



**UNCONFIRMED**

**MINUTES**

**FOR THE ORDINARY  
MEETING OF COUNCIL**

**7 DECEMBER 2023**

**SHIRE OF LAVERTON  
NOTICE OF ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Laverton Council will be held on Thursday 7 December 2023 in the Council Chambers, 9 MacPherson Place Laverton, commencing at 5:00pm.

Signed

04/12/2023

\_\_\_\_\_  
Phil Marshall  
Chief Executive Officer

\_\_\_\_\_  
Date

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Laverton for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

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# MINUTES

## FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD AT 5:00PM 7 DECEMBER 2023 IN THE SHIRE OF LAVERTON COUNCIL CHAMBERS

### 1. DECLARATION OF OPENING

The Shire President declared the meeting open at 5.09pm.

### 2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

#### 2.1 PRESENT

Cr P Hill	President
Cr G Buckmaster	Councillor
Cr P Ovans	Councillor
Cr M Pedder	Councillor
Cr R Wedge	Councillor
Cr R Weldon	Councillor

Mr P Marshall	Chief Executive Officer
Mr P Kerp	Manager of Works and Services

#### 2.2 APOLOGIES

Cr S Weldon	Deputy President
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#### 2.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

NIL

#### 2.4 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

### 3 PRESENTATIONS AND PUBLIC FORUM (QUESTION TIME) INCLUDING DEPUTATIONS/PETITIONS & PRESENTATIONS

**4 DISCLOSURES OF INTEREST (IN ACCORDANCE WITH DIVISION 6 AND SECTIONS 5.57 TO 5.73 OF THE LOCAL GOVERNMENT ACT 1995)**

COUNCILLOR/OFFICER	ITEM	NATURE OF INTEREST	HOW MANAGED
		<ul style="list-style-type: none"> <li>○ FINANCIAL</li> <li>○ INDIRECT FINANCIAL</li> <li>○ PROXIMITY</li> <li>○ CLOSELY ASSOCIATED PERSONS</li> </ul>	<ul style="list-style-type: none"> <li>○ VERBAL DISCLOSURE</li> <li>○ WRITTEN DISCLOSURE</li> <li>○ LEFT MEETING</li> </ul>

**5 CONFIRMATION OF MINUTES (INCLUDES COMMITTEE AND ORDINARY MEETINGS)**

**5.1 CONFIRMATION OF MINUTES – ORDINARY MEETING OF COUNCIL 16<sup>TH</sup> NOVEMBER 2023**

**OFFICER RECOMMENDATION**

**BUSINESS ARISING**

**NIL**

**CORRECTIONS**

**NIL**

MOVED: Cr R Weldon      SECONDED: Cr M Pedder

**That the Minutes of the Ordinary Meeting of Council held on 16<sup>th</sup> November 2023, be confirmed as a true and correct record of proceedings noting any changes and receiving the listing of Council Recommendations from previous meetings.**

**CARRIED 6/0**

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**6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**6.1 PRESIDENT'S REPORT**

There was no item received for this section at the time of Agenda distribution however the President's report will be tabled at the meeting.

**OFFICER RECOMMENDATION**

MOVED: Cr G Buckmaster SECONDED: Cr P Ovans

**That the President's verbal report be received.**

**CARRIED 6/0**

**6.2 OTHER MEMBERS' REPORTS**

Cr There were no Elected Members Reports submitted prior to the distribution of this Agenda however it is possible that some may be tabled at the meeting.

**OFFICER RECOMMENDATION**

MOVED: \_\_\_\_\_ SECONDED: \_\_\_\_\_

**There were no members reports received**

**CARRIED/LOST**

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**7 REPORTS TO COUNCIL**

**7.1 PROPOSED ACCOMMODATION – LOT 509 (NO 17) AND LOT 656 (NO 9) SPENCE STREET, LAVERTON**

<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	Declaration of Interest: Liz Bushby, Town Planning Innovations Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
<b>OWNER/APPLICANT</b>	Owner: State of Western Australia  Applicant: Gabriel Tana
<b>AUTHOR</b>	Liz Bushby, Town Planning Innovations
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	The council considered at the 14 <sup>th</sup> September 2023 meeting and resolved to:  MOVED: Cr J Carmody SECONDED: Cr S Weldon That Council: A. Note that Lots 509 and 656 Spence Street, Laverton are in an area subject to inundation, and that the Department of Water and Environmental Regulation (DWER) has advised that: ‘If the flood hazard and isolation issues are considered acceptable by the Shire, then we recommend the following minimum habitable floor level of : (i) Buildings 1,2,4,5,6 - 1 m above the natural ground (ii) Buildings 3, 7, 8 - 0.5 m above the natural ground’. B. Approve the application for 7 transportable buildings for accommodation (28 rooms), a gymnasium and laundry on Lots 509 and 656 Spence Street, Laverton subject to the following conditions and footnote: 1. Prior to commencement of works, the applicant shall lodge revised plans for separate written approval of the Chief Executive Officer that implements the following finished floor levels;

	<p>(a) 1 metre above Natural Ground Level for the buildings marked as 1,2,4,5,6; and;</p> <p>(b) 0.5 metres above Natural Ground Level for the buildings marked as 3, 7, 8 on the attached site plan dated 29 May 2023.</p> <p>2. All development shall be in accordance with the plans approved separately in writing by the Chief Executive Officer in accordance with Condition 1.</p> <p>3. All development shall be fully contained within the lot boundaries and no building shall be constructed in a position that crosses the common boundary shared between Lot 509 and 656.</p> <p>4. All carparking shall be accommodated within the lot boundaries to the satisfaction of the Chief Executive Officer unless otherwise approved in writing by the Chief Executive Officer.</p> <p>5. If the development subject of this approval are not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.</p>
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## MATTER FOR CONSIDERATION

Council is to consider an application for transportable buildings for accommodation on Lot 509 and Lot 656 Spence Street, Laverton.

## ATTACHMENTS

OMC071223 7.1.A                      Site Plan  
OMC071223 7.1 B                      Accommodation Plans

## BACKGROUND

- *Existing Development*

The lots have been developed with mining workforce accommodation.

- *Zoning*

The lots are zoned ‘Special Use’ for the purpose of ‘*caravan park, minesite accommodation, and such similar or ancillary uses as may be approved by the local government.*’

- ***Existing Approvals***

Council approved 7 accommodation units, a laundry and gymnasium on Lots 509 and 656 at the Ordinary Meeting held on the 14 September 2023.

- ***Location Plan***



- ***Shire of Laverton Flood Study***

A Flood Study was prepared by Worley Parsons Consulting in June 2015. The Study was commissioned as the Shire identified that the town is potentially at risk of flooding from Skull Creek and its tributaries.

Significant flooding occurred in 2011 and affected a number of properties. Road access to town was prevented by floodwaters. The Flood Study examines catchment hydrology, aerial and ground survey, and includes floodplain mapping.

Lots 509 and 656 are identified as being affected by flooding. Lot 509 is identified as having a ‘medium’ hazard classification – refer table below.

**SHIRE OF LAVERTON  
LAVERTON FLOOD STUDY**

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<b>Location</b>	<b>Hazard Classification</b>	<b>Comment</b>
		456.30 mAHD.
Lot 509 – Mine Camp on Spence Street	MEDIUM	Currently used as a mine camp, this lot is in the floodplain for a number of flood events. Depths and velocities across Spence Street are low relative to the flooding occurring east of the camp. A drain that runs across the access road to Spence street has the potential to make access to the camp difficult.  Flood depths during the 1 in 100 AEP flood events range across the mine camp. Depths of 0.2 m are experienced through the camp, with depths at the access road up to 0.5 m. During the 1 in 100 AEP event, the access road has a hazard rating of ‘medium’. During the 1 in 500 AEP event, depths increase up to 0.7 m at the access track and it has a ‘high’ hazard rating.

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The Flood Study makes a number of recommendations including:

- A. Future developments proposed within the 1 in 100 AEP floodplain should be assessed based on their merits, with technical input to be provided by DoW based on the results of the Laverton Flood Study. Some of the factors that should be considered include depth of flooding, velocity of flow, obstruction to major flows, potential flood damages, regional benefits and difficulties with evacuation
- B. Where future developments are approved within or adjacent to the 1 in 100 AEP floodplain, a minimum habitable floor level of 0.50 metres above the 1 in 100 AEP flood level should be mandated as a development condition to manage flood risk.
- C. An Emergency Management Plan (EMP) for the town should be developed / amended to outline how the flood risks documented in this report will be managed.

**STATUTORY IMPLICATIONS**

Shire of Laverton Local Planning Scheme No 2 (‘the Scheme’) – explained in the body of this report.

Special use zones are set out in Schedule 4 of the Scheme. Under Clause 3.7.2 a person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to compliance with any conditions that apply to that use as set out in Schedule 4.

### Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Laverton Local Planning Scheme No 2.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Clause 67(2)(q) specifically requires the local government to have regard to ‘*the suitability of land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation and any other risk*’.

Clause 67(2)(r) requires the local government to have regard to ‘*the suitability of the land for the development taking into account the possible risk to human health or safety*’.

Clause 67(2)(za) requires the local government to have regard to the comments or submissions received from any consulted authority (in this case DWER).

## **STRATEGIC PLAN IMPLICATIONS**

Leadership Objective: Responsible financial management and governance, leading an empowered community

Outcome 4.1 A strategically focused Council, demonstrating strong leadership

4.1.1 Provide informed leadership on behalf of the community

Economic Objective: Prosperous local economy attracting businesses, opportunities, and people

2.2.2.3 Investigate provision of business, commercial and industrial operating spaces

## **POLICY IMPLICATIONS**

There are no relevant Local Planning Policies applicable to this development. The Shire may consider development of a Policy to implement the recommendations of the Shire of Laverton Flood Study in the short term.

TPI recommends that the Shire also consider pursuing an amendment to the Town Planning Scheme in the near future to identify land subject to inundation as a Special Control Area with minimum finished floor levels.

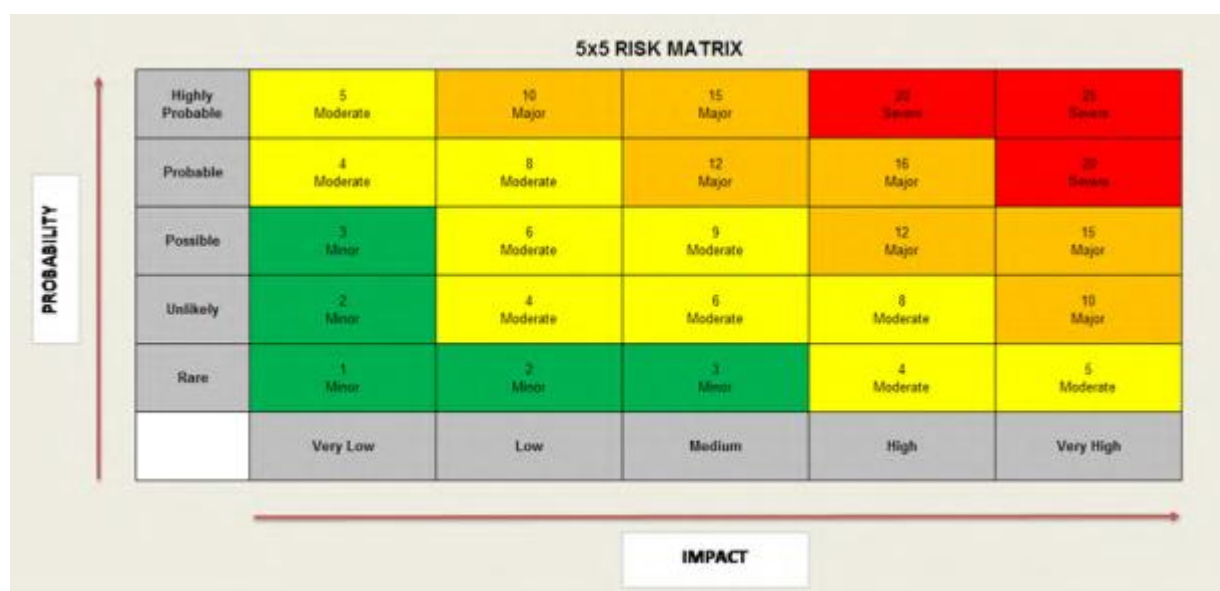
The Shire of Moora, Shire of Carnarvon and Shire of Shark Bay are examples where minimum finished floor levels are implemented through their local planning schemes for areas subject to inundation.

### FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to TPI for planning advice.

### RISK MANAGEMENT

A medium risk of flooding has been identified in the Flood Study for Lot 509, where the accommodation buildings are proposed. The risk may potentially be reduced as long as minimum finished floor levels are implemented for new development.



### COMMENT

- *Description of proposed development*

The application proposes 7 accommodation buildings adjacent to the front Spence Street lot boundary. Each building will accommodate four rooms.

The development plans are included as Attachment 1.

### CONSULTATION

The applicant liaised with TPI prior to lodging this new application. TPI referred the draft plans to the Department of Water and Environmental Regulation (DWER) for comment.

On the 28 September 2023 DWER has advised as follows:

- A. The Department of Water and Environmental Regulation in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. The Laverton Flood Study (2014) was commissioned by the Shire of Laverton and shows that the Boomers Village is affected by major flooding.
- B. The mine camp falls in the floodplain for a number of Annual Exceedance Probability (AEP) events. Depths and velocities across Spencer Street are low relative to the flooding occurring east of the camp.

A drain that runs across the access road to Spence Street has the potential to cause access issues during major flooding. Flood depths during the 1 in 100 AEP flood events range across the mine camp.

Depths of 0.2 m are experienced through the camp during the 2011 flood event, with depths at the access road up to 0.5 m. During the 1 in 100 AEP event, the access road has a hazard rating of medium.

- C. There is the potential for the Lots to be isolated by floodwaters in the event of significant flooding. The Lots are located outside of the Laverton town site where crossing a floodway is required to access the town.

During a large flood, such as a 1 in 100 AEP event or the 2011 event, the flood ways into town would not be trafficable and would present significant danger to vehicles or pedestrians attempting to cross them, with depths on these roads exceeding 1 m in some cases.

Consideration must still be given to evacuation routes for events larger than 1% AEP.

- D. If the flood hazard and isolation issues are considered acceptable by the Shire, then we recommend a minimum habitable floor level of 0.5m above natural ground level for the 7 accommodation buildings proposed.

The site plan specifies that the Finished Floor Level for each building will be 500mm above natural ground level, consistent with DWER's recommendation. The elevations indicate that portions of the site will be filled to achieve the higher finished floor level.

## **OFFICER RECOMMENDATION**

**MOVED:** Cr G Buckmaster **SECONDED:** Cr P Ovans

### **That Council:**

- A.** Note that Lot 509 Spence Street, Laverton is in an area subject to inundation, and that the Department of Water and Environmental Regulation (DWER) has recommended a minimum finished floor level of 0.5m above Natural Ground Level.
- B.** Approve the application for 7 transportable buildings for accommodation on Lots 509 and 656 Spence Street, Laverton subject to the following conditions and footnote:
- 1.** The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans.
  - 2.** All buildings subject of this approval shall have a Finished Floor Level not less than 0.5 metres above Natural Ground Level.
  - 3.** All development shall be fully contained within the lot boundaries and no building shall be constructed in a position that crosses the common boundary shared between Lot 509 and 656.
  - 3.** If the development subject of this approval are not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.

**CARRIED 6/0**

### **Footnote:**

- (i)** The lots are contained within a flood plain where there is a risk of flooding. It is recommended that the developer liaise with their insurance company in regard to this matter.



<b>7.2 PROPOSED PLANNING REFORMS AND CHANGES TO PLANNING LEGISLATION</b>
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<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	Declaration of Interest: Liz Bushby, Town Planning Innovations Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Liz Bushby, Town Planning Innovations
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	Not Applicable

### **MATTER FOR CONSIDERATION**

The purpose of this report is to keep Council informed about proposed changes to the current planning legislation.

There is an opportunity to lodge a submission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No 3)* and the proposed changes to the Shire Councils role in dealing with single houses and associated development.

### **ATTACHMENTS**

- OMC071223 7.2.A                      1. Fact Sheet on changes for single houses

### **BACKGROUND**

The State Government has been undertaking a series of planning reforms since 2019 when their Action Plan for Planning Reform document was released. The reforms have taken place in stages in the form of changes to planning legislation.

A number of changes have already been implemented in 2020/2021, such as exempting certain types of development from the need for planning approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

An example is that any single house proposed in a residential zone that complies with the Residential Design Codes does not need planning approval.

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## STATUTORY IMPLICATIONS

Shire of Laverton Local Planning Scheme No 2 ('the Scheme') - The changes impact on delegated authority, as opposed to the Scheme itself.

Draft Planning and Development (Local Planning Scheme) Amendment Regulations 2023 –

A 'prescribed single house development' (to be determined by the CEO) is defined as:

- (a) the erection of, or alterations or additions to, a single house; or
- (b) the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house —
  - (i) an ancillary dwelling;
  - (ii) an outbuilding;
  - (iii) an external fixture;
  - (iv) a boundary wall or fence;
  - (v) a patio;
  - (vi) a pergola;
  - (vii) a verandah;
  - (viii) a deck;
  - (ix) a garage;
  - (x) a carport.

Development in a 'heritage-protected place' is not a prescribed single house development.

Draft Clause 84C(1) states that *'when a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by —*

- (a) *the local government CEO; or*
- (b) *an authorised employee.'*

Draft Clause 84C(2) states that *'a prescribed development approval function cannot be performed by the local government in relation to prescribed single house development otherwise than in accordance with subclause (1) (for example, the function cannot be performed by the council of the local government or a committee of that Council).'*

Draft Clause 84C(3) effectively outlines that in performing a prescribed development approval function, the CEO is not subject to any direction of the Council.

## STRATEGIC PLAN IMPLICATIONS

Leadership Objective: Responsible financial management and governance, leading an empowered community

Outcome 4.1 A strategically focused Council, demonstrating strong leadership

4.1.1 Provide informed leadership on behalf of the community

Economic Objective: Prosperous local economy attracting businesses, opportunities, and people

2.2.2.3 Investigate provision of business, commercial and industrial operating spaces

**POLICY IMPLICATIONS**

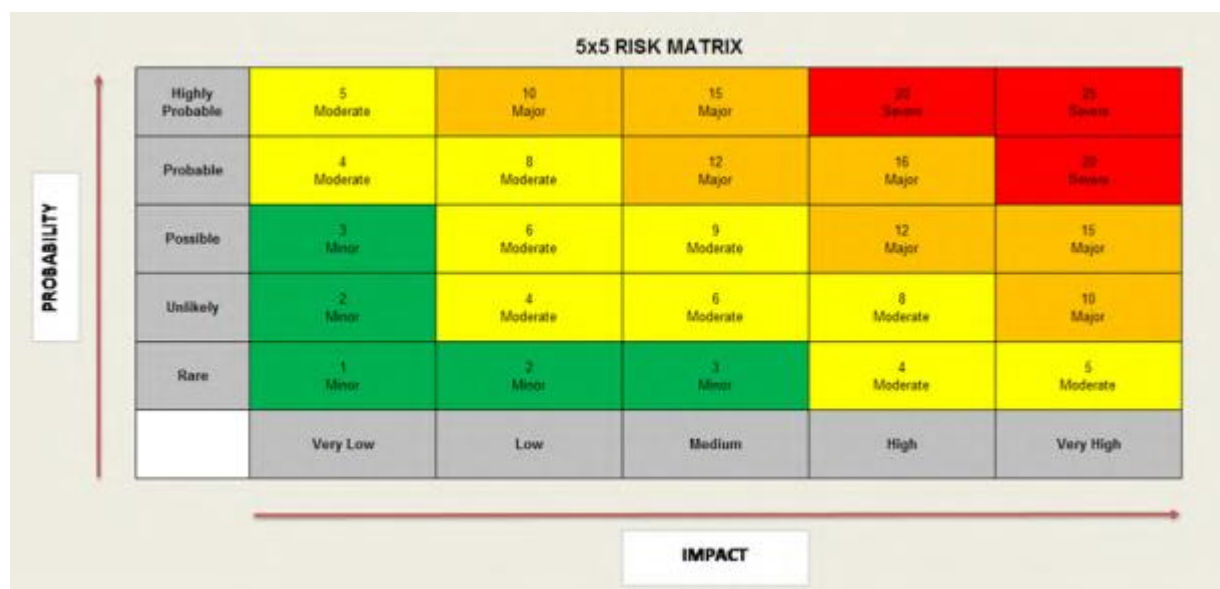
There are no relevant Local Planning Policies applicable to this report.

**FINANCIAL IMPLICATIONS**

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

**RISK MANAGEMENT**

Risk is considered low.



**CONSULTATION**

Draft *Planning and Development (Local Planning Scheme) Amendment Regulations (No 3)* are being advertised until the 31 January 2024.

**COMMENT**

The Minister for Planning introduced the *Planning and Development Amendment Bill 2023 (Bill)* to Parliament on 18 October 2023. It introduces a wide range of changes.

TPI has summarised the main changes in a table (overpage).

<b>Key Changes</b>	<b>Summary</b>
<p>1. Establishment of a permanent development assessment pathway for significant developments</p>	<p>There is an existing ‘significant development pathway’ which was put in place to streamline the planning process for developments of a state significance during the COVID-19 pandemic. It was established in 2020 and initially it was planned to cease on the 29 December 2023.</p> <p>Under the ‘significant development pathway’ applications are lodged to the Western Australian Planning Commission (WAPC). The WAPC is responsible for processing and determining the application.</p> <p>The WAPC is also responsible for signing off on compliance with any conditions of approval, in consultation with local government.</p> <p>The Bill will permanently establish a ‘significant development pathway’ with the Western Australian Planning Commission (WAPC) as the decision maker.</p> <p><i>Draft Planning and Development (Significant Development) Regulations 2023</i> include provisions outlining eligibility criteria for the pathway and a series of general procedural provisions.</p> <p>Applicants may opt-in to the new pathway if the development is valued at \$5 million or more.</p> <p>The Bill also introduces new provisions whereby a prospective applicant can lodge a submission to the Minister for Planning requesting authorisation by the Premier for lodgement and determination of an application by the WA Planning Commission.</p> <p>The significant development pathway is intended for applications that raise matters of State or regional importance.</p> <p>Only the ‘Applicant Guide’ for the significant development pathway was advertised. Advertising closed on the 17 November 2023.</p>

<b>Key Changes</b>	<b>Summary</b>
<p>2. <i>(Continued)</i>            Changes to local government roles and responsibilities in decision making on development applications for single houses</p>	<p>The state government has prepared <i>Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No 3) 2023</i>, which will introduce changes whereby all single houses in any zone will be determined by the Shire CEO instead of Council. The CEO can delegate authority to an authorised employee to make these determinations.</p> <p>Development to be determined by the CEO includes anything defined as a ‘prescribed single house development’ – refer to the draft definition under ‘legal implications’ in this report.</p> <p>This will not only include single houses, but ancillary development such as carports, outbuildings, house extensions etc</p> <p>This means that most single houses and associated development will not be referred to Council for a decision, and will instead be determined by local government officers.</p> <p>Currently the only exclusion will be if the development is proposed on a ‘heritage listed place’.</p> <p>Consultation on the changes closes on the 31 January 2024.</p> <p>A Fact Sheet on the changes is included as Attachment 1.</p>
<p>3.            Further reforms to the Development Assessment Panel (DAP) system, including threshold changes.</p>	<p>The Bill proposes changes to the DAP system which will:</p> <ul style="list-style-type: none"> <li>- Reduce the number of panels from five to three to improve consistency in decision-making.</li> <li>- Appoint full-time, fixed term specialist members, and retain the current pool of sessional members.</li> <li>- Remove mandatory applications so the DAP system will be entirely opt-in for any development valued at \$2 million or more.</li> </ul>

	<ul style="list-style-type: none"> <li>- Enable community housing development proposals of any size or value to opt-in to the pathway.</li> <li>- Clarify that Responsible Authority Reports are to be submitted by the Chief Executive Officer and not the Council of the local government.</li> </ul>
<b>Key Changes</b>	<b>Summary</b>
4. Reform of the Western Australian Planning Commission	<p>The Bill includes provisions to implement the recommendations of the review of the WAPC undertaken, which is consistent with the State Governments Action Plan.</p> <p>The review sought to increase the efficiency and strategic focus of the WAPC.</p> <p>Amendments are proposed to reform the WAPC to improve efficiency, streamline membership, and clarify its role as expert advisor and independent decision-making body with the necessary technical expertise.</p> <p>The changes will be implemented through the <i>Planning and Development Amendment Bill 2023</i>.</p>

TPI offers the following comments on each major change:

**1. *Establishment of a permanent development assessment pathway for significant developments***

It is clear that state planning is taking a greater interest and increased active role in processing and determining significant development applications (instead of local governments).

Based on the information available, these applications will be advertised for public comment, and the Shire will be consulted during the advertising period.

All processing, including community consultation, is undertaken by the WAPC, although they would seek assistance to promote advertising on the Shires website.

**2. *Changes to local government roles and responsibilities in decision making on development applications for single houses***

Only the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations 2023 (No 3)* are being advertised for public comment, until the 31 January 2024. The close of consultation date is unfortunate timing as most local government Councils do not meet in January 2024.

These are the Regulations which will outline the new local government's role and responsibilities in decision making on single house proposals.

The idea behind the changes is to streamline processing of single houses and associated development, by allowing those applications to be determination by the Chief Executive Officer (CEO). The CEO can also grant delegation to any employee.

TPI recommends that the Shire support lodgement of a submission on the changes to raise the following issues:

- a) The proposal includes all single houses and associated development in any zone. The exclusions should be expanded for single houses in any Commercial zone, where land use compatibility requires a higher level of consideration.  
The exclusions should also be expanded for any single house proposed in a Special Control Area for 'Mineral Prospectivity Area' under Laverton's Town Planning Scheme, or where the land is subject to flooding (as identified in the Shire of Laverton Flood Study).
- b) Provide flexibility for the CEO to delegate authority to an external planning consultant (who is not an employee) as a 'back up' for the CEO (ie in the event that the CEO has a proximity or financial interest that causes a conflict, or during periods where the Shire is short staffed).
- c) Raise concern that objectors to development are normally provided with an opportunity to attend Council meetings and make deputations, which provides an open accountable process, and at least gives them a chance to have their say.

Increasing delegation to CEO's for such a broad range of development reduces opportunities for the local community to have their say in a meeting environment. Traditionally public consultation and opportunities for presentations to Council meetings has been an integral part of the planning process for many regional Shires and is important in tight knit communities.

- d) Request clarification on arrangements for structures ancillary to a single house (such as agricultural sheds/ water tanks) in the Rural and/or Pastoral and Mining zone. These structures haven't been exempted from the need for approval under current legislation. It is unclear from the WAPC Fact Sheet whether agricultural sheds are considered to be outbuildings.
- e) Advocate that planning approval still be required where the single house has a non-conforming use right.
- f) Raise concern that the changes are metropolitan based and do not take into regional issues or streamlining the process for ancillary development on Rural zoned lots.

**3. *Further reforms to the DAP system, including threshold changes.***

TPI is of the view that making DAP applications ‘optional’ rather than ‘mandatory’ may result in an increase of applications being determined by the WAPC through the ‘significant development’ pathway.

It re-enforces that there is clearly an increased interest and level of state planning involvement for substantial applications.

#### **4. *Reform of the Western Australian Planning Commission (WAPC)***

The changes aim to provide greater clarity and understanding around the role and functions of the WAPC.

Some of the changes will provide a better planning outcome such as ensuring that the Chair of the WAPC has a recognised planning qualification, with diverse skills and expertise relevant to integrated land use planning.

Some increases in delegated authority are also being introduced to streamline decision making. This will likely decrease the number of proposals that need to be referred to the WAPC Statutory Planning Committee.

The Committee is the WAPC’s regulatory decision-making body. Its functions include approval of the subdivision of land, approval of leases and licences, approval of strata schemes, advice to the Minister on local government planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

#### **OFFICER RECOMMENDATION**

MOVED: Cr P Ovans                      SECONDED: Cr R Weldon

#### **That Council:**

- 1. Authorise Liz Bushby of Town Planning Innovations to complete the on line survey and provide general feedback to the Western Australian Planning Commission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No 3)* and proposed changes to the Shire Councils role in dealing with single houses and associated development as outlined in the body of this report.**

**CARRIED 6/0**



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<b>7.3 ACCOUNTS PAID AS OF 30<sup>TH</sup> NOVEMBER 2023</b>
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<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 07 December 2023
<b>DISCLOSURE OF INTEREST</b>	The author has no financial interest in the matter presented to the Council
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Natasha Fuamatu, Senior Finance Officer
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	OMC161123

### **MATTER FOR CONSIDERATION BY THE COUNCIL**

The presentation and list of accounts paid in November 2023 in accordance with Council Delegation 21. Also, from 01 September 2023 per amendments to the Local Government (Financial Management) Regulations 1996 s 13A (1), the presentation of credit card statements for September, October, and November.

### **ATTACHMENTS**

OMC071223.7.3.A	List of Accounts Paid
OMC071223.7.3.B	Credit Card Statements September, October and November

### **BACKGROUND**

In accordance with Delegation 21, the Chief Executive Officer has approved the accounts listed in attachment OMC071223 7.3A for payment in November 2023 & credit card payments in attachment OMC071223 7.3B for credit card payments in September, October, and November 2023.

### **STATUTORY IMPLICATIONS**

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

Reg. 34(2)(c) – Each statement of financial activity is to be accompanied by documents containing such other supporting information as is considered relevant by the local government.

### **STRATEGIC PLAN IMPLICATIONS**

Leadership Objective: Responsible financial management and governance, leading an empowered community.

4.2.2 Comply with statutory and legislative requirements.

4.2.2.1 Seek a high level of legislative compliance in organisational practices and effective internal controls.

## POLICY IMPLICATIONS

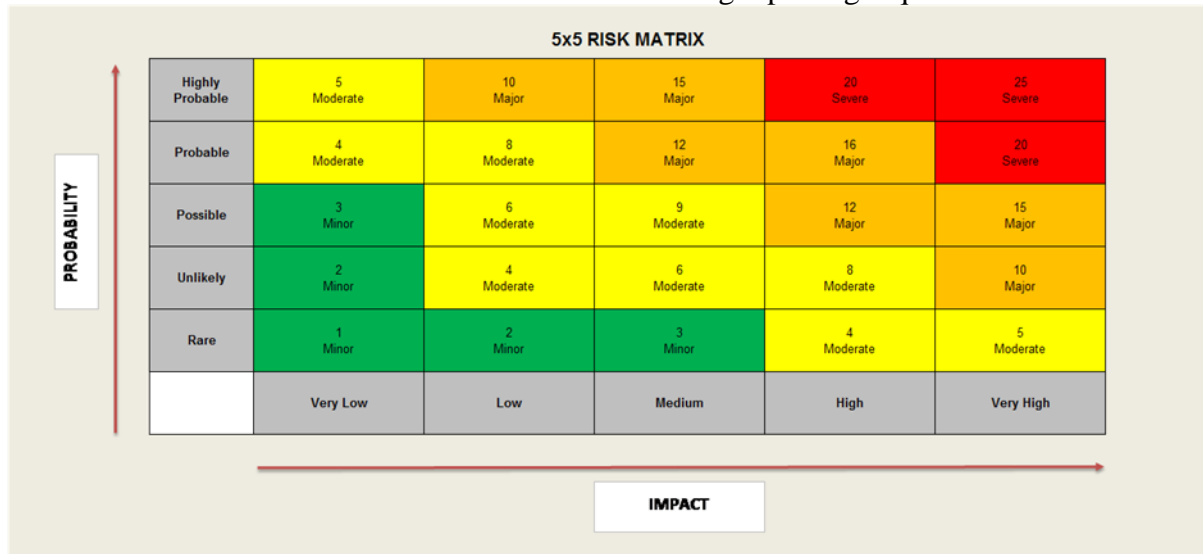
Council has no policies in respect to this matter.

## FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

## RISK MANAGEMENT

The risk is considered low and meets Council in meeting reporting requirements.



## CONSULTATION

Chief Executive Officer

## COMMENT

This report continues to provide information for all accounts paid by the Council during the month of November and credit card details for September, October, and November.

**OFFICER RECOMMENDATION**

**Cr G**

**MOVED:** Buckmaster      **SECONDED:** Cr M Pedder

That Council confirms the list of payments for the month of November 2023 made under Delegation 21 as per attachment OMC071223.7.3.A totalling \$1,305,956.25 and OMC071223.7.3.B for credit card payments processed September, October and November, summarised as follows:

<b>Direct Debit Payments – Municipal</b>	<b>DD4846-DD4951</b>	<b>\$354,021.39</b>
<b>EFT Payments – Municipal</b>	<b>EFT7419-EFT7516</b>	<b>\$893,721.71</b>
<b>Direct Debit Payments - Trust</b>	<b>DD4905-DD4937</b>	<b>\$11,620.40</b>
<b>EFT Payments - Trust</b>	<b>NIL</b>	<b>\$0.00</b>
<b>Credit Card Purchases</b>	<b>September, October &amp; November</b>	<b>\$46,592.75</b>
	<b>Total Payments</b>	<b>\$1,305,956.25</b>

**CARRIED 6/0**

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**7.4 DEPARTMENT OF DEFENCE TO ESTABLISH TEMPORARY DEFENCE AREA**

<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	The author has no financial interest in the matter presented to the Council
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Phil Marshall, Chief Executive Officer
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	<p>This matter was raised in email form of advice when the preliminary discussions were held with the Department of Defence in September 2022.</p> <p>“Defence is interested in conducting an exercise in remote areas in 2023 and one of the areas we are looking at is to the NE of Laverton.                  ... the Regional training Area Manager for WA, and myself want to drive out to conduct a recce in mid-November and were hoping to conduct a face to face meeting with yourself and the local Police (if available).                  We will discuss our proposed activities and outline the area we are looking at. We looking for access permission procedure, feedback and local knowledge.”</p>

**MATTER FOR CONSIDERATION BY THE COUNCIL**

The Department of Planning Lands and Heritage is seeking the council’s comments on the proposal. Unfortunately, the full details are unknown as alike with most defence matters.

**ATTACHMENTS**

- OMC071223.7.4.A Aerial Map
- OMC071223.7.4.B Tenure Map
- OMC071223.7.4.C Overall location Map in relation to the Laverton Townsite

**BACKGROUND**

“The Department of Planning, Lands and Heritage (Department) have received a request from the Department of Deference (DoD) to establish a temporary Deference Area over the following lands:

- Portion of Lot 900 on Deposited Plan 91137 within Reserve 34720
- Portion of Lot 1 on Deposited Plan 91310 within Reserve 36271
- Portion of Lease M350144 over Lot 1 on Deposited Plan 93163
- Portion of Unallocated Crown Land Pin 11796049

It has been determined a Section 91 Licence is the most suitable mode of tenure for this request. The specific activity details are to remain sensitive, however, DoD have confirmed they require access to the lands from April 2025 to December 2027 and will be active on the site on 4 separate occasions for 30 day periods. The potential works to be completed on the site include grading access roads, 2 cleared working sites and 2 impact sites. The areas affected by activity will be minimal as majority of the site is classed as an exclusion (safety) zone. The DoD intends to recover all items, clean site and remediate to original condition, however, have confirmed consultation with local stakeholders will occur to determine if graded access roads linking all sites will be remediated or left in place.

Please note DoD have no intent to conduct Defence activities within the bounds of A Class Reserves 34720 and 36271 for the purpose of Conservation of Flora and Fauna. Those areas are included in the proposed areas to simply definition of public exclusion zone.

I have attached Aerial and Tenure maps for your information and reference. Could the Shire of Leonora (sic) “Laverton” please provide its comments and confirm if it supports the proposal?”

## **STATUTORY IMPLICATIONS**

### ***Local Government Act 1995***

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

## **STRATEGIC PLAN IMPLICATIONS**

There are no strategic issues for the council to consider.

## **POLICY IMPLICATIONS**

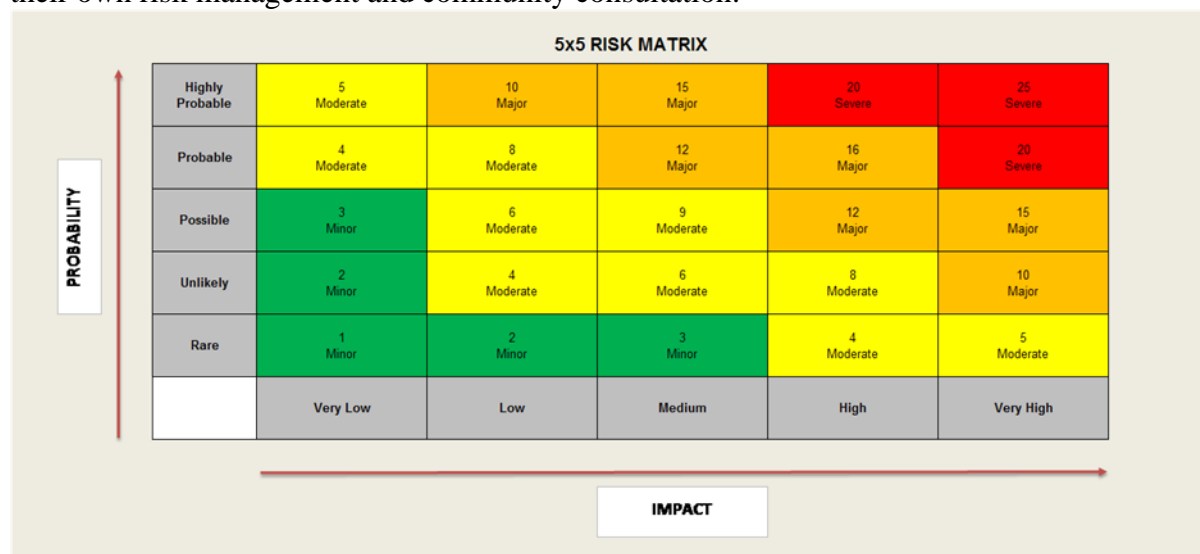
Council has no policies in respect to this matter.

## **FINANCIAL IMPLICATIONS**

The recommendation of this report has no financial implications for Council.

## RISK MANAGEMENT

The risk is considered low, any activities will be carried out by defence and they will take up their own risk management and community consultation.



## CONSULTATION

Nil

## COMMENT

The Department of Defence when meeting with the CEO were not specific with the activities. From discussions, it was indicated that they may be in Laverton for an extended time over a month possibility.

The issue as far as I see it is, is to ensure that Defence consult with the wider community and any community which may be impacted including Cosmo Newberry and the Native Title holders.

In essence, I see this as a preliminary advice and the recommendation reflects an approval subject to a wider community consultation process.

## **OFFICER RECOMMENDATION**

MOVED: Cr P Ovans                      SECONDED: Cr R weldon

**That the Council advise that it supports the proposal in principle to establish a temporary Deference Area over the following lands:**

- **Portion of Lot 900 on Deposited Plan 91137 within Reserve 34720**
- **Portion of Lot 1 on Deposited Plan 91310 within Reserve 36271**
- **Portion of Lease M350144 over Lot 1 on Deposited Plan 93163**
- **Portion of Unallocated Crown Land Pin 11796049**

**Subject to the department of defence undertaking a detailed community consultation process with landowners and communities within the Shire of Laverton and the Lands.**

**CARRIED 6/0**



<b>7.5 MONTHLY FINANCIAL MANAGEMENT STATEMENTS FOR THE PERIOD ENDING 30<sup>TH</sup> NOVEMBER 2023</b>
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<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	The author has no financial interest in the matter presented to the Council
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Phil Marshall, Chief Executive Officer
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	The Council considers the financial report monthly and the October 2023 statements were considered on the 16 <sup>th</sup> November 2023 meeting of the Council.

### **MATTER FOR CONSIDERATION BY THE COUNCIL**

To accept the monthly Financial Management Statements for the period ending 31<sup>st</sup> November, 2023.

### **ATTACHMENTS**

OMC071223.7.5.A	Detailed Schedules of Income & Expenditure for the period ending 30th November 2023
OMC071223.7.5.B	Financial Management Statements for the period ending 30th November 2023

### **BACKGROUND**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the preparation of a statement of financial activity each month, reporting on revenue and expenditure. Material variances (as determined by the Council annually) between actual and budgeted figures must be commented on.

Variances between budgeted and actual expenditure, including the required Material Variances of plus or minus 10% and \$10,000 (which is the limit set as per Council Resolution – OMC200723 – 7.4(5)), should be reported on.

### **STATUTORY IMPLICATIONS**

#### ***Local Government Act 1995***

#### ***1.3. Content and intent***

(2) *This Act is intended to result in —*

(a) *better decision-making by local governments; and*

- (b) greater community participation in the decisions and affairs of local governments; and*
  - (c) greater accountability of local governments to their communities; and*
  - (d) more efficient and effective local government.*
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement, and economic prosperity.*

## **2.7. Role of council**

- (1) The council —*
  - (a) governs the local government’s affairs; and*
  - (b) is responsible for the performance of the local government’s functions.*
- (2) Without limiting subsection (1), the council is to —*
  - (a) oversee the allocation of the local government’s finances and resources; and*
  - (b) determine the local government’s policies.*

## **3.1. General function**

- (1) The general function of a local government is to provide for the good government of persons in its district.*
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

## **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) is authorised in advance by resolution\*; or*
  - (c) is authorised in advance by the mayor or president in an emergency. \* Absolute majority required. (1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*
- (2) Where expenditure has been incurred by a local government —*
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council. [Section 6.8 amended: No. 1 of 1998 s. 19.*

### **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 ..*

(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”*

### **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.*

### **STRATEGIC PLAN IMPLICATIONS**

Civic Leadership Objective - A financially strong and knowledgeable Shire, leading an empowered community

### **POLICY IMPLICATIONS**

There are no policy implications to this report.

### **FINANCIAL IMPLICATIONS**

The recommendation of this report has no financial implications and following the adoption of the budget on 20 July 2023, the aim is to include the changes to the budget for 2023/2024 in this section of the report with reference back to either the statutory or schedules of the reporting attachments.

Budget reference Statutory/Schedules	Item and page number	Original Budget allocation	Change with Comments
3030210	Page 2 FAG General	\$0	\$81,421. This is FAG General Income in addition to the 23/24 amount that was paid in advance on 30/06/2023.
3030211	Page 2 FAG - Roads	\$0	\$49,784. This is FAG Roads Income in addition to the 23/24 amount that was paid in advance on 30/06/2023.
3030212	Page 2 FAG – RAAR	\$150,000	\$166,667. An extra \$16,667 was actually received as opposed to the estimate of \$150,000.
3120210	Page 35 Direct Grant MRD	\$276,032	\$281,955 – an additional \$5,923
4120330	Page 36 Plant and equipment	\$560,000	DCEO to check on outstanding orders of \$928,258 for graders x 2 issued in 22/23 financial year and the impact upon the overall budget. The current purchase will see a projected surplus figure.

3120410	Page 37 Aero Grants	\$1,947,378	RADS grant may be reduced to \$299,000 from \$414,750 as the construction of the building is reduced and as water, power, sewerage connections are not allowed under the grant. This matter is being addressed in negotiations. Shortfall of \$115,750
IO954	Page 38 – New Fuel Tank	\$250,000	The demand for the use of the fuel facility and the aim is to get the fuel directly to the aircraft. This is becoming critical for GSM. Therefore, the administration is seeking quotations to hire a fuel trailer over the summer months to ensure that refuelling can occur and allow access to all bays for refuelling. The council will require another base utility to tow the fuel trailer and this is being explored. The hire will allow time to secure a long term solution and the current tank can be used purely as the fuel storage. Further details to be provided as they are received. Aim is stay well within the budget as an allocation may be required for the sealing of the runway. See also September comments.

IO951 and IO952	Page 38 – Runway, apron and taxi way reseal	\$2,900,000	The Council is currently investigating through Geo Tech evaluation the suitability of the runway sub surface. Depending on the outcome, a proposal will be put to the council to consider the reseal as a chip seal or hotmix. All details will be provided as the details are evaluated.
3120130	ROADM – Other grants flood damage	\$2,500,000	Flood damage – from 2021, the council has been working with DFES to secure a position to go to tender to rectify the damage over slks 385 to 430 slk approximately. As part of the recommendation, the council is required to approve the going to tender of the flood damage works and the works will be managed and undertaken through WML consultants
From September 2023			
IO923	New terminal building	\$3,000,000	Terminal buildings  Modular WA Cost \$818,000 ex GST  Wheatbelt Steel Shed Cost \$207,587.66 Ex GST

PE24005	AT Vehicle Airport	\$40,000	Kubota ATV purchased at a cost of \$26,550 – savings of \$13,450
IO954	Fuel Tank Airport	\$250,000	<p>Purchase of a utility to tow the fuel trailer at a cost of \$39,259. The existing fuel tank will be used as a storage and for bays 1 and 2. The fuel trailer will allow the Council to deliver fuel to bays 3 and 4. The administration is further exploring a lease arrangement for a fuel trailer (new built) and in the meantime, a hire fuel trailer has been secured for 120 days at \$26,323. This allows for the efficient fuelling and supports mining. See also fees and charges.</p> <p>Budget expense to date \$65,582</p>
PE708	Construction Grader	\$500,000	Council approved at the August 2023 council meeting at \$429,230 ex GST, savings of \$70,770
4120141	Crawford St	\$630,000	Sealing program will commence in November 2023
	Cox St		
4120142	Tip Rd	\$1,147,000	
	Racecourse Rd		
	Sturt Pea		
	Mcpherson Place entrance to the hotel		

BC211	Works depot	\$900,000	Quotation from Modular WA of \$ plus new fencing, demolition etc.
IO501	Townsite beautification	\$600,000	The council has progressed as follows; reticulation installed commencing 26/09/2023, plants in roundabout, trees planted in median strips Duketon, Lancefield, Hawks, Erliston and Burt st, other trees to be planted around the oval, playground equipment ordered, oval to have path installed and exercise equipment with shade shelters or trees installed, the Council will require an additional funding to complete the majority of works and this will be advised during the half year budget review.
Fees and Charges			
Liquid Waste Disposal	Liquid waste – disposal from other than Laverton town site per litre	Currently at 0.03c per litre	The council has recently been asked to dispose of liquid waste and the administration has been working with the mining industry and the current disposal cell has been increased in capacity to allow receipt of the waste. The aim is to increase the litre rate to 0.16.5c per lite including gst.



Tyres	The council does not have a disposal fee for tyres	Implement a new Line item	Recommendation, to charge \$11.00 per tyre including GST- The Council has cleared the current tyre pit and this will cover the costs of disposing of the tyres. This leads into a further discussion on control and access to the tip as at the moment it is a free for all and the dumping regime is poor and contamination in various pits including the asbestos pit needs to be controlled.
Airport landing Fees	Current at \$14.30 including GST	Implement an increase to \$18.30 including GST	Rationale, the Council is investing some \$6 million in the 23/24 financial year and the heavy user of the airport is the charter industry.
From October 2023			
			.
2040129	Donations to community groups	\$120,000	Expenditure to date of \$11,636 and requires a further summary of the focus groups and ratification of plans for all areas.
2070211	Contract EHO	\$19,000	Expenditure to date of \$25,363 as the current EHO/building officer is working two weeks of a month instead of 2 days per month. The level of compliance and work dictates the work schedule.

2080152	Youth Consultants	\$250,000	This amount is allocated towards the Y providing services to laverton on Friday, Saturday and Sunday. Awaiting a decision at the board meeting scheduled on the 15 <sup>th</sup> November 2023.
3080410	Grant Funding	\$475,024	See following expense account, these funds are to be allocated to the Hub Coordinator at Kalggolie and the balance to be tailored to training within the Laverton community.
2080487	Comm Dev other expenses	\$475,024	See above
4080410	Comm Dev building capital	\$400,000	Renovation of old CDC building and tied into One Tree for the child care application and support of the council by the building and operations
4090110	New Housing	\$2,500,000	Housing plans etc – approval by council in place. Working with GROH to lease back at cost plus. Further details to be provided. Discussions to be held with the school

3100125	Sanitation and Charges	\$1,000	Current income is \$4500 with liquid waste being received and in November to date an additional amount of \$6,525 being received and a projected income of \$60,000 by the 30 June 2023. This is being monitored.
2100117	Sanitation – General maintenance tip	\$285,000	Expenditure to date \$76,077 and will be utilised with holes in the ground for the asbestsos and general waste.
W345	Quarantine bin GCR	\$20,000	Expenditure to date \$13,439 – recoup for the quarantine bin.
3110220	Swim admissions	\$10,000	Granny Smiths will pay \$3,000 to allow youths up to 18 to enter the pool for free
3110500	Rec Other Oval education dept contribution	\$60,000	Prompt to remind CEO to send invoice for all costs on a shared basis.
4110580	Rec Other Infrastructure	\$675,000	Expenditure \$435, 036, may require budget review to complete, admin monitoring

IO954	Fuel Tank airport	\$250,000	Please see commnets from September, The council is not proceeding with the replacement of the fuel tank, mobile tank and has necissated the purchase of a new utility to tow the facility, plan under way to secure the councils own trailer, and costs will be taken from additional landing fees to be imposed from 2024.
IO951	Turning Nodes	\$1,600,000	Nodes to be completed by end of November 2023
IO952	Taxiway and Apron	\$1,300,000	The sealing of the runway and apron, taxiways is going to be held in abeyance pending a application for a Grant through the RAUP to see iof the SOL can secure funding and thus allow a strategic placement of additional funds into other areas, ie additional housing.
4130410	GB Gardens	\$200,000	Ongoing and to be developed
2130642	Contract Building services	\$20,000	Expenditure to date, \$1,587 and relates to allocations under 2070211
From November 2023			

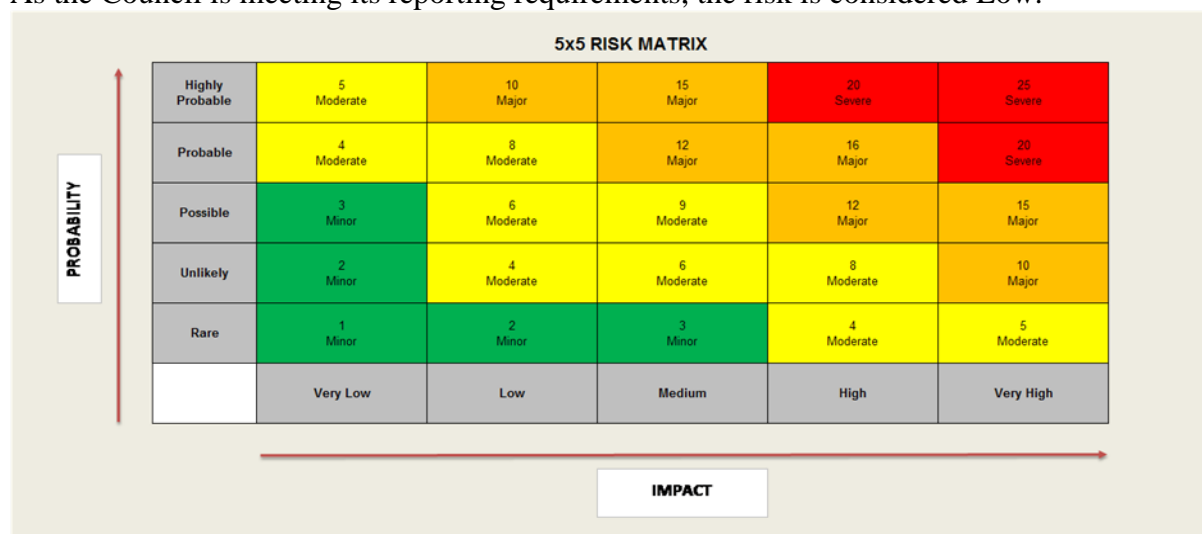
Considerations for the upcoming budget review	Trade in existing front end loader	This will be presented during the budget review in February 2022	
Rationalise of motor vehicles and retain three landcruisers in the fleet		This will be presented during the budget review in February 2024	

**CONSULTATION**

Nil for this report

**RISK MANAGEMENT**

As the Council is meeting its reporting requirements, the risk is considered Low.



**COMMENT**

The Financial Statements as of the 30<sup>th</sup> November 2023 and are reflective of the works undertaken to date.

Please note, the 2022/23 end of year financial statements have not been completed as of yet. As such, the current opening surplus of \$11,056,574 has not been finalised (this may change if the auditors complete the audit prior to the scheduled council meeting and any adjustments will be made during the budget review) and is subject to change. Please note that the carried forward surplus used in the budget operations was: \$10,779,839.00 which could generate a surplus fund position of \$276,735.

Overall, Council is in a strong financial position and is well placed to progress with all the major capital works forecast in the 2023/24 budget.

**OFFICER RECOMMENDATION**

MOVED: Cr M Pedder                      SECONDED: Cr G Buckmaster

- (1) That Council in accordance with Clause 34 of the *Local Government (Financial Management) Regulations 1996* receives the Financial Management Statements for the period ending 30th November 2023 as shown in attachments OMC071223.7.5.A and OMC071223.7.5.B**

**CARRIED 6/0**

<b>7.6 APPOINTMENT OF COUNCILLORS AS DELEGATES TO REPRESENT COUNCIL ON VARIOUS LOCAL AND REGIONAL COMMITTEES AND WORKING GROUPS 2023-2025</b>
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<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	The author has no financial interest in the matter presented to the Council
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Tamara Hill, Executive Assistant
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	This matter was previously considered at the 16 <sup>th</sup> November 2023 meeting and lay on the table to be considered at the 7 <sup>th</sup> December 2023 meeting.

### **MATTER FOR CONSIDERATION BY THE COUNCIL**

Council to endorse the appointment of Councillors and Staff to various local and regional committees, boards etc.

### **ATTACHMENTS**

Nil

### **BACKGROUND**

It is appropriate that the various appointments Council has made to various committees, boards and groups be reviewed following the Ordinary Elections held each second year.

### **STATUTORY IMPLICATIONS - *Local Government Act 1995***

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 2.8 – The mayor or president —

- (a) presides at meetings in accordance with this Act; and
- (b) provides leadership and guidance to the community in the district; and
- (c) carries out civic and ceremonial duties on behalf of the local government; and
- (d) speaks on behalf of the local government; and (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

(2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

- Section 2.9 – The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.
- Section 2.10 – A councillor —
- (a) represents the interests of electors, ratepayers and residents of the district; and
  - (b) provides leadership and guidance to the community in the district; and
  - (c) facilitates communication between the community and the council; and
  - (d) participates in the local government’s decision-making processes at council and committee meetings; and
  - (e) performs such other functions as are given to a councillor by this Act or any other written law.
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

### **STRATEGIC PLAN IMPLICATIONS**

Outcome 4.1 A - Strategically focused Council, demonstrating strong leadership.

Outcome 4.1.2 – Effectively represent, promote and advocate for the community and district.

Strategy 4.1.2.1 – Actively promoting and advocating on behalf of the community.

Strategy 4.1.2.2 – Collaborate with regional partners and other organisations; participation with key stakeholders and committees.

### **POLICY IMPLICATIONS**

Council has no policies in respect to this matter.

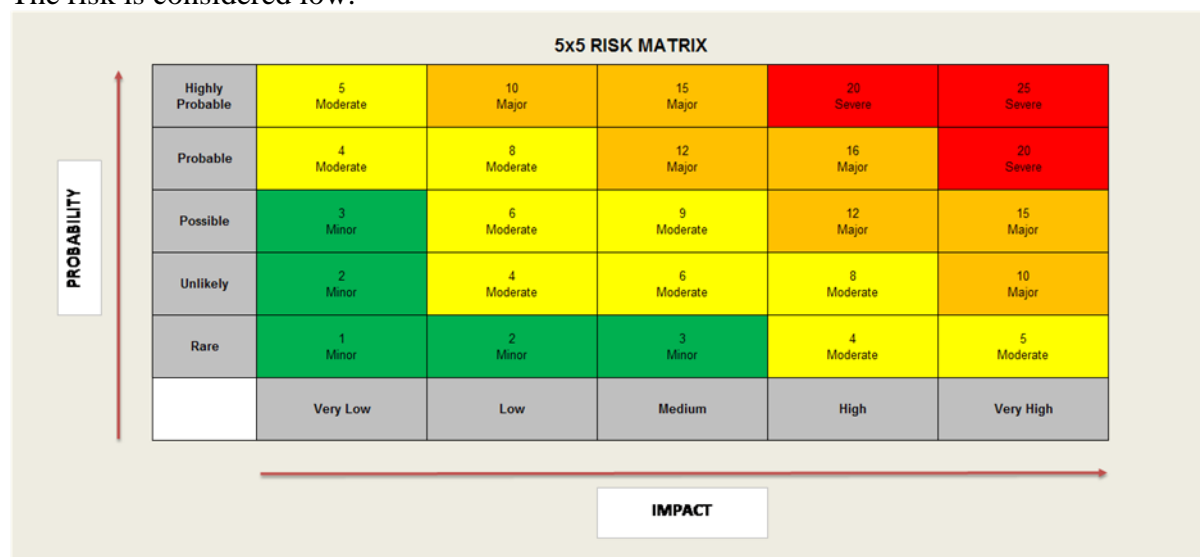
### **FINANCIAL IMPLICATIONS**

Travel and accommodation costs for elected members to attend and represent the Council in accordance under the Governance Budget.



## RISK MANAGEMENT

The risk is considered low.



## CONSULTATION

Nil

## COMMENT

Below is a list of the various committees, organisations and groups on which Council is currently represented and names of the Councillor or Councillors, staff and members of the public who were appointed to these roles for the 2021-2023 term.

Committee/Representation	Past Nominations
Development Assessment Panel – Goldfields	Cr J Carmody Member Cr S Weldon Member Cr G Buckmaster Deputy Member Cr R Wedge Deputy Member
Goldfields Esperance Regional Collaborative Group (GERCG) (Same day as GVROC)	Cr P Hill Delegate Cr R Wedge Delegate Cr S Weldon Proxy Shire of Laverton CEO Staff/Proxy
Goldfields-Esperance Regional Road Group	Cr J Carmody Delegate Cr R Prentice Delegate Cr R Weldon Proxy Shire of Laverton MWS Staff/Proxy
Goldfields Esperance Zone (GECZ) of WALGA/GVROC (NB: the GECZ and GVROC have combined their meetings and effectively meet as one body)	Cr P Hill Delegate Cr R Wedge Delegate Cr S Weldon Proxy Shire of Laverton CEO Staff/Proxy
Golden Quest Discovery Trail (and other Tourism bodies)	Cr G Buckmaster Delegate Cr R Prentice Proxy Shire of Laverton GBVC Mgr Staff/Proxy

	Shire of Laverton CEO	Staff/Proxy
Laverton Health Service Project Working Group	Cr P Hill Cr R Weldon Shire of Laverton CEO	Delegate Delegate Staff/Proxy
Laverton Stakeholder Group	Cr S Weldon Shire of Laverton CEO Shire of Laverton ACLO Shire of Laverton GBVC Mgr	Delegate Staff/Proxy Staff/Proxy Staff/Proxy
Northern Goldfields Working Group	Cr P Hill Cr J Carmody Shire of Laverton CEO	Delegate Delegate Staff/Proxy
Outback Highway Development Council	Cr P Hill Cr R Prentice Cr R Weldon Shire of Laverton CEO Shire of Laverton MWS	Delegate Delegate Proxy Staff/Proxy Staff/Proxy
Friend of Laverton Cemetery Advisory Group (FLCAG)	Cr R Prentice Cr R Wedge Cr R Weldon Shire of Laverton CEO Shire of Laverton DCEO Roderick Hill Carol Hill	Delegate Delegate Proxy Staff/Proxy Staff/Proxy Community Member Community Member

The following nominations have been received for consideration:

Cr Paul Ovans

Goldfields-Esperance Regional Road Group	Delegate
Laverton Stakeholder Group	Delegate
Outback Highway Development Council	Delegate
Friends of Laverton Cemetery Advisory Group	Delegate

Cr Mark Pedder

Goldfields Esperance Regional Collaborative Group	Proxy
Goldfields-Esperance Regional Road Group	Proxy
Northern Goldfields Working Group	Delegate
Outback Highway Development Council	Proxy

Cr Rex Weldon

Laverton Health Service Project Working Group	Delegate
Outback Highway Development Council	Delegate
Friends of Laverton Cemetery Advisory Group	Delegate

Cr Shaneane Weldon

Goldfields-Esperance Regional Collaborative Group	Delegate
Goldfields-Esperance Zone (GECZ)	Delegate

**OFFICER RECOMMENDATION**

**Cr G**

MOVED: Buckmaster      SECONDED: Cr R Weldon

**That the following appointments be made for 2023-2025:**

<b>Committee/Representation</b>	<b>Recommended Nomination</b>	
<b>Development Assessment Panel – Goldfields</b>	Cr R Wedge Cr P Hill Cr G Buckmaster Cr M Pedder	Member Member Deputy Member Deputy Member
<b>Goldfields Esperance Regional Collaborative Group (GERCG) (Same day as GVROC) – <b>DELETED as it Ties in with GVROC</b></b>	_____ _____ _____	Delegate Delegate Proxy
<b>Goldfields-Esperance Regional Road Group</b>	Shire of Laverton CEO Cr P Ovans Cr R Wedge Cr M Pedder Shire of Laverton MWS	Staff/Proxy Delegate Delegate Proxy Staff/Proxy
<b>Goldfields Esperance Zone (GECZ) of WALGA/GVROC (NB: the GECZ and GVROC have combined their meetings and effectively meet as one body)</b>	Cr P Hill Cr S Weldon Cr M Pedder Shire of Laverton CEO	Delegate Delegate Proxy Staff/Proxy
<b>Golden Quest Discovery Trail (and other Tourism bodies)</b>	Cr G Buckmaster Cr P Hill Shire of Laverton GBVC Mgr Shire of Laverton CEO	Delegate Proxy Staff/Proxy Staff/Proxy
<b>Laverton Health Service Project Working Group</b>	Cr P Hill Cr R Weldon Shire of Laverton CEO	Delegate Delegate Staff/Proxy
<b>Laverton Stakeholder Group</b>	Cr P Ovans Cr G Buckmaster Shire of Laverton CEO Shire of Laverton GBVC Mgr	Delegate Delegate Staff/Proxy Staff/Proxy
<b>Northern Goldfields Working Group</b>	Cr P Hill Cr M Pedder Shire of Laverton CEO	Delegate Delegate Staff/Proxy
<b>Outback Highway Development Council</b>	Cr P Hill Cr R Weldon Cr P Ovans Cr M Pedder Shire of Laverton CEO Shire of Laverton MWS	Delegate Delegate Delegate Proxy Staff/Proxy Staff/Proxy

<b>Friend of Laverton Cemetery Advisory Group (FLCAG)</b>	<b>Cr R Weldon Delegate</b> <b>Cr R Wedge Delegate</b> <b>Cr P Ovans Delegate</b> <b>Shire of Laverton CEO</b> <b>Staff/Proxy</b> <b>Shire of Laverton MWS</b> <b>Staff/Proxy</b> <b>Roderick Hill</b> <b>Community Member</b> <b>Carol Hill</b> <b>Community Member</b>
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**CARRIED 6/0**

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**7.7 SECTION 175 LIQUOR CONTROL ACT 1988 – SPINIFEX  
(TJUNTJUNTJARA) RESTRICTED AREA REGULATIONS**

<b>REPORT TO WHICH MEETING/COMMITTEE</b>	Ordinary Meeting of the Council, 7 <sup>th</sup> December 2023
<b>DISCLOSURE OF INTEREST</b>	The author has no financial interest in the matter presented to the Council
<b>OWNER/APPLICANT</b>	Not applicable
<b>AUTHOR</b>	Phil Marshall, Chief Executive Officer
<b>RESPONSIBLE OFFICER</b>	Phil Marshall, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE IF APPLICABLE</b>	Not Applicable

**MATTER FOR CONSIDERATION BY THE COUNCIL**

The Minister for Racing and Gaming is seeking the councils' comments on the extension of the restricted area regulations.

**ATTACHMENTS**

Nil to this report

**BACKGROUND**

The Department of Local Government, Sport and Cultural Industries has written to the council as follows:

“On 2 July 2014, The Liquor Control (Spinifex Restricted Area) Regulations 2014 came into operation for a period of three years and have since been extended for a further six years.

Under section 175(1a) of the Liquor Control Act 1988 (the Act), the Governor, on the recommendation of the Minister, may make regulations declaring an area of the State to be a restricted area. According to section 175(1b) of the Act, the Minister may only recommend the making of such regulations after consultation with the Commissioner of Police, the local government authority and any other stakeholders he considers appropriate to consult.

Further, the Minister must also be satisfied that the regulations are in the public interest. As the Spinifex liquor restricted area regulations expire on 25 July 2024, I am seeking the Shire's comments on behalf of the Minister for Racing and Gaming in regard to extending them.

Attached for your reference is a description of the restricted area as it appears in the regulations. It would be appreciated if you can provide me with your comments for the Minister's consideration.”

## LIQUOR CONTROL

### REGULATIONS

#### DESCRIPTION OF RESTRICTED AREA

Liquor Control (Spinifex Restricted Area) Regulations 2014

##### 3. Terms used

Restricted Area means the area declared to be a restricted area under regulation 5(1);

Spinifex Native Title Determination Area means the area described in the Schedule 1;

##### 5. Declaration of Restricted Area

(1) The Spinifex Native Title Determination Area, excluding the portion that is within Reserve 17614, is declared to be a restricted area for the purposes of section 175(1a) of the Act.

(2) The map in Schedule 2 shows the Restricted Area crosshatched.

##### Schedule 1 — Spinifex Native Title Determination

Area [r. 3]

All those lands and waters —

(a) commencing at the westernmost north-western corner of Yowalga Location 7 as shown on Deposited Plan 220992 and extending east along the northernmost northern boundary of that location and east and southeasterly along boundaries of Milyuga Location 20 to the Western Australian-South Australian Border;

(b) then southerly along that border to latitude 29.498578 South;

(c) then west to the south-eastern corner of Delisser Location 9;

(d) then west and north along boundaries of that location and north along the western boundary of Delisser Location 8 to the south-western corner of Yowalga Location 7;

(e) then generally northerly along boundaries of Delisser Location 8 to the commencement point

#### STATUTORY IMPLICATIONS

##### *Local Government Act 1995*

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

#### STRATEGIC PLAN IMPLICATIONS

There are no strategic implications for the Shire of Laverton.

#### POLICY IMPLICATIONS

Council has no policies in respect to this matter

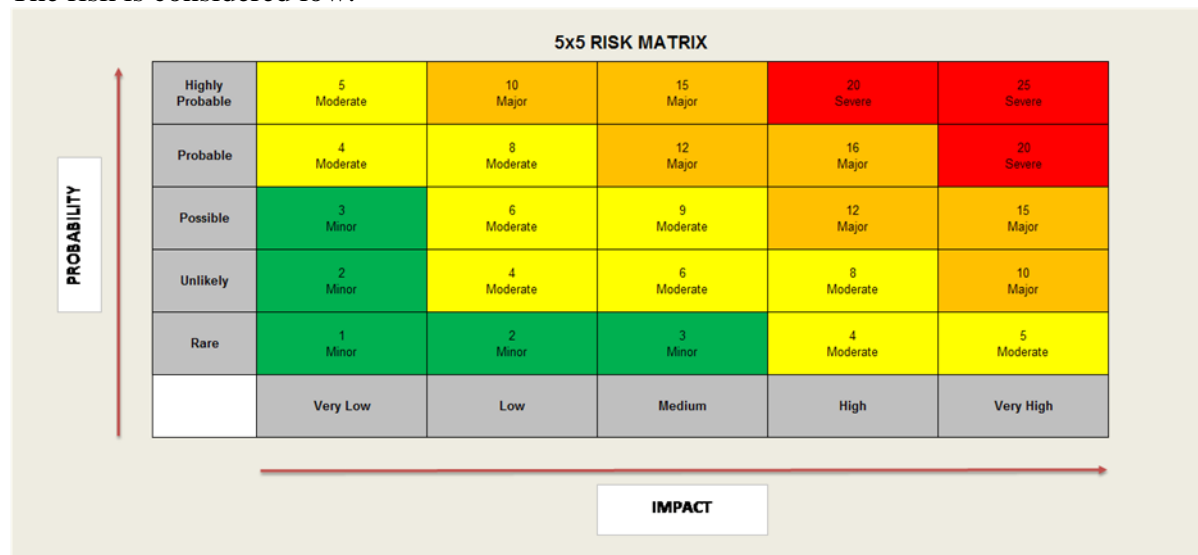


## FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

## RISK MANAGEMENT

The risk is considered low.



## CONSULTATION

Nil

## COMMENT

The Council has been asked to make comment and, in my opinion, the self determination of areas should not be influenced by governments in looking at their requirements. I fully understand the protection of vulnerable communities, however, the impact upon Laverton can be influenced by these 175 restrictions as they enter Laverton. If anything, indigenous peoples should have access to information and services (through digital services is the main thrust) to enable participation in informed decision making regarding their own lives. Source, closing the gap target 17.

## OFFICER RECOMMENDATION

**Cr G**  
 MOVED: Buckmaster      SECONDED: Cr P Ovans

**That the Council advise the Minister for Racing and Gaming that it has no comment to be made in relation to the Section 175 Liquor Control Act 1988 – Spinifex (Tjuntjuntjara) restricted area regulations.**

**CARRIED 6/0**

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**8 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE**

**Nil**

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

**MOVED: Cr P Ovans      SECONDED: Cr R Weldon**

**That the Council consider new business of an urgent nature for Juvenile Justice camps and Water pressure within the Laverton town.**

**Carried 6/0**

**9.1 That the Council authorise the Chief Executive Officer to write to the Minsiter for Corrective Services and express interest from the Shire of Laverton to house a Juvenile justice camp dealing with crime related charges for youth to be housed within Laverton shire boundaries.**

**9.2 That the Council authorise the Chief Executive Officer to write to the Water Corporation and seek an investigation into the variable water pressures experienced throughout the town and provide a solution to the matter along with advice on the long term plans for water to the Laverton townsite to allow for continued development in a presentation to the council at its 15<sup>th</sup> February 2023 council meeting.**

**Carried 6/0**

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**10 CONFIDENTIAL MATTERS**

CLOSURE OF THE MEETING TO DISCUSS CONFIDENTIAL BUSINESS UNDER THE PROVISIONS OF SECTION 5.23 OF THE LOCAL GOVERNMENT ACT 1995.

NIL

**11 NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday, 15<sup>th</sup> February 2023 at the Shire of Laverton Council Chambers, commencing at 5.00pm

**12 CLOSURE OF MEETING**

**The Shire president closed the meeting at 5.55pm and thanked all for their attendance and wished everyone a Merry christmas and a Happy New year.**

**13 CERTIFICATION**

**I, Patrick Hill, hereby certify that the Minutes of the Ordinary Meeting of Council held on 7<sup>th</sup> December 2023 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 15<sup>th</sup> February 2023.**

**SIGNED:**

**DATED:**

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