



*Ordinary Meeting of  
Council  
Agenda*

*20 March 2025*

# Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

**March 2025**

## **Ordinary Meeting of Council**

Will be held in the Council Chambers on

Thursday, 20 March 2025

Commencing at **5pm**

**Council Meeting will be audio recorded as per Local Government  
Administration Regulations 1996.**

### **COUNCILLORS PLEASE NOTE:**

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 5pm*



**Nicholas Warren**  
**Chief Executive Officer**

13/03/2025

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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 B Close Cr B Bradford Cr G Guerini Cr L Granich Cr D Newbury Cr L Rose	
Council Officers	N Warren C Watson G Brigg K Chrisp N Beaton L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Asset and Projects Manager Minute Taker Minute Taker
Apologies:	F Mudau	Finance Manager
Observers:		
Leave of Absence:		

## 4. DECLARATION OF INTEREST

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

At the February 2025 Ordinary meeting of Council, the following questions were posed by Kaye Crafter, a response was provided on the 11 March 2025 as follows:

- 1. Main streets look fabulous, sort of like a mushroom all shiny on top and a bit mucky underneath, because all the laneways are full of... lot of weeds, lot of calthrop, obviously hasn't been any spraying through the summer... looking pretty ordinary.**

*Whilst not a question, it is noted there are some areas of improvement required with regards to weed management. It is hoped with a full contingent of staff in the parks and gardens crew the Shire can better address these areas.*

- 2. Went out to cemetery and same things out there, lots of weeds and things, needs a good cleanup, only in one place.**

*Whilst not a question, it is noted there are some areas of improvement required with regards to weed management. It is hoped with a full contingent of staff in the parks and gardens crew the Shire can better address these areas.*

- 3. Do we still have a getting rid of river gum trees...itinerary...? The more wind we get the more limbs drop down and they are becoming a problem.**

*The Shire does not have a policy regarding removal of river gums.*

- 4. A few years ago, we had some money from state government / federal funding to put pathways in Southern Cross, we did Antares Street I think we need to do some other streets as well, can we get some money for that?**

*The Shire has a current budget provision for footpaths and will continue to look for funding opportunities for footpath upgrades*

- 5. What's happening to the labyrinth, everything is falling down over there looks like no-one loves it, that needs to be fixed up.**

*There are plans and a current budget provision to improve the labyrinth using pebble rocks and resin mix. Contractors are actively being sought to undertake.*

- 6. On a positive note I'm really glad the nets have been put up at the cricket club, at the end of the season, but that's alright, it will be OK for next season.**

*Noted.*

## 5.1. PUBLIC QUESTION TIME

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 20 February 2025 - (Minutes Attached)

Recommendation

*That the minutes from the Ordinary Council Meeting held on the 20 February 2025 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

### 6.2 Great Eastern Country Zone Meeting (GECZ), Thursday, 13 February 2025 - (Minutes Attached)

Recommendation

*That the minutes from the Great Eastern Country Zone meeting held on the 13 February 2025 be received.*

**Voting Requirements:** Simple Majority

### 6.3 Wheatbelt North East Sub Regional Road Group Meeting (SRRG), Tuesday, 18 February 2025 - (Minutes Attached)

Recommendation

*That the minutes from the Wheatbelt North East SRRG meeting held on the 18 February 2025 be received.*

**Voting Requirements:** Simple Majority

### 6.4 Westonia/Yilgarn Local Emergency Management Committee Meeting (LEMC), Thursday, 27 February 2025 - (Minutes Attached)

Recommendation

*That the minutes from the Westonia/Yilgarn LEMC meeting held on the 27 February 2025 be received.*

**Voting Requirements:** Simple Majority

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

## 8. DELEGATES' REPORTS

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Council Decision Status Report 2025

<b>File Reference</b>	<b>2.1.2.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nicholas Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Council Decision Status Report 2025</b>

#### Purpose of Report

Council to note the Council Decision Status Report 2025.

#### Background

A Council Decision Status Report details the decisions of Council and provides a status as to whether the decisions have been completed or if they are still pending, an update as to their progress or reasoning as to why there is delays.

#### Comment

The Council Decision Status Report does not include decisions that do not require staff and/or Council actions, including:

- Confirmation of minutes
- Financial Reports
- Accounts for Payment
- Applications for Leave of Absence
- Decisions to close meetings to the public and to reopen meetings to the public

Confidential decisions or certain details may also be excluded to maintain confidentiality.

#### Statutory Environment

Nil

#### Strategic Implications

Nil

#### Policy Implications

Nil

### Financial Implications

Nil

### Risk Implications

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

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

### Officer Recommendation

*That Council note the Council Decision Status Report 2025.*



## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 2024 Compliance Audit Report

<b>File Reference</b>	<b>1.6.6.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nicholas Warren</b>
<b>Attachments</b>	<b>Attachment 1 - 2024 Compliance Audit Report</b>

#### Purpose of Report

To present to Council the 2024 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

#### Background

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

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

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

#### Comment

The 2024 is attached for Councillors review.

The CAR has been tabled at the *Shire of Yilgarn Audit Committee* meeting on 20 March 2025.

#### Statutory Environment

*Local Government (Audit) Regulations 1996*

#### 14. Compliance audits by local governments

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

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

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

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

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

#### Committee Recommendation

*That Council adopts the 2024 Local Government Compliance Audit Return for the Shire of Yilgarn for the period 1 January 2024 to 31 December 2024.*

*and*

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

## 9.2 Reporting Officer – Executive Manager Corporate Services

### 9.2.1 Financial Reports – February 2025

<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>Cameron Watson – Executive Manager Corporate Services</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 28 February 2025.

- 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 28 February 2025.*

## 9.2 Reporting Officer – Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – February 2025

<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>Steven Chilcott - Finance Officer</b>
<b>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

That Council endorse the following accounts for payments, as per the submitted lists:

- Municipal Fund – Cheques 41314 to 41319 totalling \$5021.18
- Municipal Fund - EFT 16193 to 16289 totalling \$1,870,218.70
- Municipal Fund – Cheques 2558 to 2576 totalling \$260,530.82
- Municipal Fund - Direct Debit Numbers:
  - 19519.1 to 19519.14 totalling \$24,357.55
  - 19569.1 to 19569.12 totalling \$24,461.55

#### Comment

Nil

#### Statutory Environment

##### Local Government Act 1995

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

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

\* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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



### Strategic Implications

Nil

### Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

### Financial Implications

Drawdown of Bank funds

### Risk Implications

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

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
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 accounts for payments, as per the submitted lists:*

- *Municipal Fund – Cheques 41314 to 41319 totalling \$5021.18*
- *Municipal Fund - EFT 16193 to 16289 totalling \$1,870,218.70*
- *Municipal Fund – Cheques 2558 to 2576 totalling \$260,530.82*
- *Municipal Fund - Direct Debit Numbers:*
  - *19519.1 to 19519.14 totalling \$24,357.55*
  - *19569.1 to 19569.12 totalling \$24,461.55*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2024/2025 Budget Review

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson - Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>2024/2025 Budget Review</b>

#### Purpose of Report

Council is requested to adopt the 2024/2025 Budget Review as presented.

#### Background

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

#### Comment

The budget review document, including budget amendment recommendations, for the 2024/2025 financial year is attached for Council’s consideration.

#### Statutory Environment

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

#### 33A. Review of budget

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

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

### Strategic Implications

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

### Policy Implications

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

### Financial Implications

The presented review includes several budget amendments.

### Risk Implications

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

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

#### Audit Committee Recommendation

*That Council adopts the budget review for the period 1st June 2024 to 31st January 2025 inclusive of the recommended budget amendments as indicated in Note 4 of the report.*

## 9.2 Reporting Officer - Executive Manager Corporate Services

### 9.2.4 Rate Repayment Proposal - 80 Antares St, Southern Cross

<b>File Reference</b>	<b>8.1.1.6 &amp; A1670</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson - Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is requested to consider a Rate Repayment Proposal relating to the outstanding Rates and Charges that have accrued against Assessment A1670 – 80 Antares St, Southern Cross.

#### Background

At the April 2024 meeting of Council, Council approved the commencement of the seizure for sale for unpaid rates process, as stipulated in section 6.64 (1)(b) of the Local Government Act 1995, for the property located at 80 Antares St, Southern Cross.

In October 2024, the Form 4 requiring payment of all outstanding amounts was issued, this form gave the ratepayer a 3-month period to pay and advised that if payment was not received the land would be offered for sale by public auction. At the completion of this 3-month period no payments or requests for other arrangements had been received.

In late January 2025 a Form 2 was issued notifying the Ratepayer that Council had seized the property and intended to sell it to recover the outstanding rates and charges. It was only at this time that a representative of the Ratepayer contacted Council to discuss repayment of the outstanding amounts.

#### Comment

As at the time of writing this report, Assessment A1670 has the following amounts outstanding:

Levies	Receipts	Balance	C/A	Description
658.33	0.00	658.33	C	Rates
7265.89	0.00	7265.89	A	Rates
3064.20	620.63	2443.57	C	Interest
3678.23	0.00	3678.23	C	Legal Charges
340.00	0.00	340.00	C	DOMESTIC - RUBBISH
3226.00	0.00	3226.00	A	DOMESTIC - RUBBISH
25.48	25.25	0.23	C	ESL PENALTY
104.12	104.12	0.00	A	ESL PENALTY
103.00	0.00	103.00	C	EMERGENCY SERVICE LEVY
888.50	0.00	888.50	A	EMERGENCY SERVICE LEVY
531.44	0.00	531.44	C	SX SEWERAGE RES
4503.79	0.00	4503.79	A	SX SEWERAGE RES
=====				
24388.98	750.00	23638.98		*** TOTALS ***

As can be seen from the above table, the ratepayer has commenced periodic payments of \$50 per fortnight but this is barely enough to cover the accruing interest. Initial discussions with the Ratepayers representative required a significantly larger repayment amount of at least \$500 per fortnight to clear the outstanding amounts levied in a timely manner and halt seizure action but the Ratepayer elected to only make the very minor amount shown.

The Ratepayer has owned the property since early 2007 and was a pensioner for rate purposes from this time until November 2020. During this period, the Ratepayer elected to defer the payment of his Rates/Sewerage levies totalling \$8,557 and ESL levies totalling \$609.

The Ratepayers representative has made the following proposal:

1. Waive the outstanding interest amount, being - \$2,443.57
2. Write off the incurred legal expenses. being - \$3,678.23
3. Make periodic payments to clear \$7,826.77 of non-deferred rates prior to 30 June.
4. Leave the amount of \$9,166.57 as deferred with an indeterminate payment date.

As can be seen, this proposal would entail a significant amount of incurred but unrecovered expenditure and interest income being waived/written off and a significant amount of rates that would remain unpaid.

It should also be noted that the Ratepayer was sent numerous registered and unregistered items of correspondence by mail notifying him of his requirement to pay these rates, the Ratepayer elected to ignore these notices. In addition, Shire Senior Managers held several meetings on site with the Ratepayer regarding his outstanding rates and other matters and he chose to ignore these warnings as well.

With the issuing of the Form 2, Notice of Seizure, the Ratepayer has ceased to be the person entitled to the land.

## Statutory Environment

### Local Government Act 1995

#### **6.64. Actions to be taken**

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
  - (a) from time to time lease the land; or
  - (b) sell the land; or
  - (c) cause the land to be transferred to the Crown; or
  - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

### Local Government (Financial Management) Regulations 1996

#### **72. Notification prescribed (Act s. 6.64(2))**

For the purposes of section 6.64(2) the notification to be given by a local government on taking possession of land under that section is to be in the form of Form 2.

### Rates and Charges (Rebates and Deferments) Act 1992

#### **44. Deferred payment of rates by eligible pensioner**

- (1) Where an eligible pensioner who is a registered person does not pay, or does not wholly pay, the rebated amount of any charge by the day determined in accordance with subsection (2A) that person —
  - (a) remains liable for the payment of the full amount of the charge, without rebate; and
  - (b) ceases to be authorised to satisfy the liability for the payment of the charge by the payment only of a rebated amount,

but the administrative authority shall not seek to recover the amount, or the balance of the amount owing, from that person, and the liability of that person to pay that amount or that balance may be deferred until such time as it becomes payable in accordance with subsection (2).



- (2A) For the purposes of subsection (1) the day is —
- (a) if paragraphs (b) or (c) do not apply —
    - (i) if the charge is a Water Corporation charge — the final payment day; or
    - (ii) if the charge is not a Water Corporation charge — the last day of the charged period;
  - or
  - (b) if the person has been allowed an extended period under section 40(3A) — the last day of that period; or
  - (c) if a period has been specified under section 42(2) — the last day of that period.
- (2) Prescribed charges, liability for the payment of which is deferred under this Act, become payable and may be recovered by the administrative authority if the person liable for the payment —
- (a) dies, unless section 45(1) applies; or
  - (b) ceases to be a person entitled to the land; or**
  - (c) ceases to occupy the land as their ordinary place of residence, unless —
    - (i) a person to whom section 31(1) applies continues to reside there; or
    - (ii) residence there by that person ceased by reason of ill-health, frailty or other cause not within the control of that person; or
    - (iii) residence there by that person ceased upon that person ceasing to live together with a spouse or de facto partner there, but that spouse or de facto partner remains there, and section 45(2) applies;
  - or
  - (d) being a person to whom section 19 applies, is notified in writing that under section 21 the administrative authority has determined that the allowing of deferment can no longer be justified,
- whichever happens first.
- (3) Where the liability for the payment of prescribed charges is deferred as regards any land to which several persons are entitled, being owners as tenants in common of undivided shares in the land, then notwithstanding the provisions of any other Act the liability for the payment of the charges to which the deferral relates attaches only to —
- (a) the specific part of that land to which an assessment of the kind referred to in section 43(3) related; and
  - (b) the charge on that part of the land in so far as it remains unpaid.

*[Section 44 amended: No. 28 of 2003 s. 172; No. 13 of 2007 s. 12; No. 4 of 2013 s. 13.]*

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

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

### Policy Implications

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

### Financial Implications

If the proposed repayment agreement is accepted then there would be a loss of \$2,443.57 of Interest income and \$3,678.23 of recoverable expenditure.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Nil	Nil	Nil
<b>Financial Impact</b>	Loss of interest income and recoverable expenditure	High (15)	Decline accepting proposal
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Significant precedent set for Ratepayers to decline to pay	High (12)	Decline accepting proposal
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council declines to accept the following proposal for the repayment of rates and charge due on Assessment A1670:*

- 1. Waive the outstanding interest amount, being - \$2,443.57*
- 2. Write off the incurred legal expenses. being - \$3,678.23*
- 3. Make periodic payments to clear \$7,826.77 of non-deferred rates prior to 30 June 2025.*
- 4. Leave the amount of \$9,166.57 as deferred with an indeterminate payment date.*

**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**