



Ordinary Meeting of Council

Agenda

17 October 2024

Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

October 2024 Ordinary Meeting of Council

Will be held in the Council Chambers on

Thursday, 17 October 2024

Commencing at **5pm**

COUNCILLORS PLEASE NOTE:

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



Nicholas Warren
Chief Executive Officer

09/10/2024

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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 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

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 19 September 2024- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 19 September 2024 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

- 6.2 Yilgarn History Museum Meeting, Wednesday, 11 September 2024- (Minutes Attached)
Recommendation
That the minutes from the Yilgarn History Museum meeting held on the 11 September 2024 be received.

Voting Requirements: Simple Majority

- 6.3 Yilgarn Bush Fire Advisory Committee, Thursday, 3 October 2024- (Minutes Attached)
Recommendation
That the minutes from the Yilgarn Bush Fire Advisory Committee meeting held on the 3 October 2024 be received.

Voting Requirements: Simple Majority

- 6.4 Yilgarn Tourism Advisory Committee, Wednesday, 2 October 2024- (Minutes Attached)
Recommendation
That the minutes from the Yilgarn Tourism Advisory Committee meeting held on the 2 October 2024 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Brendan Hockley will be in attendance to present proposed mining activities and plans for Wimmera Hill precinct.

8. DELEGATES' REPORTS

9 OFFICERS REPORTS

9.1 Reporting Officer – Chief Executive Officer

9.1.1 Request For Exemption To Place Temporary Sea Container On Front Verge – 51 Spica St

Disclosure of Interest	None
Voting Requirements.	Simple Majority
Author	Kelly Watts – Regulatory Services Officer
Attachments	Planning and Development (Local Planning Schemes) Regulations 2015 Site Map

Purpose of Report

For Council to consider the owner temporarily placing a 20 foot sea container on the front verge of 51 Spica Street, Southern Cross for the purpose of furniture removal.

Background

The owner of 51 Spica Street is relocating furniture and requires short-term storage to pack up furniture and household goods.

The owner requests an exemption from the need for planning approval for ‘temporary works’, to place the 20 foot sea container upon the front verge of the property. The request is for a period of approximately 2 months.

Comment

Under the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government can determine works to be “Temporary works” removing the need for a planning application to be submitted.

Furthermore, as the sea container is on a Shire road reserve, as per the Local Government Act 1995 and the Local Government (Uniform Local Provisions) Regulations 1996, Council may approve the placing of items within the thoroughfare, with whatever conditions they deem necessary, as well as conditions required by the Regulations.

As such, it is proposed to permit the placing of the sea container on public thoroughfare, on the following conditions required by the Local Government (Uniform Local Provisions) Regulations 1996:

- a. placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and
- b. protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and

- c. placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and
- d. damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.

Site plan with location of Sea Container



Statutory Environment

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

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

Local Government Act 1995

Schedule 9.1 Certain matters for which Governor may make regulations

3. Obstructing or encroaching on public thoroughfare

- (1) Regulations may be made about the obstruction of public thoroughfares by things that—
a. have been placed on the thoroughfare; or

- b. *have fallen from land or fallen from anything on land.*
- (2) *Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare.*

Local Government (Uniform Local Provisions) Regulations 1996

6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)

- (1) *A person must not, without lawful authority, place on a public thoroughfare anything that obstructs it.*

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the obstruction continues.

- (2) *A person may apply to the local government for permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare*
- (3) *Permission granted by the local government under this regulation —*
 - a. *must be in writing; and*
 - b. *must specify the period for which it is granted; and*
 - c. *must specify each condition imposed under subregulation (4); and*
 - d. *may be renewed from time to time; and*
 - e. *may be cancelled by giving written notice to the person to whom the permission was granted.*
- (4) *The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —*
 - a. *conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare or public safety (protective structures);*
 - b. *conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;*
 - c. *a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;*
 - d. *a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.*
- (5) *It is a condition of the permission granted under this regulation that —*
 - a. *placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and*
 - b. *protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and*
 - c. *placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and*

- d. damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.*
- (6) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.*
- (7) A person granted permission under this regulation must comply with each condition of the permission.
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.*
- (8) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m² of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.
For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a placed and left thing or structure.*

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with legislation.	Low (4)	Council approval meets legislative 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:

1. *Determine the placement of a 20 foot sea container at 51 Spica Street, Southern Cross for approximately two months to be “Temporary Works”, and therefore removing the need for a planning application to be submitted.*

And

2. *As per the Local Government (Uniform Local Provisions) Regulations 1996, permit the placement of a sea container on the thoroughfare, being the adjacent verge to 51 Spica Street, Southern Cross, on the following conditions:*
 - a. *placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and*
 - b. *protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and*
 - c. *placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and*
 - d. *damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.*

9.1 Reporting Officer – Chief Executive Officer

9.1.2 Shire of Yilgarn Tourism Advisory Committee – Changes to Committee

File Reference	1.3.10.5
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider and endorse changes to the membership of the Shire of Yilgarn Tourism Advisory Committee.

Background

At the February 2023 Ordinary Council meeting, Councillors moved the following changes to the Tourism Advisory Committee:

7/2023

Moved Cr Rose/Seconded Cr Close

That Council notes the resignation of Mr Malcolm Tabner from the Shire of Yilgarn Tourism Advisory Committee.

And

That Council endorses the inclusion of Mrs Robin Stevens to the Shire of Yilgarn Tourism Advisory Committee.

And

That Council notes the updated committee membership as follows:

- *Cr Jodie Cobden – Council Delegate*
- *Cr Linda Rose – Council Delegate*
- *Kaye Crafter – Community Member*
- *Liz Sheehan – Community Member*
- *Onida Truran – Community Member*
- *Robin Stevens – Community Member*

CARRIED BY ABSOLUTE MAJORITY (4/0)

Since the last changes to the committee, the Ordinary Shire elections have been held, and voting member Robin Stevens has left the district.

Due to a number of meetings without a quorum, the endorsing of Robin's replacement has only occurred at the October Yilgarn Tourism Advisory Committee meeting. Jodie Cobden was the sole nominee and was endorsed by the committee present.

Comment

It recommended that Council endorse Jodie Cobden for the vacant voting position on the committee.

Statutory Environment

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

a) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- b) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- c) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- d) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- e) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – Tourism Opportunities Maximised – Re-establish a Yilgarn Tourism Committee to advise /recommend to Council on actions to promote tourism in the district.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Inability for community to provide input into the Tourism activities of the district	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputational damage caused by lack of tourism activities and ability for community to provide input	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire
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)

Recommendation

That Council:

Notes the resignation of Mrs Robin Stevens from the Shire of Yilgarn Tourism Advisory Committee.

And

By absolute majority endorses the inclusion of Mrs Jodie Cobden as a voting member of the Shire of Yilgarn Tourism Advisory Committee.

And

That Council notes the updated committee membership as follows:

- ***Cr Linda Rose – Council Delegate***
- ***Cr Lisa Granich – Council Delegate***
- ***Kaye Crafter – Community Member***
- ***Liz Sheehan – Community Member***
- ***Onida Truran – Community Member***
- ***Jodie Cobden – Community Member***

9.1 Reporting Officer – Chief Executive Officer

9.1.3 Bush Fire Advisory Committee – Recommendation to Appoint Deputy Chief Bush Fire Control Officer

File Reference	5.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To endorse a recommendation by the Yilgarn Bush Fire Advisory Committee at their meeting held on the 3rd October 2024, to endorse a Deputy Bush Fire Control Officer.

Background

At the Yilgarn Bush Fire Advisory Committee (BFAC) meeting held on the 3rd October 2024, the Chief Bush Fire Control Officer (CBFCO) declared a new deputy role vacant, with the following nomination and appointment made:

Deputy Chief Bush Fire Control Officer Central

Nominations:

Leigh Dal Busco (Nominated by Ron Burro, Seconded by Rob Pownall)
L Dal Busco accepted nomination.

No other nominations.

Appointed Deputy Chief Bush Fire Control Officer Central: Leigh Dal Busco

The following appointments will remain unchanged:

Chief Bush Fire Control Officer Central: Ron Burro

Deputy Chief Bush Fire Control Officer North: John Roberts

Deputy Chief Bush Fire Control Officer South: Alan Nicholson

Comment

The draft minutes from the BFAC meeting are attached for Councillors perusal as part of the minutes section of this agenda.

It is recommended that the appointments made by the BFAC are endorsed by Council to ensure the ongoing protection from bush fires within the Shire of Yilgarn.

Once endorsed by Council, the appointment will be advertised in line with the Bush Fires Act 1954.

Statutory Environment

*Bush Fires Act 1954
Part IV Control and extinguishment of bush fires
Division 1 Local governments*

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Strategic Implications

Goal:

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

Outcome:

Maintain a liveable, safe and secure community

Strategy:

Continue to support our volunteer fire fighters

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Bush Fires Act 1954	Low (4)	Shire may appoint Chief bush fire control officer and

			deputy bush fire control officers.
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, as per the Yilgarn Bush Fire Advisory Committees recommendation, appoint the following person under Section 38(1) of the Bush Fires Act 1954:

Deputy Chief Bush Fire Control Officer Central:

Leigh Dal Busco

9.1 Reporting Officer – Chief Executive Officer

9.1.4 Budget Amendment – Sports Complex Upgrade

File Reference	
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Additional Works Specifications

Purpose of Report

For Council to endorse a budget amendment for unbudgeted expenditure related to the Sports Complex Upgrade.

Background

At the February 2024 Ordinary Council meeting, Councillors endorsed the following motion:

14/2024

Moved Cr Guerini/Seconded Cr Close

That Council:

- 1. Note the tenders received and assessment undertaken by Rob White Consulting;*
- 2. Award the contract for the whole of works associated with the Southern Cross Sports Complex upgrade, as per Tender 01-2023/2024 documentation, to Devlyn Australia Pty Ltd, at a cost of \$4,855,737.00 excluding gst;*
- 3. Endorse a \$250,000 project contingency;*
- 4. Commit to obtaining a \$1,000,000 loan from the Western Australian Treasury Corporation within the 2024/2025 budget, noting indicative interest rate is 4.4867% per annum, to be repaid over 10 years, with annual repayments estimated at \$125,448.44.*
- 5. Commit to the full use of funds contained in the Sport and Recreation Facilities Reserve for the project in the 2024/2025 budget; and*
- 6. Commit to the use of funds contained in the Building Reserve for the remainder of the funding requirements for the project in the 2024/2025 budget.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

Subsequently, Devlyn have been awarded the construction contract and works at the complex are progressing.

Through ongoing discussions with Devlyn staff, Rob White from Rob White Consulting and Shire representatives, a number of additional work items to those in Devlyn's scope of works

have been identified of which may be necessary to ensure the completed project meets the needs and wants of the Yilgarn community.

The table below details the additional items.

Disappointingly, the larger value additional works (highlighted in red below) were specifically included in the Shire's Work Agreement with Rob White Consulting to be included in the final tender specifications, however were not included in the final construction plans produced for tender, meaning Devlyn did not originally quote on these, nor did any of the other original tenderers.

The other items have been identified throughout the construction program to complement the works already included in scope of works.

Attached is the specification document for the additional works.

Devlyn have quoted to complete the majority of the works, with their pricing being deemed competitive based on alternative quotations and known pricing, however the installation of roller doors will be completed in-house.

New grey exposed aggregate concrete to both side entries	\$34,582.32
Plasterboard to internal main entry 1, entry 2 and mezzanine stairs (Cover existing colorbond)	\$23,876.59
Replace Floor Coverings (excluding new additions already included)	\$120,888.00
Direct fix plasterboard to existing cool room	\$3,459.06
Replace existing bar lounge ceiling	\$178,145.12
Flush plasterboard drywall all the existing face brick walls to the showroom prep room	\$5,926.56
Repaint balance of all interior areas (excluding new additions already included)	\$56,484.00
Upgrade the existing internal open riser timber steps & upgrade mezzanine spectator seating	\$64,924.51
Replace three roller doors	\$23,545.20
Cabinet upgrades	\$17,250.00
Supply and install doors	\$24,319.50
Additional electrical works	\$11,995.81
Total	\$565,396.67

Comment

The Local Government (Functions and General) Regulations 1996 Regulation 21A states a contract entered into may be varied in the event the “variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract”.

It is not believed that the scope of the contract is materially varied, in that the overall scope relates to the full upgrade of the Southern Cross Sports Complex, with the variation ensuring this is completed to the Shire’s and Communities expectations.

Shire staff have checked Devlyn’s pricing for individualised items via alternative quotes or known pricing rates for similar works undertaken, and have deemed the quoted prices in the variation to be fair and reasonable in current markets.

The contract variation also ensures the defect period provided by Devlyn in the original contract is not affected by works from alternative providers.

In funding the additional works, the following funding is proposed in order to amend the 2024/2025 annual budget to include an additional \$570,000.00 under account J11342 LRCI Rnd 3 - Southern Cross Sports Complex Upgrades:

- Recreation Reserve: \$60,000 (in addition to \$622,000 budgeted to be withdrawn at end of financial year, includes estimated income from interest earned, based on YTD returns.)
- Building Reserve: \$320,000 (Leaves approximately \$869,718 in Building Reserve)
- WATC Loan: \$190,000 (In addition to current proposed \$1,000,000 loan)

Statutory Environment.

Local Government (Functions and General) Regulations 1996

Section 21A Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or*
- b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j), (ja) or (jb).*

Strategic Implications

Goal:

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

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Risk to Shire reputation due to incomplete upgrade to the complex	Moderate (6)	Variation to ensure complex meets community's expectations.
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)

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

Officer Recommendation

That Council:

- (1) *Endorses the additional works, as presented, for the Southern Cross Sports Complex Upgrade and endorses the contract variation with Dvlyn to complete the works.;*
- (2) *Endorses, by absolute majority, the following amendments to the 2024/2025 annual budget:*
 - a. *\$570,000 increase to J11342 LRCI Rnd 3 - Southern Cross Sports Complex Upgrades*
 - b. *\$60,000 transferred out of Recreation Facility Reserve;*
 - c. *\$320,000 transferred out of Building Reserve;*
 - d. *\$190,000 via Western Australian Treasury Corporation loan.*

9.1 Reporting Officer – Chief Executive Officer

9.1.5 Local Government Elections – WALGA Advocacy Positions

File Reference

Disclosure of Interest

Nil

Voting Requirements

Simple Majority

Attachments

Nil

Purpose of Report

For Council to consider a response to the Western Australian Local Government Association regarding their advocacy positions as they relate to Local Government Elections.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections, including:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, the Western Australian Local Government Association (WALGA) undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

Comment

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement:

The Local Government sector supports:

1. Four year terms with a two year spill
2. Greater participation in Local Government elections
3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting
4. Voting at Local Government elections to be voluntary
5. The first past the post method of counting votes

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background:

The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement:

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background:

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

WALGA Position Statements for Review

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- a) The sector continues to support voluntary voting at Local Government elections.

OR

- b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- a) The sector continues to support four-year terms with a two year spill;

OR

- b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general election;

OR

- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- a) Electronic voting; and/or
- b) Postal voting; and/or
- c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Statutory Environment.

Nil

Strategic Implications

Civic Leadership: Dynamic and visionary leadership guiding our community into the future

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

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

Officer Recommendation

That Council endorses the following responses to WALGA, in regards to their request for comments on Local Government Elections advocacy positions:

1. PARTICIPATION

The sector continues to support voluntary voting at Local Government elections.

2. TERMS OF OFFICE

The sector continues to support four-year terms with a two year spill;

3. VOTING METHODS

The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general election;

4. INTERNAL ELECTIONS

The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- a) Electronic voting; and/or*
- b) Postal voting; and/or*
- c) In-Person voting.*

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- a) First Preference: Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.*

OR*

- b) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.*

**Support Band 3 and 4 being permitted to choose election method, then support majority decision for Bands 1 & 2.*

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.1 Financial Reports - September 2024

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 30 September 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 30 September 2024.

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.2 Accounts for Payment – September 2024

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41291 to 41294 totalling \$12,251.00
- Municipal Fund - EFT 15656 to 15754 totalling \$1,396,342.12
- Municipal Fund – Cheques 2452 to 2459 and 2471 to 2480 totalling \$280,098.47
- Municipal Fund - Direct Debit Numbers:
 - 19142.1 to 19142.14 totalling \$25,329.19
 - 19168.1 to 19168.14 totalling \$25,542.70
- Trust Fund – Cheques 402697 to 402698 totalling \$4,333.41

The above are presented for endorsement as per the submitted list

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* *Absolute majority required.*

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

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

Officer Recommendation

That council endorse the following payments paid in September 2024

- *Municipal Fund – Cheques 41291 to 41294 totalling \$12,251.00*
- *Municipal Fund - EFT 15656 to 15754 totalling \$1,396,342.12*
- *Municipal Fund – Cheques 2452 to 2459 and 2471 to 2480 totalling \$280,098.47*
- *Municipal Fund - Direct Debit Numbers:*
 - *19142.1 to 19142.14 totalling \$25,329.19*
 - *19168.1 to 19168.14 totalling \$25,542.70*
- *Trust Fund – Cheques 402697 to 402698 totalling \$4,333.41*

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 Fees & Charges Amendment – Facility Usage Fees – Yilgarn Cricket Association

File Reference	8.2.5.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson - Executive Manager Corporate Service
Attachments	Correspondence from the Yilgarn Cricket Assoc.

Purpose of Report

Council is asked to consider a request from the Yilgarn Cricket Association for the reduction in their allotted annual sporting facility usage fees going forward and for a discount on the fees charged in the current year.

Background

Initially, contact by the Yilgarn Cricket Association (YCA) was made via telephone in early September. This conversation primarily involved a request for the facility usage fees that had been charged, be either waived or reduced as the club was not yet in a financial position to pay. It was also discussed that the YCA felt that the annual usage fees of \$3,600 was excessive as, in their opinion they did not use the full facilities; only the oval, changeroom facilities and only on occasion the kitchen/canteen facilities.

It was then that the YCA was requested to provide the following information to allow for a decision to be made on this matter by Council, the following is an extract from that request for information email:

Before a discount can be approved, Council must first authorise it. With this in mind, I will produce an agenda item for Councils consideration at next week's meeting. To do this I will need some information regarding the Yilgarn Cricket Association's activities over the previous 2 years and what is intended for the current season. Can you please provide information on the following:

1. *Number and type of fundraising activities undertaken in the previous 2 years.*
2. *Number and type of fundraising activities planned for the current year.*
3. *Membership numbers and membership fees charged.*
4. *Number of matches of each type that are to be played in SX this season:*
 - 4.1 *45/45*
 - 4.2 *20/20*
5. *Non-match activities planned to occur at the Rec Centre during this season (eg. presentation nights, social & fundraising events).*

Can you please respond to this request for information ASAP as Councils next meeting is on Thursday of next week, otherwise I will provide the agenda item for Councils October meeting.

The information requested above was received from the YCA but not in time to present their request to Council in September.

Comment

On the face of it, the request from the YCA for a lower annual facility usage fee due to their level of usage would not stand scrutiny. The Southern Cross Football Club can be seen to have a very similar level of usage, both sports have ~6-7 home games (not including finals), both utilise the main oval as their playing surface, both utilise the changeroom facilities and both have usage of the kitchen/canteen facilities.

However, if you look at the method of usage, i.e. intensity of game play and wear & tear on the oval surface; cricket is a more position-based game play with players relatively static during most of the match while football is a significantly more fluid game play with players quite literally “running all over the field”. Additionally, football is played in the wet while cricket is not. Playing on a wet oval does cause an increased potential for surface damage and a corresponding increase in remediation costs.

The major cost associated with the Southern Cross recreation facilities is maintenance of the oval which, in the 2023/24 financial year totalled \$105,683. The operational (which includes maintenance) costs of the complex facilities was \$77,937.

A valid point was also raised in the correspondence from the YCA, that being that they are a new club trying to get established with limited players/members. They did indicate that they have had limited opportunities to independently fundraise but that they will make a greater effort going forward.

It will be recommended that Council approves an amendment to its fees and charged to acknowledge the level of use of the oval, the proposed fee will be on the same level as the bowls/tennis clubs for their Shire provided facilities, this being \$1,550.

It will also be proposed that a 50% discount be applied to the amended fees for the current financial year and that for future years a request (including financial reasonings) must be made prior to the setting of that years fees and charges.

Statutory Environment

Local Government Act 1995

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

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

- (c) write off any amount of money,
which is owed to the local government.

** Absolute majority required.*

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Social Objective:-

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

Outcome 1.1 - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

1.1.5 - Provide support to local sport, recreation and community groups

Policy Implications

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

Financial Implications

If the recommendation below is endorsed, income will be reduced by \$2,568 ex GST.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of budgeted income	Moderate (5)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Failure to adequately support community groups	Moderate (9)	Listen to Community needs and identify where support can be provided
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix

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

Officer Recommendation

That Council:

- 1. Approves the amended annual facility fee for the Yilgarn Cricket Association of \$1,550 inc GST;***
- 2. Grant a waiver of 50% of the above fee for the 2024/2025 financial year; and***
- 3. Advertise the amended fee with an effective from date of the 17th October 2024.***

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.1 Purchase of two Caravan Park Cabins

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Kim Chrisp – Asset & Project Manager

Attachments

Southern Cross Caravan Park Business Case

Purpose of Report

Council to consider tenders received to supply two (2) 2 - bedroom self-contained cabins for the Southern Cross Caravan Park.

Background

Caravan parks play a critical role in delivering accommodation options for travellers. The Southern Cross caravan park has been in operation for many years. Facilities and infrastructure in the park, requires refurbishment to meet current caravan park standards. We know there's a growing interest in recreation and outdoor adventure experiences, and Southern Cross is well situated to explore the region. The current budget provides the funds to install two (2) self-contained 2, bedroom cabins in the park at Southern Cross.

Over several years the shire has invested in the refurbishing of some rooms in the Sandalwood Lodge. Two more rooms have been identified to be refurbished this financial year. On last inspection the Kurrajong units have deteriorated significantly and need to be replaced. The Southern Cross Caravan Park does not currently provide any self-contained accommodation.

Comment

The Shire of Yilgarn constructed the Southern Cross Caravan Park in 1971. Over this period the Caravan Park has been leased out to private entities with minimal maintenance and renewal work. Since the Shire resumed responsibility of the park in the 2013/2014 financial year, bookings have continually increased from 4,506 per year to 9,584 in the 2023/2024 financial year.

Staff have utilized the Preferred Supplier Service offered by the Western Australian Local Government Association (WALGA). Eight suppliers were asked to tender

1. Evoked Living Homes
2. FLEETWOOD WA & SA PTY LTD
3. Mi Global Construction Pty Ltd
4. Modular WA
5. Pique Mod Pty Ltd
6. Quality Builders Unit Trust
7. Summit Modular Homes
8. TR Homes

Three tenders were received to supply two (2) self-contained, two-bedroom cabins from,

MI Global Construction
Evoke Living
Modular WA

Tenderer	Size	Basic Price	Full Price with inclusions ex gst	Flooring	Veranda	A C 's	Build Time
MI Global	57.7m ²		\$418,517.00	✓	✓	✓	8 months
Evoke	50.4m ²	\$355,449.94	\$411,331.54	✓	✓	✓	6 months
Modular	54m ²	\$261,886.00	\$321,358.18	✓	✓	✓	6-12 months

All prices above are for the supply, delivery and placement of cabins. This does not include site works, connections or other establishment costs. Council has sufficient funds for the supply and delivery of the units within this budget. Cabins have a long lead time and they are not expected to be delivered before the end of the 2024/2025 budget. Any shortfall in the overall establishment costs can be considered in the 2025/2026 budget.

Example of the Cabin from Modular WA





Statutory Environment

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

Strategic Implications

Strategic Community Plan

Outcome 2.3 Quality and affordable housing is available:

2.3.1 Continue to invest in housing to attract professionals to the region to attract and retain professionals and young people to the Shire.

Outcome 2.4 Tourism opportunities are maximised

2.4.1 Continue to manage and promote the Southern Cross Caravan Park

Strategic issues facing the community

Maintaining and renewing our community assets within our own financial resources

Policy Implications

Finance Policy 3.5 Purchasing and Tendering

Local Government (Functions and General) Regulations 1996

Financial Implications

The 2024/2025 budget makes provision of \$350,000.00 to construct and deliver two park cabins. The Modular WA quotation is within the budget allocation for supply, delivery and placement. Extra funding may be required in the 2025/2026 budget to fully establish the cabins.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People			
Financial Impact	Supply and delivery may not take place in the 2024/25 budget	2	Funds may need to be carried over to the 2025/2026 budget.
Service Interruption	Some interruption to total bays available during the establishment of the cabins	1	The minor reduction to the bays shouldn't impact on travellers.
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

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

Officer Recommendation

That, by Absolute Majority in accordance Local Government Act 1995 Local Government (Functions and General) Regulations 1996 that council accepts the quote for a total price of \$321,358.18 from Modular WA to construct and deliver two (2), self-contained, two-bedroom cabins for the Southern Cross Caravan Park

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.2 Plant Replacement 2016 John Deere

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Glen Brigg – Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

For Council to analyse tenders received through WALGA Preferred Suppliers Panel for the purchase of one new grader and assess the outright sale prices and trade price to dispose of the 2016 John Deere grader.

Background

Council's staff have utilised the Preferred Supplier Panel service offered by the Western Australian Local Government Association (WALGA). Three preferred suppliers were asked for quotations which included Westrac (Caterpillar), AFGRI John Deere and Komatsu.

The disposal of the John Deere was advertised using the Asset Disposal service offered by WALGA

The 2024/2025 plant replacement program includes replacing the 2016 John Deere Grader with a fit for purpose machine that will improve utilisation and increase productivity across all areas of the operations.

Comment

The asset lifecycle encompasses the entire journey of an asset, from the moment you identify a need for it, all the way through its acquisition, use, maintenance, and eventual disposal. It's a framework that helps shires manage their assets strategically, aiming to maximise their value and return on investment. By understanding and effectively managing each stage of the asset lifecycle, Shires can:

- **Optimize their operations:** By ensuring assets are acquired, used, and maintained efficiently, shires can streamline their processes and improve overall productivity.
- **Reduce costs:** Effective asset lifecycle management can help identify and eliminate unnecessary spending on asset acquisition, maintenance, and disposal.

- **Make informed decisions:** Understanding the lifecycle stages of assets allows for better decision-making regarding acquisition, upgrades, replacements, and disposal, ensuring resources are allocated effectively.
- **Minimize risk:** Proactive management throughout the asset lifecycle helps mitigate risks associated with asset failure, downtime, and safety hazards.

In essence, the asset lifecycle is a crucial concept for organizations of all sizes, helping them get the most out of their assets to achieve their goals.

Prices received from reputable manufacturers for the supply and trade of a grader are as follows:

Tenderer	Machine	Price (ex GST)	Optional Warranty	2016 John Deere Grader trade (Ex GST)	Changeover (Ex GST)
WESTRAC	Caterpillar 140-14A 2D	\$463,150.00	6,000 hrs 60 months	\$125,500	\$337,650
AFGRI	John Deere 670G	\$511,700.00	6,000 hrs 60 months	\$130,000	\$381,700
KOMATSU	Komatsu GD655-7	\$430,021.60	6,000 hrs 60 months	No trade offered	\$430,021.60

- Westrac offered autolube as optional for \$15,251.16
- Komatsu didn't offer autolube
- AFGRI didn't offer autolube

Only one outright sale price was received:

Company	2016 John Deere Grader (ex GST)
Smith Broughton	\$127,272.73

All brands of machines offered are fit for purpose and used within local governments settings.

Services that Westrac provide,

- **Asset tracking:** Remotely monitored equipment location across multiple sites and pinpoint opportunities to improve scheduling, identify under-utilization and plan maintenance when it's convenient.
- **Fleet Management:** Monthly summary of asset fault codes, run time, fuel burn and idle time. Compare your averages to similar assets in the region to spot operational issues and fix them.

- Equipment inspections: Maximize uptime by having Westrac conduct regular assessments of key components and systems. Expert recommendations to increase availability and reduce costs.
- S•O•SSM fluid analyst: Know what’s happening inside any machine in your fleet so you can take proactive steps to prevent failures, reduce downtime and maintain production.
- Condition monitoring: Bring asset data together, fluid analysis, inspection results and more for a full picture of fleet health. Get proactive alerts and expert recommendations when an asset needs attention.
- Maintenance and repair execution: Get all planned maintenance services and planned component repairs at a fixed cost for the life of your covered equipment, so council can better manage budgets and schedules.

Statutory Environment

Local Government Act 1995 3.57 – tenders for providing goods or services
Local Government (Functions & General) Regulations 1996, section 11

Strategic Implications

Asset Management Practices
Strategic Community Plan
2.5 Safety and quality of transport networks are maintained and improved
2.5.1 Continue to maintain and upgrade our road network

Policy Implications

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

Financial Implications

The 2024/2025 budget makes provision of \$450,000 to purchase one new grader and allows \$80,000 trade of the 2016 John Deere Grader for a total changeover of \$370,000

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People			
Financial Impact	Major components are end of production life. Unbudgeted major component rebuilds	2	Replacing the 2016 John Deere grader will reduce the risk of rebuilding major components. New

	could impact the budget.		grader has 6,000 hours or 60 months warranty.
Service Interruption	Major components are end of production life. Extended downtime if any major component failures	2	Replacing the 2016 John Deere grader will reduce the risk of extended downtime from major component failure.
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

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

Officer Recommendation

That, by Absolute Majority in accordance Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Council:

- (1) Accepts the tender price from Westrac of \$463,150 for the purchase of one new Caterpillar 140-14A 2D grader (excluding GST); and
- (2) Accepts the trade price from Westrac for \$125,500 (excluding GST); and
- (3) Endorses the purchase of the optional autolube system for \$15,251.16; and
- (4) Note the total changeover price of \$352,901.16

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.3 Plant Replacement Unbudgeted Expenditure Side Tippers

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Glen Brigg – Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

Council to consider \$250,000 of unbudgeted expenditure using Plant Reserve funds to purchase used side tippers.

Background

In the past Council has operated with one prime mover and two tandem axle trailers. These units are primarily used in road train configuration. Normal practice has been to engage gravel hauling contractors as needed. Over the last few years contractors have been difficult to hire due to increased mining activities. During harvest periods local contractors are not available for the Shire. In the past, staff have completed projects with one road train (our own). Staff tendered for a panel of contractors to attract a pool of haulage contractors. The tender failed to attract any gravel hauling trucks.

There is a 20% reduction in road works during the harvest season as local contractors are unavailable. Council agreed to convert the 8x4 Macks (2) into side tippers to match the quad axle trailers already within the fleet. This helps reduce any lost productivity during harvest. These changes will increase the Shire's gravel hauling capabilities, from 32m³ per hour to 56m³ per hour (average). These changes will help reduce the downtime to construction crews during the harvest period. Even though this is a significant increase to productivity, there is still a shortfall in the gravel needed for proactive asset management.

Comment

Staff reviewed a number of options to meet the challenges. A new prime mover and quad axle dog will cost in excess of \$600,000. A new prime mover with two triaxle trailers will cost over \$800,000.

Staff searched the internet for second hand truck and trailer combinations. There are a number of used trucks and side tippers available. While considering the options of buying second hand combination, staff reconsidered the disposal of Freightliner because of the low trade and outright sale offers of \$52,000.

The Freightliner prime mover has travelled 340,000km. The workshop received quotes to repair a major engine oil leak and other problems to bring the truck back to good operating condition. The repair estimates are \$30,000 and staff will continue to seek cheaper quotes. Good quality used trucks are being advertised from \$200,000 to \$250,000, with half a million kms already travelled.

Considering all options, staff are recommending a low cost solution to meet the Shire’s asset renewal needs. Council can retain the Freightliner, complete the necessary repairs to bring the truck back to good working condition.

Purchase a used trailer combination staying within the 65 tonnes rating of the Freightliner. There are a number of separate trailer options for sale across Australia (A Trailers and B Trailers). There are very few matching B Double combinations, currently for sale.

The extra truck and trailer combination within the fleet will provide the continuous productivity needed to exceed the gravel haulage requirements each year. Council can utilise the Plant Reserve to purchase used tipping trailers.

Plant Reserve (Description): to be used for the purchase of major plant.

- Current Balance 30th September 2024: \$1,080,654.56

Heavy Vehicle Road Improvement Contribution Reserve (Description): to provide adequate disclosure of funds received under the HVRIC and the relevant road funds are expended on:

- Current Balance 30th September 2024: \$1,777,995.59

Example of side tipping combinations available



35

Compare

Save

**2018 MICK MURRAY B-
double Sidetipper**

\$220,000*
Excl. Govt. Charges

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

Strategic Implications

Asset Management Practices

Strategic Community Plan

2.5 Safety and quality of transport networks are maintained and improved

2.5.1 Continue to maintain and upgrade our road network

Policy Implications

Finance Policy 3.5 Purchasing and Tendering

Local Government (Functions and General) Regulations 1996

Financial Implications

The 2024/2025 plant repair budget doesn't make provisions for major repairs to heavy plant. Any shortfall in the plant repair budget will be identified during the budget review process.

The purchase of used side tipping trailers for the Freightliner is not included in the 2024/2025 budget. The unbudgeted expenditure is not expected to impact the overall 2024/2025 budget, utilising funds from the Plant Reserve.

Any new plant purchases will be taken up in the Asset Management Plan and will be added to the plant replacement program.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	The purchase of used side tipping trailers is not included in the 2024/2025 budget. Major repairs to the Freightliner may have a significant	Low (2)	Utilising the plant reserve to purchase used side tipping trailers will not impact on the 2024/2025 budget. Any shortfall to the plant repair budget will be

	impact on the plant repair budget.		identified during the budget review.
Service Interruption	Lack of trucking ability impacts overall road construction	Low (2)	Increased ability to haul gravel all year will help complete road construction programs without relying on contractors.
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That by Absolute Majority in accordance Local Government Act 1995 - 6.8. Expenditure from municipal fund not included in annual budget, Council authorises the following budget amendments:

- \$250,000 transferred from the Plant Reserve account, for the purpose of purchasing used side tipping trailers, suited for the Freightliner Prime Mover.

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.4 Unbudgeted Expenditure to Purchase One New Light Tip Truck

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Glen Brigg – Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

Council to consider unbudgeted expenditure to purchase a light tip truck for Parks and Gardens.

Background

Works staff have set an ambitious construction and maintenance program for buildings within the 2024/2025 financial year. Traditionally, contractors are difficult to engaged due to our location and the high demand for all types of tradesmen across the state. When contractors are engaged, they usually come at a high cost to council.

In September 2024 senior staff advertised for a qualified builder to join the works team. Employing a full-time builder reduces the reliance on contractors from outside the region. The Shire received one application from a local builder who has since been employed by the Shire of Yilgarn. The light vehicle fleet made provisions to cover all areas of works prior to employing the extra full-time builder.

Comment

Parks and gardens team have identified challenges working with standard tray back utilities within their operation. Manual handling incidents have increased across the Parks and Gardens team, these injuries have developed into medium term rehabilitation.

The Parks and Gardens team have identified, through Workplace Health and Safety toolbox meetings and assessments to reduce the risk of manual handling injuries, a small tipping truck be added to the light fleet to help with their day to day activities. This will reduce the manual unloading tasks currently undertaken. The purchase of a light tipper can resolve two issues with one vehicle. The introduction of a light tipper would free up a standard 4x2 utility currently used in Parks and Gardens. This vehicle can then be assigned to the building team to be utilised by the new builder.

The cost of running an extra vehicle within the light fleet will not impact to the overall operation. Operating expenses of the new vehicle, will be offset by a reduction in contractor charges. Having the second vehicle within building maintenance will improve productivity as minor building maintenance can be split between builders with their own transport.

The purchase of the new light tip truck is expected to cost \$65,000. This can be funded from savings to the current 2024/2025 plant replacement program.

The current surplus to the 2024/2025 Plant replacement.

Plant Replacement	Budget Allocation	Budget Trade	Actual Purchase	Actual Trade	Surplus
John Deere Grader	\$450,000	\$80,000	\$478,401.16 (Includes auto grease)	\$125,500	\$17,098.84
Freightliner Prime Mover	\$415,000	\$65,000	\$449,200	Nil	-\$34,200
Side tipping body for Mack Truck	\$100,000	Nil	Body, included in price of the new Mack	Nil	\$100,000
Toyota Landcruiser	\$90,000	\$70,000	\$71,376.17	\$63,636.40	\$12,260.23
Parks and Gardens (medium tip truck)	\$210,000	\$40,000	\$102,455.09	\$45,454.54	\$102,999.45
Van (Caravan Park)	\$65,000	26,000	\$46,260	\$15,454.55	\$8,194.55
Sale surplus multi tyre roller	Unbudgeted	Nil	Nil	\$24,545.45	\$24,545.45
Total Surplus					\$230,898.52

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

Strategic Implications

Shire of Yilgarn Strategic Community Plan.

Shire's Role:

Local governments operate under Statute but also with some discretion.

Delivery of facilities and services.

This role includes services like parks and gardens, roads, footpaths, drainage, recreation and cultural facilities, and events. Most services are based on infrastructure like parks and playgrounds, roads and buildings. Maintenance and renewal of these infrastructure assets is a vital part of Council's service delivery role.

Policy Implications

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

Financial Implications

The purchase of a light tipping truck is not included in the 2024/2025 budget. The unbudgeted expenditure is not expected to impact the overall 2024/2025 budget, when using the savings from within the current plant replacement program.

The new light tipper will be included in the 2024/2025 budget review.

A new vehicle will be taken up in the Asset Management Plan and will be added to the plant replacement program.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Unbudgeted purchase of plant could impact on the overall plant replacement budget.	Low (2)	Purchasing a new light tipper will have no impact to the overall 2024/2025 plant replacement budget using the surpluses from savings from other plant purchases
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil

Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That, by Absolute Majority in accordance Local Government Act 1995 - 6.8. Expenditure from municipal fund not included in annual budget, Council authorises \$65,000 of expenditure to purchase a new light tip truck for Parks and Gardens, using surplus funds from the current 2024/2025 plant replacement program.

10 APPLICATIONS FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

10 APPLICATIONS FOR LEAVE OF ABSENCE

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE