



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

17 December

2020

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:

Please be advised that the

DECEMBER 2020 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 17 December 2020
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*
- *Representatives from Mineral Resources Ltd/Yilgarn Iron Pty Ltd will present to council at the beginning of the meeting.*



Peter Clarke
Chief Executive Officer

11/12/2020

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Table of Content

1 Declaration of Opening/Announcement of Visitors	3
2 Announcements from the Presiding Member	3
3 Attendance	3
4 Declaration of Interest	3
5 Public Question Time	3
6 Confirmation of Minutes	3
7 Presentations, Petitions, Deputations	5
8 Delegates' Reports	5
9 Officers' Reports	6
9.1. Chief Executive Officer	6
9.1.1 Risk Management Framework	6
9.1.2 Covalent Lithium-Water Pipeline Submission	8
9.1.3 Local Roads and Community Infrastructure Program	
Round 2	12
9.2 Executive Manager Corporate Services	16
9.2.1 Financial Reports September 2020	16
9.2.2 Accounts for Payment	18
9.2.3 Council Support for Officer Training	20
9.2.4 2019/2020 Audit and Management Report	22
9.3 Executive Manager Infrastructure	n/a
9.4 Executive Manager Regulatory Services	25
9.4.1 Covalent Lithium-Referral of a Works Approval	
Earl Grey Lithium Project	25

9.4.2 Miscellaneous Mining Licence 77/320-Request for Comment	37
9.4.3 Development Application-13 Taurus Street-Shed Extension	31
9.4.4 Disposal of Lots 5&6, 50 Antares Street, Southern Cross	35
10 Application for leave of absence	38
11 Motions for which previous notice has been given	38
12 New business of an urgent nature introduce by decision of the meeting	38
13 Meeting closed to the public-Confidential Items	38
14 Closure	38

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1 PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 19 November 2020- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on 19 November 2020 be confirmed as a true record of proceedings

Voting Requirements: Simple Majority

- 6.2 Sub Regional Road Group (SRRG) meeting, Monday 12 October 2020-(Minutes Attached)

That the minutes from the SRRG meeting held on the 12 October 2020 be received

Voting Requirements: Simple Majority

- 6.3 Great Easter Country Zone (GECZ) meeting, Thursday 26 November 2020-(Minutes Attached)

That the minutes from the GECZ meeting held on the 26 November 2020 be received

Voting Requirements: Simple Majority

- 6.4 Local Emergency Management Committee (LEMC) meeting, Thursday 26 November 2020-(Minutes Attached)

That the minutes from the LEMC meeting held on the 26 November 2020 be received

Voting Requirements: Simple Majority

- 6.5 Wheatbelt East Organisation of Councils (WEROC) Annual General meeting and WEROC Board meeting held on Thursday 26 November-(Minutes Attached)

That the minutes from the WEROC Annual General meeting and the minutes from the WEROC Board meeting held on the 26 November 2020 be received

Voting Requirements: Simple Majority

- 6.6 Shire of Yilgarn Tourism Committee meeting, Monday 7 December 2020
(Minutes Attached)

Recommendation contained within the minutes for Council consideration

RECOMMENDATION TO COUNCIL

Moved K Crafter Seconded A Carnicelli;

That it be recommended to Council that the \$30,000 identified in the 2020/2021 Budget for Town Entrance Statement Development be re-directed to the formulation of a Tourism Marketing Strategy, followed a website, strategy and social media proposal in order that tourism promotion and development for the district is undertaken in a structured method.

Recommendation

That the minutes from the Shire of Yilgarn Tourism meetings held on the 7 December 2020 be received and the recommendation within be adopted.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Representative from Mineral Resources Ltd/Yilgarn Iron Pty Ltd will be in attendance to discuss with Council proposals associated with haul routes for the Mt Caudan project.

8. DELEGATES' REPORTS

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Risk Management Framework

File Reference	1.1.12.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Risk Management Procedures & Risk Management Policy

Purpose of Report

To present to Council for consideration and adoption Risk Management Procedures and Risk Management Policy.

Background

During the conduct of the 2019 Regulation 17 Review, the Consulting Accounting firm engaged to undertake the Review identified that the Shire of Yilgarn did not have an appropriate Risk Management Framework in place, which included the provision of Risk Management Procedures and associated Policy, with this Finding Rating identified as being significant.

Comment

Upon receipt of the Regulation 17 Review, staff have worked with Local Government Insurance Services (LGIS) to develop the above Procedures and Policy.

Future Agenda Reports prepared by Managers to Council will identify the risks as per the Measures of Consequence and Risk Matrix as identified in the Policy. See example as contained within this Agenda Item under Risk Implications.

Statutory Environment

2019 Regulation 17 Review.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership Objectives – 4.1.2 Maintain a high level of corporate governance, responsibility and accountability.

Policy Implications

Subject to Council approval, The above Procedures and Policy will be included in Council's appropriate Manuals.

Financial Implications

Nil

Risk Implications

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

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		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 adopts the Risk Management Procedures and Risk Management Policy as presented by staff in order that it complies with recommendations arising from the Regulation 17 Review relating appropriate Risk Management frameworks being put in place.

9.1 Reporting Officer – Chief Executive Officer

9.1.2 Covalent Lithium – Water Pipeline Submission

File Reference	3.2.1.23
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Submission Documentation

Purpose of Report

To present to Council a formal submission provided by Covalent Lithium seeking approval for the construction of a water pipeline predominately within Shire of Yilgarn road reserves from Moorine Rock to Covalent's Mt. Holland Lithium Mining project.

Background

The Mount Holland Lithium Project is an integrated project consisting of a mine, concentrator and refinery to produce battery quality lithium hydroxide for the international market. It is a 50-50 joint venture (JV) between subsidiaries of Wesfarmers Limited (ASX:WES) and Sociedad Química y Minera de Chile S.A. (SQM:NYSE). Covalent is the manager for the JV and is responsible for the development and operation of the Project.

Centred on the Earl Grey hard-rock lithium deposit south of Southern Cross, the Project will produce between 45,000 and 50,000 tonnes per annum (tpa) of battery quality lithium hydroxide at the proposed Kwinana refinery. The refinery will receive approximately 490,000 tpa of lithium concentrate (spodumene) from the concentrator.

The Mt Holland Project involves the construction of a mine, concentrator and supporting non-process infrastructure including a village, power station, aerodrome and roads. These activities require access to a reliable supply of clean water that can be used in the process plant, for dust suppression, cleaning of mining equipment and the village. Volumes are expected to range from 1,800kL per day to 4,300kL per day, with the higher water volumes being required during summer.

After consideration of various alternatives, a new water pipeline from the Goldfields Pipeline to the Mt Holland mine site was determined to be the most commercially viable, reliable and environmentally sensitive solution.

Investigations into the feasibility of extracting and treating ground water sources in the vicinity of the Mt Holland site are cost prohibitive due to the hyper saline nature of the water. The processing of hyper saline water also generates a waste stream (removed salt and impurities) that must be further treated prior to disposal.

Comment

The CEO, EMI and EMRS have been liaising with Covalent Lithium representatives regarding the Water Pipeline and other logistical issues associated with the Mt. Holland Mine during the past 12 months. Council has been kept abreast of these discussions via monthly Briefing Session reports.

On Friday, 27 November 2020 the CEO, EMI and EMRS met with Covalent Lithium's Mt. Holland Mine Project Manager and Contractors associated with the construction of the pipeline, to discuss the final logistical issues prior to providing this formal submission to Council for approval. Throughout the above planning stages the EMI has continually objected to the pipeline being located within the roads running surface and it is noted in 4.2 of the Submission it states that this may be the case, as is highlighted below:-

"The majority of the pipeline will be constructed with a minimum of 1.5m between the edge of the road and the centre of the pipeline. Where this is not possible due to existing constraints i.e. TECs, the route will be diverted only to the extent reasonably necessary. In these locations the alternative route will be selected by assessing the viability of the following options in order of precedence:

- 1. Divert the pipeline around the constraint i.e. behind the tree, by increasing the distance from the edge of the road. The pipeline remains underground.*
- 2. Divert the pipeline around the constraint but above ground. The distance from the edge of the road will increase. This option will be considered where there are clearing constraints and/or root zones that need to be protected.*
- 3. Move the pipeline closer to the road to the extent necessary to avoid the obstacle. **In some instances this may result in the pipeline being located in the shoulder or running surface.** The exact location will vary depending on the location of the obstacle however typically this will not exceed three meters from the edge of the obstruction".*

The EMI is of the opinion that if the pipeline is placed within the roads running surface, it will affect the structural integrity of the surface and contribute to ongoing maintenance issues.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic - Safety and of transport networks are maintained and improved.

Policy Implications

Nil

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Ensure that all safety aspects associated with trenching works	Moderate (6)	Contractors to prepare Traffic Management Plan
Financial Impact	Nil	Nil	Nil
Service Interruption	Ensure that no road closures (other than single) occurs	Low (4)	Traffic Management Plan to address
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Shire Road Reserve	Moderate (9)	Integrity of road running surface not impacted
Environment	Verge Clearing	Moderate (6)	Contractors to meet all Clearing Permit Requirements

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 approves of Covalent Lithium constructing a pipeline, both underground and above ground, subject to vegetation conditions and granite outcrops, on Shire of Yilgarn Road Reserves (Granich Road, Stubbs Road, Parkers Range Road, Armanasco Road, Southern Cross South Road, Merenda North Road, King Ingram Road and Marvel Loch-Forrestania Road) for the supply of potable water to Covalent's Mt Holland Project subject to the following:-

- 1. That under no circumstances is the pipeline to be laid within the running surface of the road pavements (it is considered that the road pavement area is from gravel shoulder to gravel shoulder, this is to be identified prior to commencement of works);*
- 2. That Traffic Management Plans be presented to the Executive Manager Infrastructure for approval prior to any work commencing;*
- 3. During the construction period, whether night time or during daylight hours, open trenches, up to a maximum of two (2) kms, must be sufficiently delineated to alert motorists of the exposed trenches.*
- 4. During the construction period a suitable dust suppressant (not saltwater) must be applied to gravel carriageway adjacent to work areas*
- 5. Pipeline crossing on bitumen roads must be horizontally drilled, not open trenching*
- 6. Open trenching is allowed on gravel road intersection crossings only subject to the following:*
 - a) All works to be carried out during daylight hours*
 - b) No open trenching to be left overnight on carriageways, all trenching across carriageway (at intersections) must be backfilled compacted and left in a safe trafficable state*
 - c) Detour roads/tracks that are required while trenching across carriageways, must have a minimum five (5)meters trafficable width*
 - d) All such detours must have appropriate traffic management plans*
- 7. Following completion of ten (10) kilometres sections of pipelaying, backfilling and reinstatements of trenches, Covalent representative and Councils Executive Manager Infrastructure carry out an inspection of completed re-instatement works to identify any short fallings of re-instatement works, any identified areas that need rectifying must be completed immediately*

9.1 Officers Report – Chief Executive Officer

9.1.3 Local Roads & Community Infrastructure Program – Round 2

File Reference	1.6.26.33
Disclosure of Interest	CEO Member of Yilgarn Bowling Club EMI Member of Yilgarn Bowling Club
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To present to Council potential projects under the Australian Governments Round 2 of the Local Roads and Community Infrastructure (LRCI) Funding Program as part of the Government's COVID-19 stimulus package to local governments .

Background

On 30 October 2020 the Hon. Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development and the Hon. Mark Coulton, Minister for Regional Health, Regional Communications and Local Government forwarded the following email addressed to the Shire President:-

"We are writing to you following the 2020-21 Budget, where we have again demonstrated our commitment to partner with local governments as they play a critical role as part of the national recovery from the COVID-19 pandemic, delivering local jobs, through local projects.

As the closest tier of government to the people it serves, local governments remain an essential support for communities across Australia, helping them through this downturn and planning for the recovery.

Under the initial funding available through the LRCI Program, local government areas such as yours have identified more than 2,200 projects, providing opportunities and support for local jobs, firms and procurement in all areas of the nation. The LRCI Program Extension will continue to assist local governments to deliver local road and community infrastructure projects, as well as create local job opportunities particularly where employment in other sectors have been negatively impacted.

We encourage you to identify projects to maximise the opportunity for a range of workers to be retained, redeployed and employed to deliver ready to roll-out projects that provide economic stimulus and benefits to communities.

Under the LRCI Program Extension, Shire of Yilgarn will receive an additional funding allocation of \$659,586. This funding will be available from 1 January 2021, with the Program being extended until the end of 2021.

Program Guidelines and Grant Agreements are currently being drafted and will be provided in the coming weeks. In the meantime, we encourage you to consider projects you may wish to nominate for funding under the Program Extension.

We look forward to continuing to work with you to deliver priority local road and community infrastructure projects”.

Comment

Councillors were advised of the additional funding at the November 2020 Briefing Session and a list of projects, including those that did not prioritise highly enough in the first round of funding, were presented for consideration.

The following Projects are those that were listed at the Briefing Session, excluding Projects already approved under Round 1.

Project	Amount
Footpath – Spica Street (Centaur to Phoenix Streets)	\$60,000
Electric Vehicle Charger	
All Ability Playground	
New Lighting Tower – Recreation Ground	\$50,000
New Synthetic Bowling Green Surface (\$250,000 Project with \$30,000 contribution from Bowling Club)	\$220,000
Interactive Information Signage	\$80,000
Tourism Townsite Entrance Signage	\$89,586
Mobile Phone Tower	
Upgrade Sections Guerini/Panizza Road	
Nunn Road Culvert Upgrade	
Newland and Garbin Road Upgrade	
Sandalwood Road Upgrade	
Audio/Visual System Recreation Complex	\$30,000
Yilgarn Recreation Complex - Generator	\$20,000
Outdoor Netball Courts Upgrade	
Constellation Park – Perimeter Fencing	\$30,000
Constellation Park – Additional Rotunda/Shade Shelter/Seating	\$60,000
Caravan Park - Generator	\$20,000
Lake Polaris Beautification	
	\$659,586
	\$659,586
	\$0

It should be noted that the funding does not have to be expended on the above projects until 31 December 2021.

Policy Implications

Nil

Statutory Environment

Australian Government Guidelines in respect to COVID-19 Local Roads and Community Infrastructure Program.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership – Maintain a high level of corporate governance, responsibility and accountability.

Financial Implications

Nil impact upon Council's Budget as projects fully funded by the Australian Government under the LRCI Program.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Projects benefit residents of the district	Moderate (6)	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Australian Government's LRCI Funding Program	Low (4)	Requirement to provide Progress Reports to Funding Provider
Reputational	Nil	Nil	Nil
Property	Shire community Infrastructure upgrades	Moderate (8)	Insurance Premiums associated with upgrades
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		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 submits the following projects to the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications for approval under the Local Roads and Community Infrastructure Round 2 Program:-

1. Footpath – Spica Street (Centaur to Phoenix Streets)	\$ 60,000
2. New Lighting Tower – Recreation Ground	\$ 65,000
3. New Synthetic Bowling Green (\$250,000 Project with \$30,000 Contribution from Yilgarn Bowling Club)	\$220,000
4. Interactive Information Signage	\$ 80,000
5. Tourism Townsite Entrance Signage	\$ 74,586
6. Audio/Visual System Recreation Complex	\$ 30,000
7. Yilgarn Recreation Complex – Generator Evacuation Centre	\$ 20,000
8. Constellation Park Perimeter Fencing	\$ 30,000
9. Constellation Park – Additional Rotunda/Shade Shelter/Seating	\$ 60,000
10. Caravan Park – Generator	\$ 20,000
TOTAL	\$659,586

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 30 November 2020.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

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 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 30 November 2020

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40967 to 40977 totalling \$5714.94 Municipal Fund- EFT Numbers 10718 to 10835 totalling \$352,147.02 Municipal Fund – Cheque Numbers 1672 to 1679 totalling \$190,812.15, Municipal Fund Direct Debit Numbers 15217.1 to 15217.12 totalling \$19,934.99, Trust Fund – Cheque Numbers 6260 to 6262 (DPI Licensing), totalling \$27,039.15, Trust Fund - Cheque Numbers 402546 to 402550, totalling \$153,647.31 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

Strategic Implications

Nil

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation

Municipal Fund – Cheque Numbers 40966 to 40977 totalling \$5714.94 Municipal Fund-EFT Numbers 10718 to 10835 totalling \$352,147.02 Municipal Fund – Cheque Numbers 1672 to 1679 totalling \$190,812.15, Municipal Fund Direct Debit Numbers 15217.1 to 15217.12 totalling \$19,934.99, Trust Fund – Cheque Numbers 6260 to 6262 (DPI Licensing), totalling \$27,039.15, Trust Fund - Cheque Numbers 402546 to 402550, totalling \$153,647.31 are presented for endorsement as per the submitted list.

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 Council Support for Officer Training

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

Purpose of Report

Council is requested to consider the financial support for the further education of Council's Administrative Services Officer (ASO).

Background

Council's ASO has expressed an interest in undertaking a Diploma of Community Development course offered by the North Metropolitan TAFE. This course commences in early 2021 and has a duration of 12 months if studied part time. Dependent upon prior learning / experience the cost of the course is expected to be within the range of \$3,500 to \$5,000.

Comment

Mrs Jodie Karra, Council's ASO, is currently required to undertake much of the Community Development functions of Council, this includes annual projects such as Australia Day and ANZAC Day events and seniors' luncheons as well as ad-hoc events offered by Country Arts WA and other promoters.

While Community Development is not Mrs Karra's primary duty, it forms a significant part of her employment. With this in mind, Mrs Karra has expressed a desire to enhance her skills by undertaking formal training that is relevant to her position within Council.

It will be proposed that Council offer to pay 50% of the cost of the Diploma of Community Development with Mrs Karra either directly financing the remainder or by entering into a suitable salary sacrifice agreement. It will also be proposed that if Mrs Karra withdraws from the diploma course prior to completion, then the full cost will be recovered.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Councils 2020/2021 budget has an inclusion of \$35,000 for Training and Conferences for Administration staff of which \$12,670 has been utilised.

Officer Recommendation

That Council

- 1. agrees to the payment of course fees associated with a Diploma of Community Development offered by the North Metropolitan TAFE, to be undertaken by Councils Administrative Services Officer;*
- 2. offer the Administrative Services Officer a suitable salary sacrifice agreement for the value of 50% of the above-mentioned course fees; and*
- 3. recover the full cost of the above course fees should the Administrative Services Officer not complete the qualification.*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2019/2020 Audit and Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – 2019/2020 Annual Report including the Annual Financial Report incorporating the Independent Auditor's Report.

Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor's Report for the year ending 2019/2020.

Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

Comment

The Annual Report for the financial year ending 30 June 2020 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, 14 days local public notice of this meeting is to be given.

Statutory Environment

Local Government Act 1995 –

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and

[(c), (d) deleted]

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

[Section 5.55A inserted by No. 5 of 2017 s. 8.]

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

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

Committee Recommendation

That Council:

- 1. accept the Annual Report for 2019/2020 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2020; and*
- 2. conducts the 2019/20 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on Tuesday 9th February 2021 commencing at 6.00 pm.*

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Covalent Lithium – Referral of a Works Approval – Earl Grey Lithium Project

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence from Department of Water and Environmental Regulation

Purpose of Report

To consider a response to the Department of Water and Environmental Regulation, regarding a works approval for the Covalent Lithium Earl Grey Lithium Project.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission by Covalent Lithium Pty Ltd, for a works approval under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) for the Earl Grey Lithium Project, on mining tenements M77/1066 and G77/129. The application is in relation to the construction of a processing plant under Category 5 – Processing or beneficiation of metallic or non-metallic ore.

Comment

The following documents are attached for Councillors perusal:

- W6460 – Invitation to Comments;
- W6460 – WA Application Form; &
- W6460 Supporting Documentation.

Key points from the submission are as follows:

- Proposed construction period : Q1 2021 to December 2021;
- Proposed Environmental Commissioning Period: August 2022 to May 2023;
- Design Capacity: 2 Mtpa of ROM;
- The concentrator requires a total disturbance footprint of 96.30 ha, most of which is located on previously cleared/disturbed land. There will be a requirement for clearing of ruderal regrowth.
- Possible discharges or emissions include:
 - o Gaseous and particulate emissions;
 - o Wastewater discharges;
 - o Noise;
 - o Contaminated or potentially contaminated stormwater;
 - o Dust;
 - o Waste and leachate;
 - o Electromagnetic radiation.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

Council endorse the following response to the Department of Water and Environmental Regulation:

In regards to the application from Covalent Lithium Pty Ltd for a works approval under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) for the Earl Grey Lithium Project, on mining tenements M77/1066 and G77/129 for the construction of a processing plant under Category 5 – Processing or beneficiation of metallic or non-metallic ore; the Shire of Yilgarn have no objections to the proposal.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Miscellaneous Mining Licence 77/320 – Request for Comment

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Aerial Map - Tenure Map

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage – Lands Division, regarding a Miscellaneous Mining Licence 77/320 at Moorine Rock for Ardea Exploration Pty Ltd.

Background

The Shire has received email correspondence from the Department of Planning, Lands and Heritage – Lands Division, which states:

The Department of Planning, Lands and Heritage – Lands Division (DPLH) is considering a request from the Department of Mines, Industry Regulation and Safety (DMIRS) to approve Miscellaneous Mining Licence 77/320 to Ardea Exploration Pty Ltd. The licence area is shown on the attached Aerial and Tenure maps and is over the following crown land parcels:

- *Unallocated Crown Land (UCL) Polygon Number 969297*
- *Reserve 20911 (Shire of Yilgarn managed reserve for "Sanitary and Rubbish Disposal Site").*
- *Reserve 2893 (Water Corporation managed reserve for "Water Catchment & Conservation of Flora and Fauna").*
- *Great Eastern Highway*

Could Shire please provide any comments it may have in regards to this proposal over the above UCL Land parcel?

It should be noted that Lands' approval to DMIRS will be subject to them liaising with the responsible agencies the remaining land parcels being Reserve 20911 (the Shire), Reserve 2893 (Water Corporation) and Great Eastern Highway (Main Roads).

Comment

Whilst the correspondence did not advise what the miscellaneous mining licence would be utilised for, based on the Aerial Map and current discussions with Covalent Lithium, it is for the proposed water pipeline to the Covalent Lithium Earl Grey site.

It should be noted, DPLH's approval, if granted, will be conditional on DMIRS liaising with relevant landowners, of which the Shire is one, prior to the licence being issued.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

Council endorse the following response to the Department of Planning, Lands and Heritage – Lands Division:

The Shire of Yilgarn have no objection to the proposed Miscellaneous Mining Licence 77/320 at Moorine Rock for Ardea Exploration Pty Ltd.



Legend

- Townsites
- Cadastral (View 1)
- Water Mains
 - Existing
- Roads
 - National Highway
 - Minor

Notes:

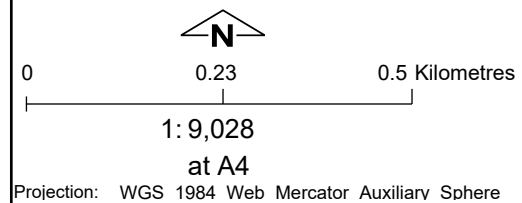
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

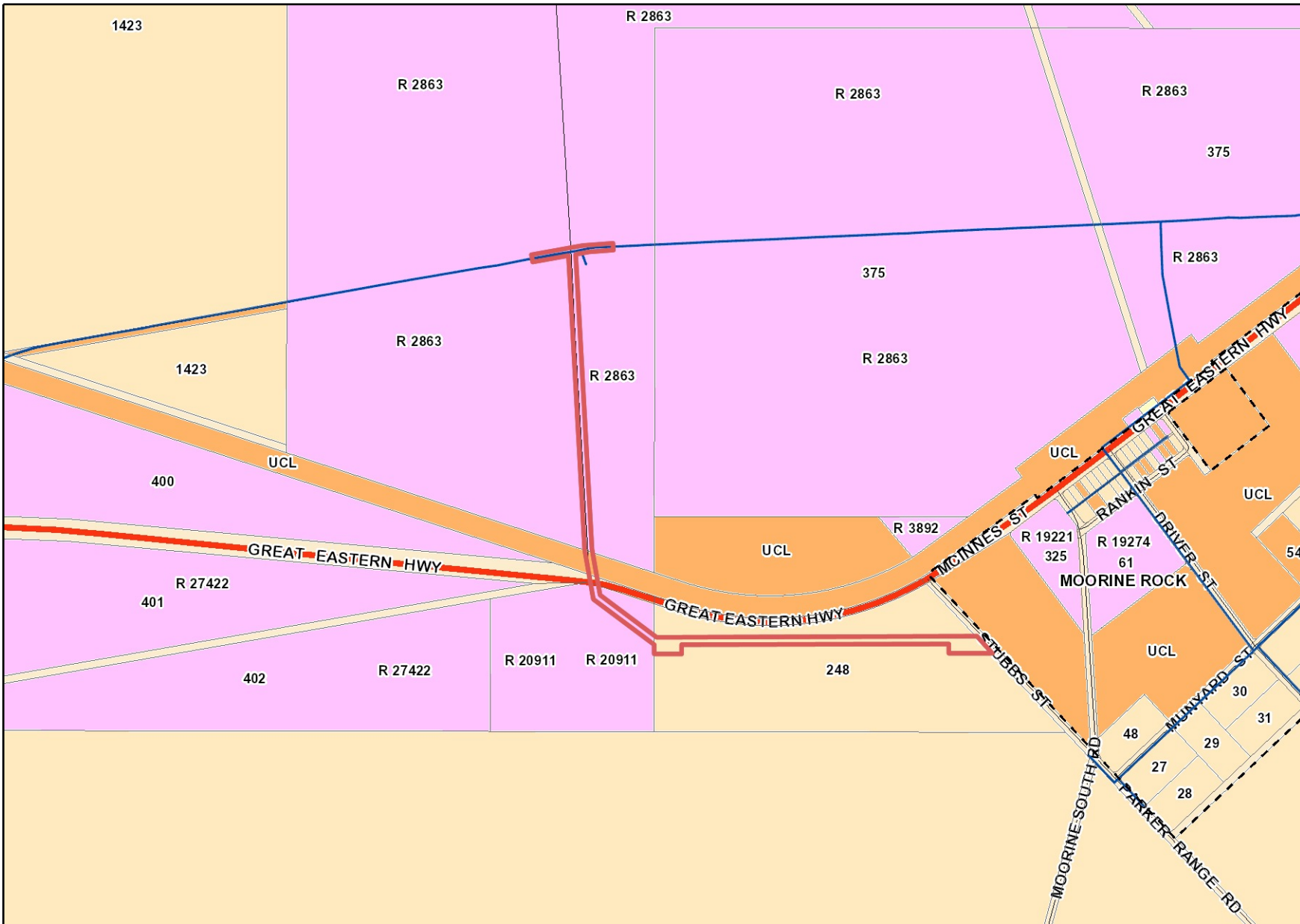
Miscellaneous Licence 77/320

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 06-Oct-2020
29



Legend

Townsites

Cadastral (View 1)

Water Mains

Existing

Roads

National Highway

Minor

Land Tenure Small Scale 256K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Unallocated Crown Land

Reserve

Land Tenure Small Scale 64K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Land Tenure Small Scale 16K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Land Tenure Small Scale 4K

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

Miscellaneous Licence 77/320

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



1: 18,056

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Date produced: 06-Oct-2020

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Development Application – 13 Taurus Street, Southern Cross – Shed Extension

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider a Development Application seeking a reduced setback and increased floor area for a residential shed at 13 Taurus Street, Southern Cross.

Background

The Shire is in receipt of a Development Application, which seeks approval to install a 7.5 by 3.7 metre extension to the existing shed at the rear of 13 Taurus Street, Southern Cross. The proposed extension is to be built up to the rear boundary line

The existing shed is a 9 by 7.5 metre build, with a 3 metre pitch, the extension will be installed to suit the existing profile, height and width of the existing shed. The total floor area of the shed and extension will be 95.25m².

The property is zoned “residential” under the Shire of Yilgarn Town Planning Scheme 2 (TPS2), with the zoning described as:

The Residential Zone is to be used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

Clause 4.2 of the TPS2 states:

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table 2 - Development Table, or in the Residential Planning Codes for residential development.

Clause 6.1.3 of the TPS2 states:

Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:

- a) the variation requested is one which the Council has the power to approve; and*
- b) approval of that variation would not compromise the objectives of the R-Codes.*

The subject property is zoned R10, with the Residential Design Codes (R-Codes) design principles for outbuildings on properties zoned R40 or less, written as follows:

Outbuildings must not detract from the streetscape or the visual amenity of residents or neighbouring properties, and is deemed to comply whereby the outbuildings:

- i. are not attached to a dwelling;*
- ii. are non-habitable;*
- iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
- iv. do not exceed a wall height of 2.4m;*
- v. do not exceed ridge height of 4.2m;*
- vi. are not within the primary or secondary street setback area;*
- vii. do not reduce the amount of open space required in Table 1; and*
- viii. are set back in accordance with Tables 2a and 2b.*

Table 2A and 2B require a boundary setback of 1 metre, for a 3 metre high wall with no major openings that is less than 9 metres in length.

Comment

The applicants wish to reduce the setback, such that the shed form part of the boundary fence. As per the above, Council have discretion to approve the variation, on the provision it does not compromise the objectives of the R-Codes.

In assessing the proposal (layout below), the proposed addition:

- i. will not be attached to the existing dwelling;
- ii. is not habitable;
- iii. Council Policy 4.6 permits a maximum outbuilding size of 90m², an increase to the maximum floor area of 5.25m² is sought. This increase is deemed as insignificant, with only a 6% increase required from the existing maximum;
- iv. Council Policy 4.6 permits a maximum wall height of 3m, of which the proposed is 3m;
- v. Council Policy 4.6 permits a maximum ridge height of 3.6m, of which the proposed is 3.6m;
- vi. Location is not within a primary or secondary street setback;
- vii. Does not reduce the amount of open space by less than 60%; and
- viii. Whilst the setback is less than that required under Table 1 of the R-Codes, the affected boundary adjoins the right-of-way and does not affect any adjoining neighbours.

There is already a precedence of premises utilising outbuildings as the boundary along this right-of-way, being 58 and 60 Altair Street.



Council has the discretion to approve the reduced boundary setback, allowing the shed addition to form the rear boundary along the right of way, and an increase in the maximum floor area to 95.25m².

It is the reporting officers' opinion that approving the proposal will not unduly affect the design principles of the R-Codes, nor will it unduly affect and adjoining neighbours.

Statutory Environment

Planning and Development Act 2005

Strategic Implications

Nil

Policy Implications

Council Policy Manual – 4.6 Outbuildings in Residential and Townsite Zoned Areas

Financial Implications

Planning and building application fee revenue

Officer Recommendation

Council endorse the proposed shed extension at 13 Taurus Street, Southern Cross, allowing a 3.7 by 7.5 metre extension to the existing shed, which will maintain the same profile as the existing shed.

In approving of the proposal, Council endorse the following variations to the Residential Design Codes:

- *Required boundary setback of 1 metre to be reduced to a nil setback, allowing the shed wall to form the boundary; and*
- *Increase the maximum shed size of 90m², to allow a floor area of 95.25m².*

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Disposal of Lots 5 & 6, 50 Antares Street, Southern Cross

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Valuations

Purpose of Report

To consider the disposal of Lots 5 & 6, 50 Antares Street, Southern Cross to the Central East Aged Care Alliance (CEACA).

Background

Since the inception of CEACA, and following its success in obtaining Government funding to construct the 71 Independent Living Units in the 11 CEACA Member Local Governments, it has always been under the premise that participating Shires would relinquish control of the land and buildings and transfer the ownership of the Units to CEACA.

The Shire of Yilgarn have been progressing through the process of obtaining a survey strata subdivision of the existing lot to enable the transfer of Lot 5 and 6 to CEACA. The subdivision is now in the final stages, with the next step to transfer the lots into CEACA's ownership.

Whilst there has always been a premise that the land would be transferred to CEACA for nil payment, the Shire of Yilgarn still as a responsibility under Section 3.58 of the Local Government Act 1995 to advertise of the disposal.

As required by Section 3.58 Subclause 4 of the Act, a valuation was obtained from Opteon Property Group Pty Ltd for the land only, as CEACA already maintain ownership of the buildings as these were funded by CEACA. The individual lots were valued at \$5,000 each. A copy of the valuations are included as attachments.

The proposed disposal was advertised in the Kalgoorlie Miner on the 5th December 2020, and has been placed on the Shire of Yilgarn website and notice board.

Comment

A minimum public notice period of 14 days is required under the Act, however upon receiving the valuation there was insufficient time between the earliest advertising date and the December meeting of Council to achieve the minimum notice period.

In the interest of avoiding delays in the disposal process, it is proposed that upon the closing date for public submissions, being the 20th December 2020, should no contentious or substantiated objections be received, Council agree to proceed with the disposal.

In the event a contentious or substantiated objection is received (determined by the Executive Staff), the matter will be returned to Council for a determination at the February 2021 meeting of Council.

It should be noted that CEACA funded the construction of the two dwellings currently on Lot 5 & 6 Antares Street, on the provision that the land would be transferred into CEACA's name.

Should Council agree to the above, and no contentious or substantiated comments are received by the 21st December 2020, then the disposal of land to CEACA will commence via land transfer. The Shire of Yilgarn will be responsible for payment of both sale and purchase fees to the settlement agency.

Statutory Environment

Section 3.58 of the Local Government Act 1995 (the Act):

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

i. *describing the property concerned; and*

ii. *giving details of the proposed disposition; and*

iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

- i. *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - ii. *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Strategic Implications

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

OUTCOME: High Quality and well maintained Ages Care facilities.

STRATEGY: Support the Central East Aged Care Alliance (CEACA) Independent Living Unit's precinct in Southern Cross.

Policy Implications

Nil

Financial Implications

Valuation Costs:	\$1,210
Sale of land settlement costs:	\$875.06
Purchase of land settlement costs:	\$1405.53

Officer Recommendation

Council endorses the disposal of Lots 5 and 6, 50 Antares Street, Southern Cross to the Central East Aged Care Alliance for Nil payment, on the provision that no contentious or substantiated objections are received during the public notice period for the disposal.

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE