1 August 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Bradford announced the following;

- Attended the Town Teams workshop on the 22 July 2024
- Attended the Festival of Small Halls on the 10 August 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Guerini announced the following;

- Attended the Mt Walton Intractable Waste Disposal Facility Community Liaison Committee meeting on the 27 July 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Rose announced the following;

- Attended the Town Teams workshop on the 22 July 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Newbury announced the following;

- Attended the Town Teams workshop on the 22 July 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

Cr Granich announced the following;

- Attended the Town Teams workshop on the 22 July 2024
- Attended the Strategic Community Plan workshop on the 12 August 2024

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Waiver of Fees and Charges – Southern Cross Football Club

|                               |   |
|-------------------------------|---|
| <b>File Reference</b>         | <b>8.2.6.27</b>   |
| <b>Disclosure of Interest</b> | <b>The CEO discloses an impartiality interest as the Colts Team Manager for the Southern Cross Football Club.</b> |
| <b>Voting Requirements</b>    | <b>Absolute Majority</b>  |
| <b>Author</b>                 | <b>Nic Warren- Chief Executive Officer</b>  |
| <b>Attachments</b>            | <b>Nil</b>  |

#### Purpose of Report

To submit to Council a request from the Southern Cross Football Club for the waiving of the hire fees for the Southern Cross Community Centre for their end of season function and an additional request to waive the annual fees for the 2024 season.

#### Background

The Southern Cross Football Club (the Club), have sought two waivers of fees and charges from the Shire of Yilgarn.

The first request for waiver is for the hire fees associated with use of the Southern Cross Community Centre, of which the Club is hiring on the 21<sup>st</sup> September 2024 for their end of year function.

The Club has sought two days hire to allow for set up and clean up, with the Shire’s fees and charges for Private Function - Full Day being \$230/day, which equates to a total of \$460.

The Club has sought a waiver for the Community Centre due to the Sport Complex not being available due to the upgrade project and therefore being forced to find an alternative venue.

The second request is for the waiver of their Annual Fees, which is a token payment by the club to assist with costs associated with their use of the Southern Cross Sports Complex.

The original request from the Club sought a reimbursement for the annual fees applicable under the Shire’s Fees and Charges, being \$3,600. The Club justified the request due to impacts on their season due to the upgrade works at the complex, stating:

*“...due to the project schedule we have found ourselves unable to use vital amenities of the complex. Because of this we would like to apply for a reimbursement or an adjusted payment for next year.”*



The CEO sought the following clarifications on 29 July 2024:

- *Could you please clarify your comment that you have been “unable to use vital amenities of the complex” and detail exactly what you have had to go without and how this has impacted the club?*
- *I would also like to understand the financial impacts the complex upgrade has had on the footy clubs ability to either generate income based on previous years or how the project has required additional funding from the footy club, such that a waiver/reimbursement of fees would be justifiable?*

As of the publishing of this report, no response has been received from the football club.

### Comment

As per Shire Policy LGA 14, the CEO does not have delegated authority to consider the waiver requests, as they are above \$500, as such, Council must consider.

A waiver of the fees associated with the Southern Cross Community Centre seem reasonable given the circumstances. The Club normally utilise the Sports Complex Lounge for their end of year functions, of which is normally available free of charge due to their annual fee payment. However due to the complex upgrades, this venue will not be available, as such, the Club are forced to find an alternative venue. Therefore, providing another venue to the Club at no cost seems a reasonable compromise.

However, waiving of the annual fees for the Club are not so easily justified.

Maintenance of the Southern Cross Sports Complex is a significant undertaking for the Shire of Yilgarn. In 2023/2024 the Shire expended \$184,724.96 on the Sports Complex, and as per the breakdown below, oval maintenance was the most significant expense:

|                             |                     |
|-----------------------------|---------------------|
| Sports Complex Operation:   | \$40,682.45         |
| Sports Complex Maintenance: | \$38,359.04         |
| Southern Cross Oval:        | \$105,683.47        |
| <b>Total:</b>               | <b>\$184,724.96</b> |

As such, whilst the \$3,600 annual payment from the Football Club is appreciated, it is not a cost recovery exercise for the Shire of Yilgarn, with the community funding the majority of the costs associated with maintaining the facilities. As such, it is justifiable that whilst the club may have been impacted, they are still provided quality facilities at minimal expense.

Furthermore, whilst it is acknowledged operationally there have been impacts, the Shire has organised, at its own expense, substitute facilities for the Club to utilise whilst excluded from the Sport Complex ablutions and changerooms.

Access to the Lounge, kitchen and canteen have not been affected.

As there has been no further response from the Football Club, it is not seen as justifiable with the information available to provide a waiver of the annual fees.

## Statutory Environment

### Delegation Register

#### LGA14 Donations and Waiver of Hire Fees

|   |                  |
|---|------------------|
| <b>Date Adopted:</b>                          | 17 March 2016    |
| <b>Date Last Reviewed:</b>                    | 21 April 2022    |
| <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 the Chief Executive Officer to consider requests for Donations and Waiver of Hire Fees,

Subject to-

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

### Conditions Imposed:

Nil

## Legislation:

### Local Government Act 1995

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

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

## Strategic Implications

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

## Policy Implications

Nil.

## Financial Implications

Waiving of Hire Fees, valued at \$460.00.

## Risk Implications

| Risk Category        | Description   | Rating<br>(Consequence x<br>Likelihood) | Mitigation Action   |
|----------------------|---|---|---|
| Health/People        | Yilgarn community disadvantaged by location from many sport and cultural activities | Moderate (8)                            | A contribution in the form of a waiver of fees, assists with providing opportunities for Yilgarn community. |
| Financial Impact     | Nil   | Nil                                     | Nil   |
| Service Interruption | Nil   | Nil                                     | Nil   |

|                     |  |         |   |
|---------------------|--|---------|---|
| <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

97/2024

*Moved Cr Close/Seconded Cr Rose*

*That Council, by absolute majority:*

- 1. Waives the fees and charges associated with hire of the Southern Cross Community Centre by the Southern Cross Football Club for their end of year function, of which will include two days hire at \$230/day, equating to a total waiver of \$460.*

*AND*

- 2. Reject the Southern Cross Football Clubs request for a waiver of their annual fees for 2024, being \$3,600.*

*Notes:*

1. *Council are to note the hire bond will still be payable.*
2. *Council notes the following justifications for rejection of the annual fee waiver:*
  - a. *The Club have been unable to detail their statement that they have been “unable to use vital amenities of the complex”;*
  - b. *The Club have been unable to detail financial impacts of the impacts;*
  - c. *The Shire, at its own expense and provision of staff time, have made suitable arrangements for ablutions and facilities, such that the club can continue to utilise the venue for the 2024 season.*

**CARRIED BY ABSOLUTE MAJORITY (6/1)**

*Cr's For: Della Bosca, Close, Guerini, Granich, Newbury, Rose*

*Cr's Against: Bradford*

Cr Guerini declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 in agenda item 9.1.2, Proposed Renewable Energy Facility –Lots 231, 640, 620 and 622 in Southern Cross due to the proposed wind farm being partly on land used by the farm and will be paid yearly fees if it proceeds.

Cr Guerini left the meeting at 5.35pm

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Proposed Renewable Energy Facility –Lots 231, 640, 620 and 622 in Southern Cross

|                               |  |
|-------------------------------|--|
| <b>File Reference</b>         | <b>3.1.1.2</b>   |
| <b>Author</b>                 | <b>Liz Bushby, Town Planning Innovations</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>Nic Warren- Chief Executive Officer</b>   |
| <b>Attachments</b>            | <b>1. Location Plan<br/>2. Layout Plan</b>   |

#### Purpose of Report

Council is to consider a planning application for a renewable energy facility (wind farm) on the abovementioned lots.

#### Background

- **Location**

The development is proposed to be located approximately 12 kilometres to the south east of the Southern Cross townsite. A location plan is included as Attachment 1.

- **Relevant Applications**

An identical application was previously lodged in 2023 and was determined by a State Development Assessment Panel (DAP). The application was first considered by the DAP at a meeting held on the 20 December 2023, and was deferred to allow the applicant to address a number of matters including aerodrome aviation issues.

The application was again considered by the DAP at a meeting held on the 24 March 2024. The DAP refused the application for the following reasons:

- (a) The Aviation Assessment proposes procedural changes to be implemented for Runway 14/32 and Runway 09/27 of the Southern Cross aerodrome. No procedural changes are agreed to by the Shire of Yilgarn as the owner of the Southern Cross Aerodrome infrastructure and associated land.

Air Services Australia will not amend procedural changes for the aerodrome without agreement by the aerodrome owner.

- (b) The aviation changes required to facilitate the proposed development will result in ongoing maintenance costs of instrument approach procedures for Runway 14/32 and Runway 09/27 to a private supplier for the life of the development (and potentially beyond). There is too much uncertainty and risk over aviation implications for ongoing management of the Southern Cross Aerodrome infrastructure and land by the Shire of Yilgarn.
- (c) It would not be in the interest of orderly and proper planning to issue approval for development that requires changes to aerodrome procedures, without the consent of the aerodrome owner, being the Shire of Yilgarn.
- (d) The DAP agrees with Mr McQueen's submission dated 18 March 2024 at paragraph 12 that the Shire is a third party land-owner and operator of the Southern Cross Aerodrome.
- (e) The DAP considers that proposed condition 16 is futile and not valid because it is not enforceable on the Shire of Yilgarn as a third party land-owner and operator of the Southern Cross Aerodrome.
- (f) This development application proposes many significant elements that are inadequate, unresolved and which lack the level of certainty and finality that would be required of a valid planning consent. For example, the proposed turbine locations with a maximum potential variance of 500 metres lacks finality and certainty.
- (g) Approval of the wind farm without the Shire of Yilgarn's willing agreement (as the third party airstrip land owner and operator) would put in jeopardy and adversely impact the use of the airstrip as an important facility that provides for the social, economic, health, emergency and general amenity needs of the local community in the public interest.

It should be noted that the DAP did not support having 'building envelopes' for the turbines, however TPI did support having an approved plan that allowed for some flexibility over turbine locations. This is not uncommon for these large scale wind farms as extensive geotechnical investigation needs to be undertaken for engineering of the concrete bases and each turbine.

Some flexibility within the site layout plan allows for those more detailed reports to be finalised which will inform the final turbine locations, and a final site plan will need to be lodged for separate approval as a condition of the development if approved by Council.

- **Relevant Council Decision (July 2024)**

The only real impediment to the previous DAP application being supported related to aviation issues, and the lack of a formal agreement with the Shire over the costs to change aerodrome procedures as a result of the wind turbine locations.

At the Ordinary Meeting of Council held on the 18 July 2024, Council resolved to formally endorse a Memorandum of Understanding with Southern Cross Wind Pty Ltd.

TPI has not been involved in this process but has been advised by the Shire Chief Executive Officer that all aviation matters and cost arrangements have been resolved through the MOU.

### Comment

- **Description of Application**

The development is proposed on four freehold rural lots comprising a total land area of approximately 1,464 hectares. The landholdings include Lots 231, 640, 620 and 622 which are located between Great Eastern Highway to the north, Emu Fence Road to the east, and Southern Cross Marvel Loch Road to the west.

The application proposes up to 10 wind turbines, up to 10 MWh of battery storage, solar array, and associated infrastructure including transformers, above and below ground cabling, roads, crane hardstands, switch rooms and communication equipment – refer Attachment 2: Layout Plan.

- **Zoning and Scheme requirements**

The subject lots are 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 a specific definition for ‘Renewable Energy Facility’ which is defined in the Scheme as *‘means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary’*.

Where a land use is 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 renewable energy facilities 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. To expedite the process the application has been advertised for public comment.

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**

It is important to note that the original DAP application was advertised twice for public comment in late 2023 and early 2024.

The current (same) application lodged to the Shire has been advertised for public comment by Shire Administration for 28 days. The application was also referred to key government agencies and service providers for 42 days.

The current application had to be re-advertised as (1) it is a new application and (2) to meet legislative requirements.

- **Submissions**

One submission from a local landowner has been received. Submissions on the current application are outlined in the table below.

| Issue Raised   | Officer comments   |
|--|--|
| <b>1. Department of Mines, Industry Regulation and Safety (DMIRS)</b>  |  |
| <p>Two tenements are affected by this proposal as there is a 6.19% encroachment on granted exploration licence held by Kula Gold Limited (Kula Gold) and a 4.25% encroachment on exploration licence application E 77/2676 held by Quattro Gold Pty Ltd.</p>   | <p>Noted. The applicant is aware that Kuta Gold has had discussions with landowners over Access Agreements in early 2023.</p> <p>Since that time the owners of Lots 620, 622, 231 and 640 have signed options to lease their land with Southern Cross Wind in October 2023.</p>  |
| <p>The proposal overlies granite that is located to the North East of a highly mineralised greenstone unit that has historically been the focus of exploration and mining in this region. Consequently, the area affected by this proposal has been exposed to very little modern exploration. Due to recent changes in commodity focus for critical minerals and renewable energy, the under explored granite areas have become a new area of interest.</p> | <p>The applicant has advised that Southern Cross Wind have included clauses in their Exclusivity Agreement and Option to Lease which require the landowners to seek permission from the developer before they consent or agree to any person obtaining or being granted by any government agency any form of lease, licence, tenure or other statutory right to carry out work or investigations relating to any mineral, petroleum, energy or other resource located on, above or under the property.</p> |
| <p>Recent preliminary exploration by Kula Gold (ASX:KGD) has identified significant lithium anomalism that warrants further investigation. One of the primary target areas is the Taliah prospect, which underlies the northern area of the wind farm proposal.</p>  | <p>Noted.</p>  |

|   |   |
|---|---|
| <p>Kula Gold have advised that while they do not have an objection to the proposed wind farm, they do require an Access Agreement to ensure no significant adverse impacts on their plans to explore, drill and mine the area. They will be drilling in the area in the near future, and hope to mine the area in the next five years.</p>  | <p>Non-objection noted.</p> <p>The issue of Kuta Gold securing any Access Agreement needs to be negotiated with any landowner and the wind farm developer.</p>  |
| <p>Kula Gold do have Land Access Arrangements with some of the landowners, and has requested engagement by the applicant</p>  | <p>The applicant has advised that the developer of the wind farm initially reached out to Kula Gold in December 2022, and there has been ongoing communication and a meeting held at the Kula Gold office on the 27 April 2023.</p>   |
| <p>Overall, DMIRS is supportive of renewable projects and diversification of energy supply options, however, it is noted that the proposed development of the wind farm has the potential to impact exploration and potential future development of a lithium deposit, which is a critical mineral required for the State's transition to net zero. While State's resources are located where they naturally occur, infrastructure can be moved and designed to fit around known constraints.</p> | <p>Noted.</p> <p>Council can only consider the application that is before it.</p> <p>It is not the Shires role to determine whether mining is a 'better prospect' for the lots.</p>   |
| <p><b>2. Main Roads WA</b></p>  |   |
| <p>Main Roads WA have recommended conditions requiring a Traffic Management Plan to be lodged to manage traffic throughout the construction phase.</p>  | <p>A condition has been recommended requiring lodgement of a Traffic Management Plan, with a footnote that it will be referred to MRWA for endorsement.</p>   |
| <p>MRWA also recommend a condition that 'No works are permitted within the Great Eastern Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.'</p>  | <p>TPI recommends this be a footnote rather than a condition, as MRWA approval to work within their road reserve is already required under separate legislation.</p> <p>Where separate legislation requires separate approvals, it is generally not also imposed as a planning condition.</p> |
| <p><b>3. Department of Planning, Lands and Heritage</b></p>   |   |
| <p>A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area of the proposed Wind Farm does not intersect with any known Aboriginal heritage Places or Registered Sites.</p>  | <p>Non Objection noted. There are no known Aboriginal heritage sites affected by the development</p>  |
| <p>Based on the current information held by DPLH, no approvals under</p>  | <p>Comment noted. The submission has been provided to the applicant.</p>  |

|  |  |
|--|--|
| <p>the <i>Aboriginal Heritage Act 1972</i> (AHA) are required, and Aboriginal Heritage Conservation has no objection to the proposal. However, we would encourage that the Native Title Services Goldfields is consulted with regarding the proposal, being the representative body for native title claims in the region.</p>   |  |
| <p>Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal cultural heritage present. Therefore, the proponent, Yilgarn Holdings Pty Ltd, needs to be made aware of its obligations under the AHA.</p>   | <p>Comment noted. The submission has been provided to the applicant.</p>                 |
| <p><b>4. Department of Biodiversity, Conservation and Attractions</b></p>  |  |
| <p>The Department's Wheatbelt Region have considered the proposal. The proposal does not appear to have any direct impact on DBCA managed lands, nor from an initial desktop investigation directly impacting species under the Biodiversity Conservation Act. There are areas of native vegetation within these freehold lots which may require a native vegetation clearing permit, the Department of Water and Environmental Regulation coordinates advice on this.</p> | <p>Non Objection noted.</p>  |
| <p><b>5. Water Corporation</b></p>   |  |
| <p>As no water connections have been proposed for in the submission we have no objection to the proposal.</p> <p>There is a reticulated water main close to the lots and any works carried out near our assets requires approval.</p>  | <p>Non Objection noted.</p>  |
| <p><b>6. Western Power</b></p>   |  |
| <p>Western Power has advised they cannot provide general comment and directed the Shire to several webtools on line.</p>   | <p>Non Objection noted.</p>  |
| <p><b>7. Rolie Blair. Bakers Hill postal address provided.</b></p>   |  |
| <p>I oppose the application, firstly because these lots are zoned rural and under the Shire of Yilgarn's Local Planning Scheme No 2 District Zoning Scheme,</p>  | <p>Objection noted. Land use permissibility is discussed in the body of this report.</p> |

this is not permitted. Secondly, the consequences to the land in the future, as when the equipment reaches its use-by-date, 15-20 years, they are not recyclable, so what is the protocol and who is responsible for the removal of the facility, and will the land be returned to its original state? I would say not.

Decommissioning is addressed in the recommended conditions.

- **Aviation Assessment**

The lot is within 10 nm MSA of the Southern Cross aerodrome. The applicant lodged an Aviation Assessment which outlines the implications for the Southern Cross aerodrome. The main considerations are summarised as follows:

- The Aviation Assessment identifies a need to change the procedures for the Great Southern Aerodrome which would effectively increase the Lowest Safe Altitude (LSALT).
- The LSALT for a particular airspace grid or air route, provides a minimum of 1000 ft clearance above the controlling (highest) obstacle within the relevant airspace grid or air route tolerances.
- The proposed solution is to implement an instrument approach at the developers cost, and with the Shires agreement.

The Shire ultimately has the final say over any procedural changes as they own the aerodrome. TPI has been advised that the Shire is satisfied that aviation issues have been resolved with the developer.

- **Visual and Landscape Impact**

The application is supported by a Visual Impact Assessment (VIA) which selects a series of 34 viewpoint locations representative of a viewer experience for assessment.

Out of the 34 viewpoints, 26 were identified as having either low, or low to moderate visibility.

When looking at the 20 kilometre Zone of Visual Influence (ZVI) the VIA identifies that:

- The visibility of the turbines becomes of less dominance at 17km to 18km.
- Because the land is gently undulating towards being flat, much of the investigation area shows high visibility to the proposed development.
- The Zone of Influence looks at the theoretical visibility of all ten turbines in the landscape. There is minor screening of the vicinity of the proposal behind mine tailings, mullock heaps, and in depressions at the far periphery of the project.

Consideration has been given to the landscape, proposed land use, separation distances, and relatively low number of turbines to be installed in assessing the level of visual impact.

The Visual Impact Assessment concludes that the visual impact of the proposal will be low to moderate in nature.

- **Noise**

Acceptable noise emissions in Western Australia are controlled through the Environmental Protection (Noise) Regulations 1997. There are different noise levels that are acceptable at lot boundaries, and to sensitive premises.

The only sensitive land uses for consideration in this locality are existing dwellings. The turbines will be setback a minimum of 2000 metres to any dwelling, which exceeds the recommended 1500 metre buffer under a current Position Statement on Renewable energy Facilities by the WA Planning Commission.

A Noise Impact Assessment has been prepared by a noise consultant. The assessment concludes that noise emissions at identified receiver locations (dwellings) are calculated at approximately 25 dB(A), which comply with the most stringent noise criteria of 35 dB(A) at all hub-heights and wind speeds.

The Noise Impact Assessment was referred to the Department of Water, Environment and Regulation (DWER) Noise Branch for advice as part of the previous DAP application process.

DWER has not lodged a new submission, however as part of the previous DAP process DWER confirmed that *'compliance with the requirements of the Noise Regulations is expected to be achieved at the residences identified in the Noise Impact Assessment, and likely to be achieved at the surrounding rural premises' boundaries*.

It should be noted that even if dwellings are constructed after the wind farm is constructed, the onus is still on the developer to continue to comply with the Environmental Protection (Noise) Regulations 1997, even if that means they have to alter operations or decommission any turbine that causes future noise nuisance.

The developer takes a commercial risk if they cannot continue to comply with the Environmental Protection (Noise) Regulations 1997 in the long term due to new development of sensitive land uses in the vicinity.

- **Conclusion**

As explained in the background section of this report, the main impediment to the application was a lack of up front agreement with the Shire due to aviation impacts. Although a legal

agreement has not been reached, the Shire Chief Executive Officer is satisfied that Councils interests are covered by the current Memorandum of Understanding,

### **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.

*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<br>(Consequence x<br>Likelihood) | Mitigation Action |
|-------------------------|-------------|---|-------------------|
| Health/People           | Nil         | Nil                                     | Nil               |
| Financial Impact        | Nil         | Nil                                     | Nil               |
| Service<br>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<br>Certain | 5 | Moderate (5)  | High (10)       | High (15)       | Extreme<br>(20) | Extreme (25) |
| Likely            | 4 | Low (4)       | Moderate<br>(8) | High (12)       | High (16)       | Extreme (20) |
| Possible          | 3 | Low (3)       | Moderate<br>(6) | Moderate<br>(9) | High (12)       | High (15)    |
| Unlikely          | 2 | Low (2)       | Low (4)         | Moderate<br>(6) | Moderate<br>(8) | High (10)    |
| Rare              | 1 | Low (1)       | Low (2)         | Low (3)         | Low (4)         | Moderate (5) |

## Officer Recommendation and Council Decision

98/2024

*Moved Cr Close/Seconded Cr Rose*

*That Council:*

- A. *Determine that the proposed renewable energy facility 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 all submissions are summarised in the body of this report.*
- C.** *Approve the application for a Renewable Energy Facility on Lots 231, 640, 620 & 622 in Southern Cross subject to the following conditions and advice notes:*

**General**

- 1.** *This decision constitutes development approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*
- 2.** *This approval is for a maximum of 10 wind turbines.*
- 3.** *All internal access roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.*
- 4.** *All development shall generally be in accordance with any Development Layout Plan approved in accordance with Condition 7.*
- 5.** *All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting).*
- 6.** *The maximum height of each wind turbine shall be 240 metres above ground level, measured from the base of the tower to the rotor tip at its maximum elevation.*

**General 'Prior to Commencement of Works' Conditions**

- 7.** *Prior to commencing any works, the applicant/developer is to lodge a final Development Layout Plan for separate written approval by the local government that;*
  - a)** *Is generally in accordance with the approval Layout Plan dated 15 August 2023;*
  - b)** *Identifies all final micro-siting locations for all wind turbines within 500 metres of the turbine locations identified on the attached Layout Plan dated 15 August 2023.*
  - c)** *Includes a final internal road and access plan;*
  - d)** *Clearly identifies the extent and dimensions of hardstand concrete areas for the foundations of each turbine including crane areas;*
  - e)** *Includes all permanent ancillary development, buildings or structures such as switch rooms, shipping containers for battery storage, transformers, and solar array.*
  - f)** *Outlines locations off all above or below ground cabling, above or below ground electricity reticulation / transmission lines; and includes*

- g) Any public access or viewing areas and associated car parking.*
- 8. Prior to commencing any works, the applicant/developer and /or it's contractor is to lodge a Construction Management Plan for separate written approval by the local government. The Construction Management Plan must include the following details –**
- a) Contact details of essential site personnel and projected construction timeframes;*
  - b) A temporary construction sign with details of the project and a contact number;*
  - c) A system to record, manage and report on noise complaints during construction of the development;*
  - d) The location of temporary access / egress points and temporary service roads;*
  - e) The location of any required hardstand areas;*
  - f) Temporary buildings;*
  - g) Adequate space within the development site for the parking of construction vehicles, workers vehicles, loading areas, stockpiling, and for the delivery and storage of building materials;*
  - h) Waste Management;*
  - i) The location of any concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas;*
  - j) A timetable for the removal of temporary development after completion of the construction phase;*
  - k) The management of dust and other construction impacts including information on watering capabilities;*
  - l) Consideration of activities on fire ban days.*

### **Traffic Management**

- 9. Prior to commencing any works, the developer is to lodge a Traffic Management Plan for approval by the local government. The Traffic Management Plan is to be prepared by a suitably qualified traffic consultant and in the context of the construction phase of the development is to include –**
- a) Haulage routes for the transport of turbines and significant raw materials required for construction (such as large quantities of sand/gravel);*
  - b) Clear demarcation of local roads and any roads under the care and control of Main Roads WA;*
  - c) Heavy vehicle movements scheduling;*
  - d) Use of escort vehicles;*
  - e) Interaction with other road uses, for example, school bus routes;*

- f) A Pre-Construction Road Condition Report along the agreed main haulage routes within the local government area, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.*
- g) An outline of all separate approvals required through Main Roads WA.*

*The extent of the main haulage route for a Pre-Construction and Post-Construction Road Condition Report is to be agreed to separately in writing by the developer and the local government.*

- 10. Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the developer at their own cost to the standard identified in the Pre-Construction Road Condition Report to the satisfaction of the local government.*

#### **Implementation**

- 11. The developer is to implement the following approved plans, as they relate to the construction phase of the development, during construction –*

- a) the Construction Management Plan, required by Condition 8; and*
- b) the Traffic Management Plan, required by Condition 9.*

#### **Temporary Development**

- 12. The development approval also grants temporary development approval for the following –*

- a) temporary service roads and car parks;*
- b) crane hardstand areas;*
- c) concrete batching plants;*
- d) construction compounds;*
- e) water tanks; and*
- f) materials storage / laydown areas; and*
- g) any other construction related infrastructure*

*shown on the Construction Management Plan required and approved separately under Condition 8.*

- 13. Any concrete batching plant shall be set back a minimum distance of 500 metres from any boundary shared with lots not the subject of this approval.*

### **Staging**

*14. Where the developer intends undertaking the development in stages, a Staging Plan must be lodged with the local government at the same time as the Management Plans referred to in Conditions 8 and 9. The purpose of the Staging Plan is to determine the scope of information required in order to satisfy the conditions of approval as it relates to that stage.*

### **Aviation**

*15. The developer shall implement the recommendations of the Aviation Impact Assessment dated the 1 February 2024 Version 0.3 which forms part of this approval.*

*16. Prior to commencing any works, the applicant/developer is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights –*

- a) Civil Aviation Safety Authority (CASA);*
- b) Air Services Australia;*
- c) Royal Flying Doctor Service;*
- d) Royal Australian Air Force;*
- e) Maroomba Airlines and any known commercial operator using the existing aerodrome.*
- f) The Shire of Yilgarn.*

*17. The turbines identified as T1, T6 and T7 on the ‘Development Layout Plan’ approved under Condition 7 are to be provided with 2000cd aviation hazard lighting that meets international standards.*

### **Drainage**

*18. A stormwater management plan shall be lodged for separate written approval of the local government prior to commencement of construction. Any approved stormwater management plan shall be implemented for the life of the development to the satisfaction of the local government.*

### **Decommissioning and Rehabilitation**

*19. The wind turbines are to be decommissioned when they are disconnected from the power grid or when they no longer generate energy into the power grid. This condition does not apply where the wind farm or individual wind turbines is disconnected temporarily from the power grid, or is not generating energy, for maintenance.*

- 20. Prior to decommissioning the renewable energy facility, or any wind turbines in the wind farm, the applicant/developer is to lodge a Decommissioning and Rehabilitation Management Plan for approval by the local government. The Decommissioning and Rehabilitation Management Plan is to include –**
- a) a detailed decommissioning schedule or works with timeframes for each stage;**
  - b) a Traffic Management Plan;**
  - c) sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;**
  - d) implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development.**
- 21. The applicant/developer is to implement the Decommissioning and Rehabilitation Management Plan during the decommissioning and rehabilitation process.**
- 22. All lots the subject of this development approval shall be returned to pre-development state following decommissioning, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.**
- 23. If any below ground infrastructure is retained on site following decommissioning, notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations, within 3 months of the wind farm being decommissioned. The Notifications are to be prepared and lodged at the cost of the Developer.**

**Footnotes:**

- (i) In regards to Condition 9 and 20b), please be advised that Main Roads WA has advised that they will need to approve any Traffic Management Plan that affects roads under their care and control. The Shire will refer any Traffic Management Plan to MRWA for endorsement.**
- (ii) No works are permitted within the Great Eastern Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.**
- (iii) Heavy vehicle access and permit must be approved from Main Roads WA where the routes relating to the development application are not approved for the proposed heavy vehicle combinations. Main Roads is the relevant authority to issue such approvals.**

*This includes Over Size Over Mass (OSOM) permit and/or accreditation under the WA Heavy Vehicle Accreditation (WAHVA) Mass Management Module and approval for Accredited Mass Management Scheme (AMMS). Such approvals may be subject to any necessary intersection upgrades being undertaken at the applicant's expense to the satisfaction of Main Roads.*

*The applicant is advised to contact Main Roads Heavy Vehicle Services branch to ascertain any approval and permit requirements.*

- (iv) *The Shire has supported the Aviation Assessment based on a separate Memorandum of Understanding with the developer.*
- (v) *It should be noted that even if dwellings are constructed after the wind farm is constructed, the onus is still on the developer to continue to comply with the Environmental Protection (Noise) Regulations 1997, even if that means that operations have to be altered or decommissioning of any turbine that causes future noise nuisance.*

*The developer takes a commercial risk if they cannot continue to comply with the Environmental Protection (Noise) Regulations 1997 in the long term due to new development of sensitive land uses in the vicinity.*

**CARRIED (6/0)**

*Cr's For: Della Bosca, Close, Bradford, Granich, Newbury, Rose*  
*Cr's Against: Nil*

Cr Guerini rejoined the meeting at 5.48pm

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports-July 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 July 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<br>(Consequence x<br>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**

**99/2024**

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

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

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Granich, Guerini, Newbury, Rose*

*Cr's Against: Nil*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – July 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 41284 to 41287 totalling \$626.70
- Municipal Fund - EFT 15450 to 15546 totalling \$1,043,787.88
- Municipal Fund – Cheques 2415 to 2433 totalling \$304,538.47
- Municipal Fund - Direct Debit Numbers:
  - 18967.1 to 18967.14 totalling \$5,481.46
  - 19006.1 to 19006.13 totalling \$25,456.28
  - 19025.1 to 19025.13 totalling \$25,456.82
- Trust Fund – EFT 15547 totalling \$10,638.40

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<br>(Consequence x<br>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) |
| 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

*100/2024*

*Moved Cr Guerini/Seconded Cr Rose*

*That council endorse the following payments paid in July 2024*

- *Municipal Fund – Cheques 41284 to 41287 totalling \$626.70*
- *Municipal Fund - EFT 15450 to 15546 totalling \$1,043,787.88*
- *Municipal Fund – Cheques 2415 to 2433 totalling \$304,538.47*
- *Municipal Fund - Direct Debit Numbers:*
  - *18967.1 to 18967.14 totalling \$5,481.46*
  - *19006.1 to 19006.13 totalling \$25,456.28*
  - *19025.1 to 19025.13 totalling \$25,456.82*
- *Trust Fund – EFT 15547 totalling \$10,638.40*

**CARRIED (7/0)**

*Cr's For: Della Bosca, Close, Bradford, Granich, Guerini, Newbury, Rose*  
*Cr's Against: Nil*

## 9.3 Reporting Officer– Executive Manager Infrastructure

### 9.3.1 Executive House Construction

|                               |  |
|-------------------------------|--|
| <b>File Reference</b>         | <b>6.6.7</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>Modular Homes WA Pricing</b>                    |

#### Purpose of Report

For Council to consider quotes receive to construct One Executive house.

#### Background

Council allocated \$860,000 in the 2024/2025 budget to construct One New Executive House at 9-11 Libra Place Southern Cross. The construction of One Executive Home was advertised for tender on two separate occasions. Council supported the Officer's recommendation to rejected all tenders on both occasions on the 18<sup>th</sup> of May 2023 and the 20<sup>th</sup> of June 2024.

#### Comment

The lack of suitable tenders and options prompted staff to work with suitable modular house builders to move this project forward under the Local Government (Functions and General) Regulations 1996, which states:

#### ***11. When tenders have to be publicly invited***

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless sub regulation (2) states otherwise.*
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if—*
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
  - (c) within the last 6 months —*
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no*

*tender was submitted that met the tender specifications or satisfied the value for money assessment; or*

*(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

*(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government.*

The modular house builders who offered pricing to supply One Executive House are as follows:

TR Homes  
Ross Squires homes  
Prestige homes  
Total Home Frames  
Trans Homes  
Peak Homes  
Modular WA

Staff receive pricing from Modular WA for an Argyle style house for \$457,000 + \$49,200 (extra inclusions) + \$17,000 (delivery) a total of \$523,200 (EX GST). This pricing is within Councils 2024/2025 budget allocation and the premises best suits an executive style premises. The extra inclusions are items like a solar hot water system and air-conditioning,

Staff received quotations from other trades to fully complete the project. The estimated total is \$677,000 which includes earthworks, verandahs (front and back), carport, shed, concrete driveways, pathways, fencing and solar power.

### **Statutory Environment**

Local Government Act 1995 3.57 – tenders for providing goods or services and the Local Government (functions & general) Regulations, section 11

### **Strategic Implications**

Asset Management Practices

### **Policy Implications**

Finance Policy 3.5 Purchasing and Tendering  
Local Government (Functions and General) Regulations 1996



### Financial Implications

The 2024/25 budget makes provision of \$860,000 (GST exclusive) to construct one Executive House. Quotations, offered is within the budget allocation once fully established.

### Risk Implications

| Risk Category        | Description                                     | Rating (Consequence x Likelihood) | Mitigation Action  |
|----------------------|---|-----------------------------------|--|
| Health/People        | Nil   | Nil                               | Nil  |
| Financial Impact     | Nil   |                                   | Nil  |
| Service Interruption | Nil   |                                   | Nil  |
| Compliance           | Nil   |                                   | Nil  |
| Reputational         | Nil   |                                   | Nil  |
| Property             | Old housing stock, increases maintenance costs. | Moderate (6)                      | Renewal program ensures new housing stock and reduces maintenance costs. |
| 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

**101/2024**

**Moved Cr Guerini/Seconded Cr Granich**

**That Council, by Absolute Majority in accordance Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 accepts the quote for a total price of \$523,200 from Modular WA to construct and deliver One New Executive House on lot 9-11 Libra Place Southern Cross**

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

*Cr's For: Della Bosca, Close, Bradford, Granich, Guerini, Newbury, Rose*

*Cr's Against: Nil*

## 10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

## 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

## 14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.55pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 15 August 2024, are confirmed on Thursday, 19 September 2024 as a true and correct record of the August 2024 Ordinary Meeting of Council.

Cr Wayne Della Bosca  
SHIRE PRESIDENT