



"good country for hardy people"

Minutes

Ordinary Meeting of Council

18 February

2021

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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: | Nil | |
| Observers: | Mrs. Kay Crafter | |
| Leave of Absence: | Nil | |

4. DECLARATION OF INTEREST

Cr Wayne Della Bosca declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007 in agenda item 9.1.3 - Local Roads and Community Infrastructure Program-Round 2 due to being a member of the Yilgarn Bowling Club.

Peter Clarke declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in agenda item 9.1.3- Local Roads and Community Infrastructure Program-Round 2 due to being a member of the Yilgarn Bowling Club.

Robert Bosenberg declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007 in agenda item 9.1.3 - Local Roads and Community Infrastructure Program-Round 2 due to being a member of the Yilgarn Bowling Club.

Cr Cobden declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 in agenda item 12.1- Development Application – 105 Altair Street, Southern Cross – Carport, due to being the applicant.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1 PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 18 December 2020

1/2021

Moved Cr Nolan/Seconded Cr Shaw

That the minutes from the Ordinary Council Meeting held on 18 December 2020 be confirmed as a true record of proceedings

CARRIED (7/0)

6.2 Audit Committee Meeting, Thursday 17 December 2020

2/2021

Moved Cr Shaw/Seconded Cr Close

That the minutes from the Audit Committee meeting held on 17 December 2020 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.3 Annual Meeting of Electors, Tuesday 9 February 2021

3/2021

Carried Cr Cobden/Seconded Cr Nolan

That the minutes from the Annual Electors meeting held on 9 February 2021 be confirmed as a true record of proceedings

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Della Bosca announced the following:

- Attended the Annual Electors Meeting on 9 February 2021
- Met with the CEO on a number of occasions over the course of January 2021.

Cr Close announced the following:

- Attended the Annual Electors Meeting on 9 February 2021

Cr Shaw announced the following:

- Attended the District Health Advisory Council meeting on 17 February 2021

Cr Cobden announced the following:

- Attended the Annual Electors Meeting on the 9 February 2021
- Attended a meeting with Market Creations in relation to the Shire of Yilgarn Tourism Marketing Strategy on 10 February 2021

Cr Nolan announce the following:

- Attended the Annual Electors Meeting on 9 February 2021

Cr Rose announced the following:

- Attended the Annual Electors Meeting on 9 February 2021

Cr Guerini announced the following:

- Attended the Annual Electors Meeting on 9 February 2021

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Review of Delegations Register

| | |
|-------------------------------|---|
| File Reference | 2.3.3.6 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments - | Draft Review of Delegations Register |

Purpose of Report

To present to Council the annual review of the existing delegations to the Chief Executive Officer that is contained within the Shire of Yilgarn's Delegation Register.

Background

To assist in the effective administration of the Shire, Council has granted various delegations to the Chief Executive Officer. Delegations made under the *Local Government Act 1995* can only be made to the Chief Executive Officer or Council Committees. Where appropriate, the Chief Executive Officer can on-delegate to other Officers.

Delegations under other legislation are made directly to the officer concerned.

Council last reviewed the delegations register in February 2020.

Comment

The Chief Executive Officer has reviewed the current Delegations Register and the following changes/deletions to existing delegations are proposed:-

Delegation CVAN01 *Caravan Park and Camping Grounds Act* Authorised Persons
Delegation to be removed as there is no power to delegate under the *Caravan Park and Camping Grounds Act*

Delegation COVE01 *Control of Vehicles (Off-Road Areas) Act* Authorised Officer
Delegation to be removed as there is no power to delegate under the *Control of Vehicles (Off-Road Areas) Act*

Delegation FOOD01 *Food Act 2008* Appointment of Designated Officers and Authorised Officers
Remove name of Officer as delegation should be a position only

Delegation HEALTH01 *Public Health Act 2016*
Remove name of Officer as delegation should be a position only

Delegation LITTER01 *Litter Act 1979*

Delegation to be removed as there is no power to delegate under the Litter Act

It should be noted that the process for **Appointing Authorised Persons** under a range of legislation has been harmonised through an amendment to section 9.10 of the *Local Government Act 1995*, which now means the CEO is the prescribed decision maker to make the appointments, therefore, this has been recognised in a number of delegations within the reviewed Delegations Register.

Statutory Environment

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

9.10. Appointment of authorised persons

- (1) In this section —

law means any of the following —

 - (a) this Act;
 - (b) the *Caravan Parks and Camping Grounds Act 1995*;
 - (c) the *Cat Act 2011*;
 - (d) the *Cemeteries Act 1986*;
 - (e) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (f) the *Dog Act 1976*;
 - (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);
 - (h) a written law prescribed for the purposes of this section;

specified means specified in the instrument of appointment.

- (2) The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.
- (3) An appointment under subsection (2) is subject to any specified conditions or limitations.
- (4) The CEO must give to each person appointed under subsection (2) an identity card that —
 - (a) on the front of the card, sets out —
 - (i) the name and official insignia of the local government; and
 - (ii) the name of the person; and
 - (iii) a recent photograph of the person;and
 - (b) on the back of the card, specifies each law to which the person's appointment relates.
- (5) A person appointed under subsection (2) (the ***authorised person***) must —
 - (a) carry their identity card at all times when performing functions under a specified law; and
 - (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.
- (6) A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

[Section 9.10 inserted: No. 16 of 2019 s. 64.]

Strategic Implications

Nil

Policy Implications

Where a Policy exists for an activity/function that has been delegated, the Chief Executive Officer is to adhere to that Policy.

Financial Implications

Nil.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|--|
| Health/People | To ensure that Council Officers are aware of their obligations relating to delegations | Moderate (9) | An up-to-date Delegations Register approved by Council and disseminated to appropriate staff |
| Financial Impact | Allows Officers to be aware of their delegation responsibilities | Moderate (9) | Approved delegations ensure minimal impact |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Compliance with Section 5.42 of the <i>Local Government Act</i> | Moderate (6) | Annual review of Register |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officers Recommendation and Council Resolution

4/2021

Moved Cr Close/Seconded Cr Nolan

That the reviewed 2021 Shire of Yilgarn Delegations Register as presented to Council with the alterations recommended be adopted.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 2020 Annual Compliance Audit Return

| | |
|-------------------------------|--|
| File Reference | 1.6.6.4 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments - | 2020 Annual Compliance Audit Return |

Purpose of Report

To present to Council the 2020 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

Background

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

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

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

Comment

The 2020 CAR was presented to the Audit Committee at its meeting held on 18 February 2021 prior to the Council meeting for consideration.

The 2020 CAR contains 102 questions of which:-

- 79 were complied with
- 23 were not applicable to the Shire of Yilgarn during the year under review

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

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

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil.

Risk Implications

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

Committee Recommendation and Council Decision

5/2021

Moved Cr Cobden/Seconded Cr Nolan

That Council adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2020 to 31 December 2020 noting compliance in all areas assessed. In accepting the CAR, Council authorises the Shire President and CEO to sign and submit the CAR to the Department of Local Government, Sport and Cultural Industries as required.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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

Council at the December 2020 Ordinary meeting were advised that 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

At the December 2020 Council meeting the CEO submitted a list of potential projects (see updated table below) for Council consideration. The CEO did advise Council that Work Schedules relating to specific projects under the Local Roads and Community Infrastructure Program Additional Funding Allocation did not have to be submitted until June 2021, and therefore, it was considered appropriate for Council to defer a decision/commitment to projects at this time to allow for further investigation by Council staff regarding more accurate costings associated with the projects and to consider other potential projects that were listed within the table presented.

In light of the above information, Council resolved the following:-

187/2020

Moved Cr Close Seconded Cr Shaw

That the agenda item be re-presented at the February 2021 Council meeting in order for the presented projects to be considered further.

CARRIED (7/0)

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 – Subject to Power Upgrade of Emu Park | |
| All Ability Playground – Not considered necessary | |
| New Lighting Tower – Recreation Ground | \$65,000 |
| New Synthetic Bowling Green Surface | \$160,000 |
| Interactive Information Signage – Subject to outcomes of Tourism Marketing Strategy and power upgrade of Emu Park | |
| Tourism Townsite Entrance Signage - Subject to outcomes of Tourism Marketing Strategy | |
| Mobile Phone Tower – Telstra already committed other Towers in relation to Round 5A Mobile Blackspot Program | |
| Upgrade Sections Guerini/Panizza Road – Can be addressed through Council’s own future maintenance program | |

| | |
|---|------------------|
| Nunn Road Culvert Upgrade - Can be addressed through Council's own future maintenance program | |
| Newland and Garbin Road Upgrade - Can be addressed through Council's own future maintenance program | |
| Sandalwood Road Upgrade - Can be addressed through Council's own future maintenance program | |
| Audio/Visual System Recreation Complex | \$30,000 |
| Yilgarn Recreation Complex - Generator | \$20,000 |
| Yilgarn Recreation Complex – Installation of Reverse Cycle Air-conditioning | \$45,000 |
| Outdoor Basketball/Netball Courts Upgrade – 2 Courts Only with new backboards/goals and fencing | \$149,586 |
| Constellation Park – Perimeter Fencing | \$30,000 |
| Constellation Park – Additional Rotunda/Shade Shelter/Seating | \$60,000 |
| Caravan Park - Generator | \$40,000 |
| Lake Polaris Beautification - Subject to outcomes of Tourism Marketing Strategy | |
| | |
| Total Project Spend | \$659,586 |
| | |
| Funding Available | \$659,586 |
| | |
| | |

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 . 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 | Additional Funding received from Australian Government under COVID-19 stimulus package | Low (3) | Ensure that Projects submitted meet the necessary guidelines |
| 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 and Council Decision

6/2021

Moved Cr Guerini/Seconded Cr Close

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:-

| | |
|--|-------------------------|
| <i>1. Footpath – Spica Street (Centaur to Phoenix Streets)</i> | <i>\$ 60,000</i> |
| <i>2. New Lighting Tower – Recreation Ground</i> | <i>\$ 65,000</i> |
| <i>3. New Synthetic Bowling Green Surface</i> | <i>\$160,000</i> |
| <i>4. Audio/Visual System Recreation Complex</i> | <i>\$ 30,000</i> |
| <i>5. Yilgarn Recreation Complex – Generator Evacuation Centre</i> | <i>\$ 20,000</i> |
| <i>6. Constellation Park Perimeter Fencing</i> | <i>\$ 30,000</i> |
| <i>7. Constellation Park – Additional Rotunda/Shade Shelter/Seating</i> | <i>\$ 60,000</i> |
| <i>8. Caravan Park – Generator</i> | <i>\$ 40,000</i> |
| <i>9. Outdoor Netball/Basketball Courts Upgrade</i> | <i>\$149,586</i> |
| <i>10. Yilgarn Recreation Complex – Installation Reverse Cycle A/C</i> | <i>\$ 45,000</i> |
| <i>TOTAL</i> | <i>\$659,586</i> |

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Reporting Officer – Chief Executive Officer

9.1.4 Local Government Ordinary Elections 2021

| | |
|-------------------------------|--------------------------|
| File Reference | 2.2.1.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Absolute Majority |
| Attachments | Nil |

Purpose of Report

Council to consider declaring the WA Electoral Commissioner to be responsible for the conduct of the 2021 Shire of Yilgarn Local Government Elections to be held on Saturday, 16 October 2021.

Background

Mr Robert Kennedy, WA Electoral Commissioner, has written to Council to advise that the next Local Government Elections are being held on 16 October 2021 and while this still some distance in the future, the Commissioner has provided an estimate of costs for the Election for consideration in the 2021/2022 budget preparations.

The Commissioner advises that the estimated cost for the Election if conducted as a Postal Ballot is \$13,000 incl., GST which has been based on the following assumptions:-

- 700 Electors
- Response rate of approximately 50%
- 3 Vacancies
- Count to be conducted at the offices of the Shire of Yilgarn
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

The Commissioner also advises that an additional amount of \$140 will be incurred if Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

The Commissioner indicates that costs not incorporated in this estimate include:-

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day;
- Any additional postage rate increase by Australia Post.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The Commissioner further advises that the Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and Council should note that this is an estimate only and may vary depending upon a range of factors

including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election Council will be advised as early as possible.

The Commissioner advises that the current procedure required by the *Act* is that his written agreement has to be obtained before the vote by Council is taken. To facilitate this process, the Commissioner indicates that Council can take this letter as his agreement to be responsible for the conduct of the ordinary elections in 2021 for the Shire of Yilgarn in accordance with Section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioner advises that his agreement is subject to the proviso that the Shire of Yilgarn also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

Comment

The conduct of Postal Elections previously in the Shire of Yilgarn has been proven to increase voter participation. This was evidenced in the 2019 Council Elections when a 58.7% turnout was achieved.

Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
 - (a) an election; or
 - (b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

- (3) An appointment under subsection (2) —
 - (a) is to specify the term of the person's appointment; and
 - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

As indicated in the Commissioner's correspondence, costs to conduct the election by Postal Vote is estimated to be \$13,000.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|--|
| Health/People | To ensure that the Election process is kept at arms-length from staff | Low (4) | Engage WA Electoral Commission to manage Postal Vote process |
| Financial Impact | Costs associated with engagement of WAEC | High (12) | Budget accordingly |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Section 4.20 of <i>Local Government Act 1995</i> | Moderate (6) | Meeting statutory requirement of Act in appointing WAEC |
| Reputational | | | |
| Property | Nil | Nil | Nil |
| 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 and Council Decision

7/2021

Moved Cr Shaw/Seconded Cr Rose

That Council

- 1. Declare that in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may be required; and***
- 2. Determines in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a Postal Election.***

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.5 Use of Common Seal – Subdivision Documentation for 50 Antares Street

| | |
|-------------------------------|------------------------|
| File Reference | 1.1.12.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To submit to Council for endorsement, the Use of the Common Seal of the Shire of Yilgarn.

Background

For some time now, Council staff have been processing subdivision (survey strata plan) documentation for the land located at 50 Antares Street in order that the lots are individualised to necessitate the transfer of two (2) of the lots to the Central East Accommodation and Care Alliance Inc. (CEACA). The subdivision would also allow the private sale of the remaining lots should there be demand for them.

Council at its December 2020 meeting resolved the following in respect to its obligations under Section 3.58 of the *Local Government Act 1995* in relation to disposition of property:-

194/2020

Moved Cr Guerini/Seconded Cr Shaw

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.

CARRIED (7/0)

No objections or comments were received in relation to the above at the advertising expiry date.

Comment

Delegation LGA13 relating to the "Executing and Affixing of the Common Seal to Documents" allows the Shire President and the CEO with the power to affix the Common Seal of the Shire of Yilgarn to a variety of documents but subject to Council being notified via a report at a subsequent Council meeting.

To progress the subdivision documentation and transfer of land, staff engaged the services of BKS Conveyancing who supplied the appropriate documentation for signing and affixing the Shire of Yilgarn Common Seal by the Shire President and CEO on Monday, 4 January 2021.

Statutory Environment

Shire of Yilgarn Delegation Register LGA13 relating to the "Executing and Affixing of the Common Seal to Documents".

Local Government Act 1995 – Section 3.58 relating to Disposition of Property.

Strategic Implications

Nil

Policy Implications

Council Policy 1.4 relating to "Use of Council's Common Seal

Financial Implications

BKS Conveyancing fees \$1,658.44

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|--|
| Health/People | To ensure housing is available for elderly | Low (1) | Two individual Units available for rental |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Section 3.58 of <i>LGA</i> relating to Disposition of Property | Low (2) | Meet necessary requirement of the <i>Act</i> |
| Reputational | Nil | Nil | Nil |
| Property | Disposal of Council owned land | Moderate (6) | As per Agreement in transferring land to CEACA |
| 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) |

Officers Recommendation and Council Decision

8/2021

Moved Cr Cobden/Seconded Cr Nolan

That Council endorses the actions of the Shire President and CEO in signing and affixing the Shire of Yilgarn's Common Seal on subdivision documents relating to 50 Antares Street, Southern Cross to accommodate the transfer of Lots 5 and 6 to the Central East Accommodation and Care Alliance Inc. (CEACA).

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.6 Extension of Terms – CEO Contract of Employment and Proposed Recruitment Process

| | |
|-------------------------------|--|
| File Reference | 1.1.1.1 & 1.1.11.2 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Guidelines for Local Government CEO Recruitment |

Purpose of Report

To inform Council of the processes of Clause 2.2 of the CEO's Contract of Employment relating to Extension of Terms beyond the current Contract expiry date.

Background

Clause 2.2 of the CEO's Contract of Employment relates to Extension of Terms and particularly 2.2(c), which refers to the CEO notifying the Council in writing whether or not he wishes to seek a renewal of the Contract and, if so, for what term.

Clause 2.2(d) then indicates that if an extension is sought, within 2 months of receiving this notification, Council must write to the CEO to advise either its intention to advertise the position or offer a renewal of the Contract.

Comment

To satisfy the requirements of the Clause 2.2(c), the CEO wishes to advise Council that it is not his intention to seek an extension of terms and therefore, advises that his Contract is due to terminate on 21 August 2021.

Based on the decision by the CEO, it is considered that Council should start planning now for his replacement. The following timeline is submitted for Council consideration:-

1. **February/March 2021** - Seek quotations from suitably qualified Recruitment Consultants to assist Council with the recruitment process.
2. **March 2021** – Council at its March 2021 Ordinary meeting to appoint preferred Recruitment Consultant, appoint the Selection Panel and adopts the Model Standards for Recruitment of CEO's in accordance with Section 5.39A(1) of the Local Government Act .
3. **March/April 2021** – Commence advertising process and interview in mid to late April; and
4. **May 2021** – Interview and appoint preferred candidate. Dependent upon preferred candidate's current employment status and requirement for notice from existing employee, this should allow adequate time for handover.

Statutory Environment

Local Government (Administration) Regulations 1996

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8; amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594; SL 2021/14 r. 4.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

[18C, 18D. Deleted: SL 2021/14 r. 5.]

18E. False information in application for CEO position, offence

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: a fine of \$5 000.

[Regulation 18E inserted: Gazette 31 Mar 2005 p. 1038-9; amended: Gazette 19 Aug 2005 p. 3872; 4 Mar 2016 p. 650.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted: Gazette 31 Mar 2005 p. 1039.]

18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

[Regulation 18FA inserted: SL 2021/14 r. 6.]

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

- (1) In this regulation —

adopted standards means —

- (a) the standards adopted by a local government under section 5.39B; or
- (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.

- (2) This regulation applies if —

- (a) a local government employs a person in the position of CEO of the local government; and
- (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FB inserted: SL 2021/14 r. 6.]

18FC. Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7))

- (1) In this regulation —
adopted standards has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution*, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of the employment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FC inserted: SL 2021/14 r. 6.]

Division 2 — Standards for recruitment of CEOs

[Heading inserted: SL 2021/14 r. 7.]

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

[Clause 3 inserted: SL 2021/14 r. 7.]

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

[Clause 4 inserted: SL 2021/14 r. 7.]

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

[Clause 5 inserted: SL 2021/14 r. 7.]

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

[Clause 6 inserted: SL 2021/14 r. 7.]

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

[Clause 7 inserted: SL 2021/14 r. 7.]

8. Establishment of selection panel for employment of CEO

- (1) In this clause —

independent person means a person other than any of the following —

 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

[Clause 8 inserted: SL 2021/14 r. 7.]

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

[Clause 9 inserted: SL 2021/14 r. 7.]

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

- (a) clause 5 does not apply to the new recruitment and selection process; and
- (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

[Clause 10 inserted: SL 2021/14 r. 7.]

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

[Clause 11 inserted: SL 2021/14 r. 7.]

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

5.39A. Model standards for CEO recruitment, performance and termination

- (1) Regulations must prescribe model standards for local governments in relation to the following —
 - (a) the recruitment of CEOs;
 - (b) the review of the performance of CEOs;
 - (c) the termination of the employment of CEOs.
- (2) Regulations may amend the model standards.

[Section 5.39A inserted: No. 16 of 2019 s. 22.]

5.39B. Adoption of model standards

- (1) In this section —
model standards means the model standards prescribed under section 5.39A(1).
- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

** Absolute majority required.*

- (3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.

** Absolute majority required.*

- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- (7) Regulations may provide for —
 - (a) the monitoring of compliance with adopted standards; and
 - (b) the way in which contraventions of adopted standards are to be dealt with.

Strategic Implications

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

Policy Implications

Nil

Financial Implications

Costs associated with engagement of Recruitment Consultant and associated fees for service together with advertising costs for position.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|---|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Costs associated with engagement of Recruitment Consultant | High (15) | Budget accordingly and to make provision in 2020/2021 Budget Review |
| Service Interruption | Ensure that an appropriate appointment is made prior to current CEO's Contract expiry date | Moderate (9) | Commence recruitment process early to ensure timely appointment |
| Compliance | <i>Local Government Act and Local Government (Administration) Regulations</i> | Low (4) | Ensure all statutory obligations are met in relation to CEO recruitment |
| Reputational | Promote Shire of Yilgarn as an employer of choice | Moderate (6) | Promote the Shire of Yilgarn positively in all advertising material |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

9/2021

Moved Cr Cobden/Seconded Cr Close

That in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 relating to the recruitment of CEO's, Council approves and commences the following processes for the selection and appointment of a new CEO:-

- 1. February/March 2021 - Seek quotations from suitably qualified Recruitment Consultants to assist Council with the recruitment process.*
- 2. March 2021 – Council at its March 2021 Ordinary meeting to appoint preferred Recruitment Consultant, appoint the Selection Panel and adopts the Model Standards for Recruitment of CEO's in accordance with Section 5.39A(1) of the Local Government Act.*
- 3. March/April 2021 – Commence advertising process and interview in mid to late April; and*
- 4. May 2021 – Interview and appoint preferred candidate. Dependent upon preferred candidate's current employment status and requirement for notice from existing employee, this should allow adequate time for handover.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.7 Use of Common Seal – Licence Agreement Community Resource Centre Use

| | |
|-------------------------------|------------------------|
| File Reference | 1.1.12.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To submit to Council for endorsement, the Use of the Common Seal of the Shire of Yilgarn.

Background

The original Licence Agreement between the Education Department and the Shire of Yilgarn for the use of the School building to house the then Telecentre expired in December 2020.

Since the expiration of this Agreement the CEO has been negotiating a new Agreement with the Education Department that will provide a Term of 10 years commencing on 1 January 2021 and expiring on 31 December 2030, with an option to renew for an additional 10 years beyond 2030.

Comment

Much has changed with the use of the building since the original Agreement, as it was originally a shared site, with the current Shire Library area once being utilised by the Southern Cross District High School as a computer laboratory. Over the years with technology advancements the School had no use for the building and it became solely occupied by the Shire.

In view of this sole occupation, the Education Department discussed imposing an annual Licence Fee within the new Agreement. The CEO in negotiations with the Education Department agreed upon a modest Licence Fee of \$1,200 per annum, which is minimal considering sole occupation of the facility to house the Community Resource Centre and Shire of Yilgarn Library.

To progress continued occupation of the building, the Licence Agreement was prepared and forwarded to the Shire for signing and affixing the Shire of Yilgarn Common Seal by the Shire President and CEO on Monday, 11 January 2021.

Delegation LGA13 relating to the "Executing and Affixing of the Common Seal to Documents" allows the Shire President and the CEO with the power to affix the Common Seal of the Shire of Yilgarn to a variety of documents but subject to Council being notified via a report at a subsequent Council meeting.

Statutory Environment

Shire of Yilgarn Delegation Register LGA13 relating to the "Executing and Affixing of the Common Seal to Documents".

Strategic Implications

Nil

Policy Implications

Council Policy 1.4 relating to "Use of Council's Common Seal

Financial Implications

Licence Fee of \$1,200 per annum.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|---|
| Health/People | Ensure CRC and Shire Library facility available for residents | Low (3) | Term of Lease guarantees continual occupation |
| Financial Impact | Small financial commitment to lease of premises | Low (4) | Make provision for expense in annual Budgets |
| Service Interruption | Nil | Nil | Nil |
| Compliance | In accordance with Council Policy and Delegations Register | Low (3) | Reporting of CEO and Shire President actions to Council |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| 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 and Council Decision

10/2021

Moved Cr Rose/Seconded Cr Nolan

That Council endorses the actions of the CEO in negotiating a new Licence Agreement with the Education Department for the use of the building situated on Education Department grounds to house the Southern Cross Community Resource Centre and Shire of Yilgarn Library and further, endorses the Shire President and CEO in signing and affixing the Shire of Yilgarn's Common Seal to the Licence Agreement.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.8 Main Roads Western Australia – Great Eastern Highway Upgrades

| | |
|-------------------------------|-------------------------|
| File Reference | 1.6.14.4 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Associated Plans |

Purpose of Report

To present to Council information from Main Roads WA's Goldfields-Esperance Region pertaining to the proposed realignment and reconstruction project on the Great Eastern Highway in and around Ghooli.

Background

Ms Rene Shipp, Main Road WA's Land Assembly Officer for the Goldfields-Esperance Region, has written to Council advising that Main Roads seeks the consideration of Council in respect to underlying land tenure associated with the realignment and reconstruction of Great Eastern Highway, Ghooli 378.23 – 395 SLK .

Ms Shipp advises that it is anticipated that Stage 2 will commence shortly after Stage 1. Stage 2 is from Southern Cross to Ghooli.

Comment

The CEO and Executive Manager Infrastructure (EMI) have met with Main Roads representatives on a number of occasions over the past 12 months to discuss the proposed works.

To assist with the road dedication, the following underlying tenure is required for inclusion into Great Eastern Highway for Stage 1:-

- Portion of Unallocated Crown Land, Great Eastern Highway, Ghooli – Lot 500 on Deposited Plan 73608; Certificate of Title LR3162/76;
- Portion of reserve 8230, Great Eastern Highway, Ghooli – Lot 350 on deposited Plan 55290; Certificate of Title LR3147/411. Management Order to Water Corporation;
- Portion of Lot 100 on Deposited Plan; Certificate of Title 2520/524;
- Portion of Lot 101 on Deposited Plan; Certificate of Title 2520/525;
- Portion of Lot 817 on Deposited Plan; Certificate of Title 1765/563;

Main Roads is currently working through the process with all stakeholders for acquisition to be finalised. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* (LAA) that local governments resolve to dedicate the road. Therefore, Main Roads would appreciate if Council could consider the matter, and provide the following statement in a letter to Main Roads to satisfy the requirements of DPLH, who will manage the road dedication process.

"Council at its ordinary meeting held on (Day/Month/Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plan 2060-145-1 as a road pursuant to section 56 of the Land Administration Act 1997".

Main Roads has advised that it will cover all costs and claims that may arise from the land acquisition and road dedication process.

Statutory Environment

Land Administration Act 1997 (LAA)

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives 2.5 Safety and Quality 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 | Nil | Nil | Nil |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | <i>Land Administration Act 1997</i> | Low (1) | Council supporting the road dedication and MRWA covering all costs and claims that may arise |
| Reputational | Nil | Nil | Nil |
| Property | Land acquisition associated with upgrades | Low (4) | All acquisitions responsibility of MRWA |
| 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 and Council Decision

11/2021

Moved Cr Nolan/Seconded Cr Close

That Council supports the dedication of the land the subject of Main Roads Land Dealing Plan 2060-145-1 as a road pursuant to section 56 of the Land Administration Act 1997 associated with the realignment and reconstruction of Great Eastern Highway, Ghooli 378.23 – 395 SLK.

CARRIED (7/0)



mainroads
WESTERN AUSTRALIA

Enquiries: René Shipp 08 9323 4082
Our Ref: 19/4024

18 January 2021

Peter Clarke
Chief Executive Officer
Shire of Yilgarn
PO Box 86
SOUTHERN CROSS WA 6426

| | |
|---------------|-------------|
| FILE No. | 16-14-4 |
| RECORD No. | ICR-2116034 |
| DATE RECEIVED | |
| 25 JAN 2021 | |
| PRESIDENT | |
| CEO | |
| EMCS | |
| MRS | |
| EM | |
| FINANCE | |
| RATES | |
| RECEPTION | |
| MCS | |
| HR / PAYROLL | |
| ASSETS | |

Dear Peter

GREAT EASTERN HIGHWAY, GHOOOLI STAGE 1 – REALIGNMENT AND RECONSTRUCTION PROJECT 378.23-395SLK – ROAD DEDICATION

Attached for consideration by Council are plans depicting land required for the realignment and reconstruction of Great Eastern Highway, Ghooli 378.23-395 Straight Line Kilometre (SLK). In order for the project to proceed, the land shown shaded on the enclosed Land Dealing Plan 2060-145-1 is required for inclusion in the road reserve.

It is anticipated that stage 2 will commence shortly after Stage 1. Stage 2 is from Southern Cross to Ghooli. Please see the enclosed plan 'Great Eastern Highway – Realignment and Reconstruction' for your information.

Road Dedication

The following underlying tenure is required for inclusion into Great Eastern Highway for Stage 1:

- Portion of Unallocated Crown Land, Great Eastern Highway, Ghooli - Lot 500 on Deposited Plan 73608; Certificate of Title LR3162/76;
- Portion of Reserve 8230, Great Eastern Highway, Ghooli - Lot 350 on Deposited Plan 55290; Certificate of Title LR3147/411. Management Order to Water Corporation;
- Portion of Lot 100 on Deposited Plan 29329; Certificate of Title 2520/524;
- Portion of Lot 101 on Deposited Plan 29329; Certificate of Title 2520/525;
- Portion of Lot 817 on Deposited Plan 170174; Certificate of Title 1765/563.

Main Roads Western Australia (MRWA) is currently working through the process with all stakeholders for acquisition to be finalised. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that local government resolve to dedicate the road.

It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in a letter to Main Roads marked to my attention. This will satisfy the requirements at the Department of Planning, Lands and Heritage (DPLH).

"Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plan 2060-145-1 as a road pursuant to Section 56 of the Land Administration Act 1997".



mainroads
WESTERN AUSTRALIA

In addition, please provide a copy of the minutes of the Council meeting relating to the resolution, which is required for the DPLH and MRWA's records.

MRWA will be responsible for any costs and claims that may arise as a result of the dedication.

If you require any further information, please contact me on 9323 4082 or e-mail rene.shipp@mainroads.wa.gov.au.

Yours faithfully

René Shipp
Land Assembly Officer

enc:

LDP 2060145-1

Great Eastern Highway – Realignment and Reconstruction plan

Great Eastern Highway - Realignment and Reconstruction

DESCRIPTION:
Stage 1 & 2

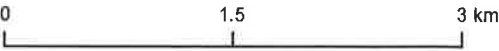
LEGEND

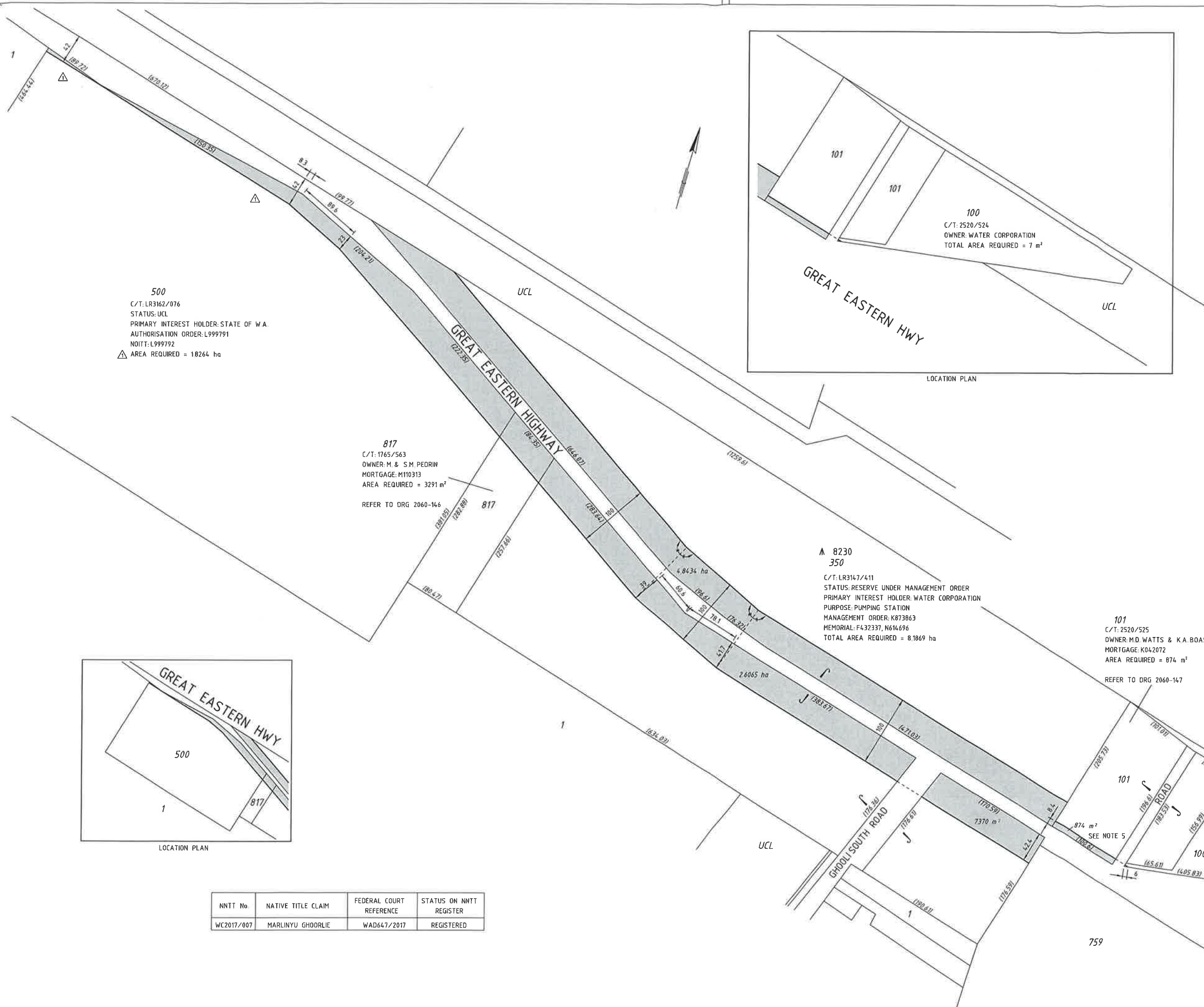
- H005 - GEH Stage_1_proposed r
- IRIS Road Network Hatching (S
- IRIS Road Network Hatching (S
- Localities and Suburbs
- H005 - GEH Stage_2
- Cadastre



KEY MAP

AUTHOR: DOMAIN01\c7069
DATE: 15-January-2021
CREATED BY INTEGRATED MAPPING SYSTEM
GEOCENTRIC DATUM OF AUSTRALIA





AMENDMENTS

| NO | DESCRIPTION | AUTHORISED | DATE | MICRO DATE |
|----|----------------------------------|--------------|----------|------------|
| 1 | REQUIREMENT FROM LOT 500 AMENDED | W M ROLLINGS | 27/10/20 | 23/11/20 |

LEGEND

LAND REQUIRED FOR ROAD PURPOSES

BOUNDARY TO BE SURVEYED

NOTES

1

DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.

2

SLK IS A M.R.W.A STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.

3

CADASTRAL MODEL : CAD1187A

4

HORIZONTAL DATUM IS MGA 94.

5

BOUNDARY TO BE 0.1M ROAD SIDE OF FENCE

GOLDFIELDS - ESPERANCE REGION

Telephone (08) 9080 1400 Fax (08) 9080 1452

APPROVED FOR IMPLEMENTATION

FILE NUMBER

19/4024

DATE

APPROVAL NUMBER

AUTHORISED

J. ALEXANDER

APPROVED

S. POWER

mainroads WESTERN AUSTRALIA

FINANCE AND SERVICES

PROPERTY MANAGEMENT

Telephone 9323 4580 Fax 9323 4600

DRAWN/DESIGNED

W M ROLLINGS

DATE

5/6/2020

ADOPTED IN ACCORDANCE WITH STANDARD 87-89-89 IN THE ROAD AND TRAFFIC ENGINEERING HANDBOOK

GREAT EASTERN HWY H5

LAND DEALINGS

377.69 - 379.61 SLK

LOCAL AUTHORITY

(611) SHIRE OF YILGARN

DRAWING TYPE

7200

DRAWING NUMBER

2060-145-1

FILE NUMBER

19/4024

AMEND.

THIS DRAWING IS AN AMENDMENT OF THE APPROVED DRAWING

S. POWER

23/11/20

| NNTT No. | NATIVE TITLE CLAIM | FEDERAL COURT REFERENCE | STATUS ON NNTT REGISTER |
|------------|--------------------|-------------------------|-------------------------|
| WC2017/007 | MARLINYU GHOORLIE | WAD647/2017 | REGISTERED |

46

9.1 Officers Report – Chief Executive Officer

9.1.9 Southern Cross Aero Club Inc. – Lease of Portion Southern Cross Airfield

| | |
|-------------------------------|-----------------------------|
| File Reference | 2.4.1.1 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Valuation Assessment |

Purpose of Report

To present to Council for consideration the Southern Cross Aero Club's option to renew the Lease Agreement for a further 10 years from the current expiry date of 31 August 2020.

Background

In February 2021, Mr John Hall, member of the Southern Cross Aero Club, enquired with the CEO regarding maintenance/upgrading works to a section of the interior hanger area and associated responsibilities of the Club/individual member and Shire of Yilgarn regarding same.

At the time of the enquiry the CEO was unaware of the Lease Agreement between the Aero Club and the Shire of Yilgarn and advised Mr Hall that he would investigate the matter and report back to him in relation to his query.

Comment

Upon research of Council records, the CEO located a copy of the Lease Agreement that was prepared by Ellery Brookman, Barristers and Solicitors that was signed by both parties on 17 September 2010 and which clearly spelt out the responsibilities of both the Aero Club and the Shire in respect to all matters associated with the use of the facility. This information was conveyed to Mr Hall for his information.

In reviewing the Lease Agreement it was found that the original 10 year term of the Lease expired on 31 August 2020. The Lease did provide for an option to renew however, and obviously not picked up at the time of signing the initial Lease Agreement, the option to renew stated "*10 years commencing on 1st September 2010 and expiring on 31st August 2020*". This should have read "*1st September 2020 and expiring on 31st August 2030*".

The CEO contacted the current Secretary/Treasurer of the Southern Cross Aero Club Inc., Mr Gary Kenward, who was also a signatory to the Original Agreement, to advise of Mr Hall's proposed intentions of undertaking improvement works to the interior section of the Hanger, and also to highlight the typographical error contained within the Lease Agreement relating to the Option to Renew the Lease.

Mr Kenward indicated that it was always the intention in the initial Agreement that a 10 year Option to Renew was proposed between the two parties.

In light of the typographical error within Clause 5 of the Schedule relating to Options, it would seem appropriate for the parties to alter the dates to read ***"1st September 2020 and expiring on 31st August 2030"*** and for these alterations to be initialled by the President and Secretary/Treasurer of the Southern Cross Aero Club Inc., and the Shire President and CEO of the Shire of Yilgarn.

Statutory Environment

Lease Agreement between the Shire of Yilgarn and Southern Cross Aero Club Inc.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|---|---|--|
| Health/People | To ensure SC Aero Club members continue to have use of facility | Nil | Acknowledge typographical error in original Lease and make alterations |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Intentions of original Lease Agreement | Moderate (5) | Council rectify original error in Lease Agreement through resolution |
| Reputational | Nil | Nil | Nil |
| Property | Council controlled facility | Moderate (6) | To ensure Lease Agreement meets original intentions of both parties |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

12/2021

Moved Cr Close/Seconded Cr Cobden

That in relation to the Lease Agreement originally signed between the Shire of Yilgarn and the Southern Cross Aero Club Inc. on 17 September 2010 to lease a portion of the Southern Cross Airfield, Council resolves the following:-

- 1. To rectify the typographical error contained within the original Lease Agreement the Option to Renew dates be altered to read "1st September 2020 and expiring on 31st August 2030" and for this alteration to be initialled by the President and Secretary/Treasurer of the Southern Cross Aero Club Inc., and the Shire President and CEO of the Shire of Yilgarn; and*
- 2. That Council formally approves of the request by the Southern Cross Aero Club Inc., to exercise its option to renew the Lease Agreement for a further 10 years based upon the above dates.*

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.10 Shire of Yilgarn Enterprise Agreement 2017 Expiry

| | |
|-------------------------------|--------------------------|
| File Reference | 1.1.7.14 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Nil |

Purpose of Report

To advise Council that the Shire of Yilgarn Enterprise Agreement 2017 is due to expire on 21 September 2021 and to seek approval for negotiations to commence the development of a new Agreement beyond this date.

Background

On 22 September 2017 the Fair Work Commission of Australia approved the Shire of Yilgarn's Enterprise Agreement in accordance with s.54 of the *Fair Work Act 2009 (Cth)* indicating in the determination that the Agreement's nominal expiry date was 21 September 2021.

Comment

The Enterprise Agreement 2017 provided all employees, other than those on Contracts, with annual wage increases of 2.5% effective on 1 July 2017 and 2018 and with 2.5% or CPI (whichever was greater) from 1 July 2019 and 2020 respectively.

The Agreement, which was developed in consultation with Council's employees and facilitated by an external consultant has served both the employees and Council's interests well over the course of the Agreement's life. To ensure that Council continues to engage with its employees regarding future benefits for both the employees and Council, it is recommended that Council commences negotiations for a new Agreement beyond the current nominal expiry of 21 September 2021.

The current Enterprise Agreement is constituted under the Federal system and the likelihood is that even if an Agreement is developed under the Federal system, it will transition into a State instrument under the *Industrial Relations Act*. The Western Australian Local Government Association's Employee Relations Division has been keeping management apprised of likely transitional arrangements should/when they occur.

In the WALGA March 2021 State Council Agenda, the following information was reported in respect to the Review of State IR System:-

The Legislative Council of Western Australia had its final sitting day for the 40th Parliament on 26 November 2020. The Industrial Relations Legislation Amendment Bill 2020 (IR Bill), which seeks to have all WA Local Governments operate in the State Industrial Relations system, was not passed before the final sitting day.

It is anticipated that if the current State Government is re-elected at the next State election, due in March 2021, it is likely to proceed with the IR Bill in the new Parliament. The Association will seek to re-survey members to confirm their position on this issue and continue to advocate against this proposed legislation.

Statutory Environment

Fair Work Act 2009 (Cth) and Industrial Relations Act

Strategic Implications

Nil

Policy Implications

Nil.

Financial Implications

Subject to Enterprise Agreement negotiations

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|---|
| Health/People | Acknowledge impending expiry of 2017 Agreement | Moderate (9) | Development of new Enterprise Agreement |
| Financial Impact | Dependent upon final negotiations | Moderate (9) | Provide adequate opportunity for employees to part of negotiation process |
| Service Interruption | Nil | Nil | Nil |
| Compliance | <i>Fair Work Act 2009 (Cth) and Industrial Relations Act</i> | High (15) | Engagement of qualified IR/HR Consultant |
| Reputational | To ensure Council is Employer of choice | High (15) | Open negotiations with employees |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

13/2021

Moved Cr Close/Seconded Cr Cobden

That Council approves of the CEO in commencing negotiations with Shire of Yilgarn employees for the development of a new Enterprise Agreement beyond the current 2017 Agreement which is due to expire on the nominal date of 21 September 2021, and to progress such negotiations, an appropriate Consultant be engaged to progress the development of the Agreement.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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 31 December 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

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|---------------------------------------|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Monthly snapshot of Councils financial position | Moderate (6) | Ongoing review of Councils operations |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Local Government (Financial Management) Regulations 1996 | Moderate (6) | Adherence to statutory requirements |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

14/2021

Moved Cr Cobden/Seconded Cr Rose

That Council endorse the various Financial Reports as presented for the period ending 31 December 2020

CARRIED (7/0)

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 31 January 2021.

- 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

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|---------------------------------------|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Monthly snapshot of Councils financial position | Moderate (6) | Ongoing review of Councils operations |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Local Government (Financial Management) Regulations 1996 | Moderate (6) | Adherence to statutory requirements |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

15/2021

Moved Cr Shaw/Seconded Cr Rose

That Council endorse the various Financial Reports as presented for the period ending 31 January 2021

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 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 Paid under delegated authority.

Background

Municipal Fund – Cheque Numbers 40978 to 40992 totalling \$24,992.98 Municipal Fund-EFT Numbers 10836 to 10997 totalling \$1,291,824.85 Municipal Fund – Cheque Numbers 1680 to 1698 totalling \$366,453.23, Municipal Fund Direct Debit Numbers 15332.1 to 15332.13 totalling \$20,204.06, Municipal Fund Direct Debit Numbers 15333.1 to 15333.13 totalling \$19,563.85, Municipal Fund Direct Debit Numbers 15360.1 to 15360.11 totalling \$18,655.97, Municipal Fund Direct Debit Numbers 15376.1 to 15376.11 totalling \$18,672.20, Municipal Fund Direct Debit Numbers 15417.1 to 15417.11 totalling \$18,986.91, Trust Fund – Cheque Numbers 6263 to 6272 (DPI Licensing), totalling \$92,908.45, Trust Fund - Cheque Numbers 402551 to 402557, totalling \$5,316.75 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

- (1) A payment may only be made from the municipal fund or the trust fund —

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

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

Officer Recommendation and Council Decision

16/2021

Moved Cr Nolan/Seconded Cr Close

Municipal Fund – Cheque Numbers 40978 to 40992 totalling \$24,992.98 Municipal Fund-EFT Numbers 10836 to 10997 totalling \$1,291,824.85 Municipal Fund – Cheque Numbers 1680 to 1698 totalling \$366,453.23, Municipal Fund Direct Debit Numbers 15332.1 to 15332.13 totalling \$20,204.06, Municipal Fund Direct Debit Numbers 15333.1 to 15333.13 totalling \$19,563.85, Municipal Fund Direct Debit Numbers 15360.1 to 15360.11 totalling \$18,655.97, Municipal Fund Direct Debit Numbers 15376.1 to 15376.11 totalling \$18,672.20, Municipal Fund Direct Debit Numbers 15417.1 to 15417.11 totalling \$18,986.91, Trust Fund – Cheque Numbers 6263 to 6272 (DPI Licensing), totalling \$92,908.45, Trust Fund - Cheque Numbers 402551 to 402557, totalling \$5,316.75 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2020/2021 Budget Review

| | |
|-------------------------------|--------------------------------|
| File Reference | 8.2.5.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Absolute Majority |
| Attachments | 2020/2021 Budget Review |

Purpose of Report

Council is requested to adopt the 2020/2021 Budget Review as presented.

Background

Financial Management Regulation 33A – Review of Budget, requires a Local Government to review its annual budget between the 1st of January and the 31st of March in any given financial year. The outcome of this review is to be submitted to Council for its adoption.

Comment

The budget review document, including budget amendment recommendations, for the 2020/2021 financial year is attached for Councils consideration.

There are two significant areas to note, these are:

1. When formulating the “Net current assets at start of financial year” an error was made in that a manual adjustment was made to the Creditors Control Account, within the budget spreadsheet, to allow for the June progress payment for the construction of the Southern Cross Aquatic Centre, approximately \$818,000. Once this invoice was received and processed, the manual adjustment was not removed causing the start of year balance to be understated in Councils favour.
2. Due to significant Federal stimulus grant funding (Local Roads and Community Infrastructure grants) and the funding’s restricted timeframes, the Roads to Recoveries funded road project allocated to Cramphorne Rd (Job: R2R22) is not expected to be fully completed in the current financial year.

Discussions with a representative of the Federal Department of Infrastructure, Transport, Regional Development and Communications has indicated that the full Roads to Recoveries grant allocation needs to be claimed in the current financial year with the works being completed in 2021/22. This will result in an estimated unspent grant for this project of \$200,000.

Currently, it is projected that a surplus of \$1.033m will be achieved as at 30 June 2021. Approximately \$200,000 of this will be restricted surplus due to the amount being unspent grants which will leave an anticipated \$833,000 in unrestricted surplus funds. The majority of this unrestricted surplus has been accounted for with the following transfers to reserve included in the review:

1. \$ 50,000 to the Airport Reserve to replace runway lighting.
2. \$250,000 to the Building Reserve (additional to existing \$200,000 transfer) to construct new executive style housing and potentially a replacement house for a future Chemist.
3. \$200,000 to the Recreation Facility Reserve (additional to existing \$100,000 transfer) to rebuild this reserve in anticipation of projects such as reflooring the Community Centre.
4. \$100,000 to the Sewerage Reserve to allow for the construction of larger sewerage evaporation ponds at the Marvel Loch and Southern Cross sewerage systems.
5. \$ 50,000 to the Tourism Reserve to fund outcomes from the Tourism Strategy currently being developed.

Statutory Environment

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.

- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Strategic Implications

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

Policy Implications

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

Financial Implications

The presented review includes several budget amendments.

Risk Implications

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

| Risk Matrix | | | | | | |
|---------------------------|---|---------------|-----------------|-----------------|-----------------|--------------|
| Consequence 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) |

Committee Recommendation and Council Decision

17/2020

Moved Cr Cobden/Seconded Cr Close

That Council adopts the budget review for the period 1st June 2020 to 31st January 2021 inclusive of the recommended budget amendments as indicated in Note 4 of the report

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 2020/21 – 2024/25 Corporate Business Plan

| | |
|-------------------------------|--|
| File Reference | 1.1.12.4 |
| Disclosure of Interest | Nil |
| Voting Requirements | Absolute Majority |
| Attachments | 2020/21 – 2024/25 Corporate Business Plan |

Purpose of Report

To consider the modified Shire of Yilgarn 2021/21 – 2024/25 Corporate Business.

Background

The 2020/21 – 2024/25 Corporate Business Plan (CBP) includes a service delivery plan comprising 35 key services provided by Council. Each of these key services includes links to Councils Strategic Community Plan, a background on the service to be provided, expected service level and any anticipated issues that may impact the service being provided and any significant actions necessary to provide/maintain the expected service level or required due to statutory obligations.

The CBP also includes the projected operational income / expenditure necessary to provide the service for the current budget year and estimates for the next four years. Finally, the CBP included an extract of the first five years of the Forward Capital Works Plan (FCWP) including the current budget year and the next four years.

Comment

The CBP is based on the current year's budget figures and a long-term historical average (adjusted for any anomalous instances) for the subsequent four years. An anticipated year on year CPI increase is then factored in. For the presented CBP the CPI rate used is 1.7%

Statutory Environment

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Strategic Implications

Contained within the Corporate Business Plan

Policy Implications

Nil

Financial Implications

The Corporate Business Plan is an informing document for current and future budgets.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|--|
| Health/People | Service delivery benefits the residents of the district. | Moderate (6) | Nil |
| Financial Impact | Funding deficit leads to cuts in service level provision. | Moderate (9) | Maintain adequate reserve funds for high-risk services such as sewers and waste disposal sites. |
| Service Interruption | Variable from minor inconvenience to significant health issue. | High (12) | For high-risk services such as sewerage and transport infrastructure, continue to maintain to a suitable standard. |
| Compliance | Local Government (Administration) Regulations 1996 | Low (1) | Nil |
| Reputational | Service delivery not meeting community expectations. | Moderate (9) | Ensure services are adequately resourced. |
| Property | Various significant community buildings identified. | Moderate (6) | Ensure buildings are adequately maintained and resourced. |
| Environment | Effluent and putrescible waste treatment/disposal. | Moderate (6) | Well managed effluent treatment systems and waste management sites. |

| 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) |

Committee Recommendation and Council Decision

18/2021

Moved Cr Shaw/Seconded Cr Cobden

That Council adopts the 2020/21 – 2024/25 Corporate Business Plan as presented.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 2020/2021 Plant Replacement Program – Tender N° 6/2020-2021 Kluger AWD Sedan

| | |
|-------------------------------|------------------------|
| File Reference | 6.6.1.11 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To consider the disposal of Councils existing 2019 Toyota AWD Kluger Sedan and to purchase new replacement executive type vehicle

Background

In accordance with Councils 2020/2021 Plant Replacement Program, tenders were invited to supply and deliver one only executive type sedan and to trade or the outright purchase (Alternative Tender) of Councils current 2019 AWD Toyota Kluger Sedan.

The 2019 AWD Toyota Kluger offered for trade or outright purchase is currently being utilised by Council's Executive Manager Corporate Services. It has speedometer reading of 42,000 as of February 2021.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 6/2020-2021 was advertised for a period of not less than fourteen days in Wednesday's 13th January edition of Western Australia and local Crosswords with the closing date on Monday 1st February 2021.

No tenders were received for the outright purchase of 2019 AWD Toyota Kluger

Only one response was received for the trade-in of Councils current 2019 AWD Toyota Kluger Sedan and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

| | |
|----------------------------------|--------------------|
| Toyota Kluger GXL AWD | \$54,068.25 |
| Less trade-in 2019 Toyota Kluger | \$44,000.00 |
| Net change-over | \$10,068.25 |

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Motor Vehicle Use Policy 7.12 – (Replacement and Vehicle Type)"

Financial Implications

A monetary allocation of \$55,000 has being allowed for the purchase of a new vehicle in Councils 2020-2021 Financial Year Budget and an estimated monetary trade income of \$40,000 allowed for in Councils Ten Year Plant Replacement Program for Councils current 2019 Toyota Kluger

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|--|
| Health/People | Injury to personal while delivering | Low (1) | Safety procedures followed |
| Financial Impact | Purchasing a replacement vehicle | Low (2) | Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle |
| Service Interruption | Delay in supplying replacement vehicle due to Covid | Moderate (9) | Out of Councils Control |
| Compliance | Advertised for the required period in West Australian and local Crosswords | Low (1) | In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) |

| | | | |
|--------------|-----------------------------------|---------|---|
| | | | and Section 3.58 Disposing of Property (3) |
| Reputational | Nil | Nil | Nil |
| Property | Goods being damaged in transit | Low (1) | All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

19/2021

Moved Cr Guerini/Seconded Cr Nolan

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota Kluger GXL AWD Sedan for the quoted purchase cost of \$54,068.25 (GST inclusive) and trade Council's existing 2019 Toyota Kluger GXL AWD for the quoted trade price of \$44,000.00 (GST inclusive).

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.2 - 2020/2021 Plant Replacement Program – Tender N° 7/2020-2021 –Prado Sedan

| | |
|-------------------------------|------------------------|
| File Reference | 6.6.1.11 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To consider the disposal of Councils existing 2019 Toyota Prado Sedan (YL-1) currently utilised by Chief Executive Office and to purchase new replacement vehicle

Background

The changeover of Councils current Toyota Prado sedan is included in Councils 2020/2021 Plant Replacement Program with a monetary allocation being allowed for in 2020/2021 Financial Year Budget to purchase a new vehicle. The replacement vehicle is to be a similar type executive class vehicle.

Tenders were invited to supply and deliver one only executive type vehicle and to trade or the outright purchase (Alternative Tender) of Councils current 2019 Toyota Prado Sedan.

The current Toyota Prado was purchased in 2019 has speedometer reading of 47,000 kilometers as of February 2021.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 7/2020-2021 was advertised for a period of not less than fourteen days in Wednesday's 13th January edition of the Western Australian and the local Crosswords with the closing date on Monday 2nd February 2021.

No tenders were received for the outright purchase of 2019 Toyota Prado

Only one response was received for the trade-in of Councils current 2019 Toyota Prado sedan and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

| | |
|---------------------------------|--------------|
| Toyota VX Prado | \$ 68,000.00 |
| Less trade-in 2019 Toyota Prado | \$ 68,000.00 |
| Net change-over | Nil |

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Motor Vehicle Use Policy 7.12 – (Replacement and Vehicle Type)"

Financial Implications

A monetary allocation of \$66,300 (GST exclusive) has been allowed for in Councils 2020 2021 Financial Year Budget for the purchase of a new vehicle and estimated monetary income of \$40,000 for the sale of Councils current 2019 Toyota Prado

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|--|
| Health/People | Injury to personal while delivering goods | Low (1) | Safety procedures followed |
| Financial Impact | Purchasing a replacement vehicle | Low (2) | Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle |
| Service Interruption | Delay in supplying replacement vehicle due to Covid | Moderate (9) | Out of Councils Control |
| Compliance | Advertised for the required period in West Australian and local Crosswords | Low (1) | In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods |

| | | | |
|--------------|-----------------------------------|---------|---|
| | | | and Services (1) and Section 3.58 Disposing of Property (3) |
| Reputational | Nil | Nil | Nil |
| Property | Goods being damaged in transit | Low (1) | All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

20/2021

Moved Cr Shaw/Seconded Cr Rose

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota Prado VX for the quoted purchase cost of \$68,000.00 (GST inclusive) and trade Council's existing 2019 Toyota Prado for the quoted trade price of \$68,000.00 (GST inclusive).

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.3 2020/2021 Plant Replacement Program – Tender N° 8/2020-2021 4x4 Colorado Dual Cab Utility

| | |
|-------------------------------|------------------------|
| File Reference | 6.6.1.11 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To consider the disposal of Councils existing 2019 4x4 Colorado Dual Cab Utility and to purchase new replacement vehicle

Background

In accordance with Councils 2020/2021 Plant Replacement Program, tenders were invited to supply and deliver one only 4x4 Dual Cab Utility and to trade or the outright purchase (Alternative Tender) of Councils current 2019 4x4 Colorado Dual Cab Utility

The 2019 4x4 Colorado Dual Cab Utility offered for trade or outright purchase is currently being utilised by Council's Executive Manager Regulatory Services.

This vehicle was purchased in 2019 and has speedometer reading of 77,000km as of February 2021.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 6/2020-2021 was advertised for a period of not less than fourteen days in Wednesday's 13th January edition of Western Australia and local Crosswords with the closing date on Monday 1st February 2021.

No tenders were received for the outright purchase of the 4x4 2019 Dual Cab Holden LTZ Colorado

Only one response was received for the trade-in of Councils current 4x4 2019 Dual Cab Holden LTZ Colorado and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

| | |
|--|--------------------|
| Toyota Dual Cab Hilux SR5 | \$55,905.23 |
| Less trade-in 2019 Holden LTZ Colorado | \$40,000.00 |
| Net change-over | \$15,905.23 |

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"
and
"Motor Vehicle Use Policy 7.12 – (Replacement and Vehicle Type)"

Financial Implications

A monetary allocation of \$57,000 (GST exclusive) has been allowed for in Councils 2020 2021 Financial Year Budget for the purchase of a new vehicle and estimated monetary income of \$30,000 for the sale of Councils current 2019 4x4 2019 Dual Cab Holden LTZ Colorado

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|---|
| Health/People | injury to personal while delivering | Low (1) | Safety procedures followed |
| Financial Impact | Purchasing a replacement vehicle | Low (2) | Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle |
| Service Interruption | Delay in supplying replacement vehicle due to Covid | Moderate (9) | Out of Councils Control |
| Compliance | Advertised for the required period in West Australian and local Crosswords | Low (1) | In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3) |

| | | | |
|--------------|--------------------------------|---------|--|
| Reputational | Nil | Nil | Nil |
| Property | Goods being damaged in transit | Low (1) | All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

21/2021

Moved Cr Close/Seconded Cr Guerini

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota 4x4 Dual Cab Hilux SR5 for the quoted purchase cost of \$55,905.23 (GST inclusive) and trade Council's existing 2019 Holden LTZ Colorado for the quoted trade price of \$40,000.00 (GST inclusive).

CARRIED (7/0)

9.4 Reporting Officer– Executive Manager Infrastructure

9.3.4 2020/2021 Plant Replacement Program – 2012 John Deere Tractor

| | |
|-------------------------------|------------------------|
| File Reference | 6.6.5.12 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To consider the disposal of Councils existing 2012 John Deere Tractor and to a purchase new replacement vehicle

Background

In accordance with Councils 2020/2021 Plant Replacement Program, quotations were invited to supply and deliver one only tractor with 4-wheel drive assist and to trade Councils current 2012 John Deere Tractor

Tenders for the outright purchase of the 2012 John Deere Tractor were also advertised in Saturday's 16th January edition Western Australian and January's edition of Crosswords with the closing date being Monday 1st February 2021.

The John Deere tractor that it is proposed to dispose of is currently utilized by council staff for slashing reserves and road verges. It is also utilised on bitumen sealing programs with a road broom attachment to sweep loose materials from road surfaces before commencement of bitumen sealing.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering, three quotes were sourced and received for the purchase of a replacement vehicle.

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 9/2020-2021 for the disposal of the 2012 John Deere tractor was advertised for a period of not less than fourteen days in Wednesday's 13th January edition of Western Australia and local Crosswords with the closing date on Monday 1st February 2021.

The following response were received for the outright purchase of councils current John Deere Tractor (*GST inclusive*):

| | |
|-------------------|-----------------|
| P&S Oetiker | \$26,400 |
| Manheim Australia | \$25,000 |

The following response was received for the trade-in of Councils current John Deere Tractor and to supply a new replacement tractor (*GST inclusive*):

McIntosh & Sons - Merredin

| | |
|---|--------------------|
| New Holland TD5.90 Tractor | \$71,500.00 |
| Less trade-in (2012 John Deere Tractor) | \$21,450.00 |
| Net change-over | \$50,050.00 |
| Standard warranty – 2 years/2000 hours | |

Hutton & Northey Sales - Merredin

| | |
|---|--------------------|
| Case Farmall JX75 | \$75,848.30 |
| Less trade-in (2012 John Deere Tractor) | \$28,850.80 |
| Net change-over | \$46,997.50 |
| Standard warranty – 2 years/2000 hours | |

Please note the trade offer of \$28,850.80 for Councils 2012 John Deere Tractor by Hutton & Northey Sales was subject to a mechanical inspection of this vehicle. At the time of this report the mechanical inspection has not been carried out.

AGIMPLEMENTS - Merredin

| | |
|---|--------------------|
| John Deere 5083E | \$66,305.40 |
| Extended warranty | <u>\$ 2,687.30</u> |
| Total | <u>\$68,992.70</u> |
| Less trade-in (2012 John Deere Tractor) | \$26,200.55 |
| Net change-over | \$42,792.15 |

Standard warranty – 2 years/2000 hours – extended warranty 5years/3000hours

As it can be seen from the above quotes submitted AGIMPLIMENTS are the lowest for a John Deere 5083E for the cost of \$68,992.70 (*GST inclusive*)

All tractors quoted on have similar standard warranties of 2years/2000hours. AGIMPLIMENTS have offered an extended warranty of 5 years/3000 hours for an additional \$2,687.30.

Two tenders have been received for the outright purchase of councils existing 2012 John Deere Tractor, P&S Oetiker for \$26,000 (GST inclusive) and Manheim Australia \$25,000 (GST inclusive)

Hutton and Northey Sales have offered a trade value of \$28,850.80 for councils 2012 John Deere Tractor but have indicated that the quote is for trade only not outright purchase.

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"

Financial Implications

A monetary allocation of \$71,500 has been allowed for in Councils 2020-2021 Financial Year Budget for the purchase of a new tractor and estimated monetary income of \$25,000 for the sale of Councils current 2012 John Deere Tractor

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|---|
| Health/People | Injury to personal while delivering | Low (1) | Safety procedures followed |
| Financial Impact | Purchasing a replacement vehicle | Low (2) | Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle |
| Service Interruption | Delay in suppling replacement vehicle due to Covid | Moderate (9) | Out of Councils Control |
| Compliance | Advertised for the required period in West Australian | Low (1) | In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 |

| | | | |
|---------------------|--------------------------------|---------|--|
| | | | Disposing of Property (3) |
| Reputational | Nil | Nil | Nil |
| Property | Goods being damaged in transit | Low (1) | All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

22/2020

Moved Cr Close/Seconded Cr Guerini

That Council accepts the quote submitted by AGIMPLEMENTS – Merredin to purchase the John Deere 5083E for the quoted cost of \$66,305.40 (GST inclusive)

and;

That Council accepts the tender submitted by P&S Oetiker for the outright purchase of councils existing John Deere Tractor for the tender amount of \$26,400.00 GST inclusive.

CARRIED (7/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Development Application - 14 Altair Street Southern Cross - Single Transportable Dwelling

| | |
|-------------------------------|--------------------------------|
| File Reference | 3.1.3.6 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Development Application |

Purpose of Report

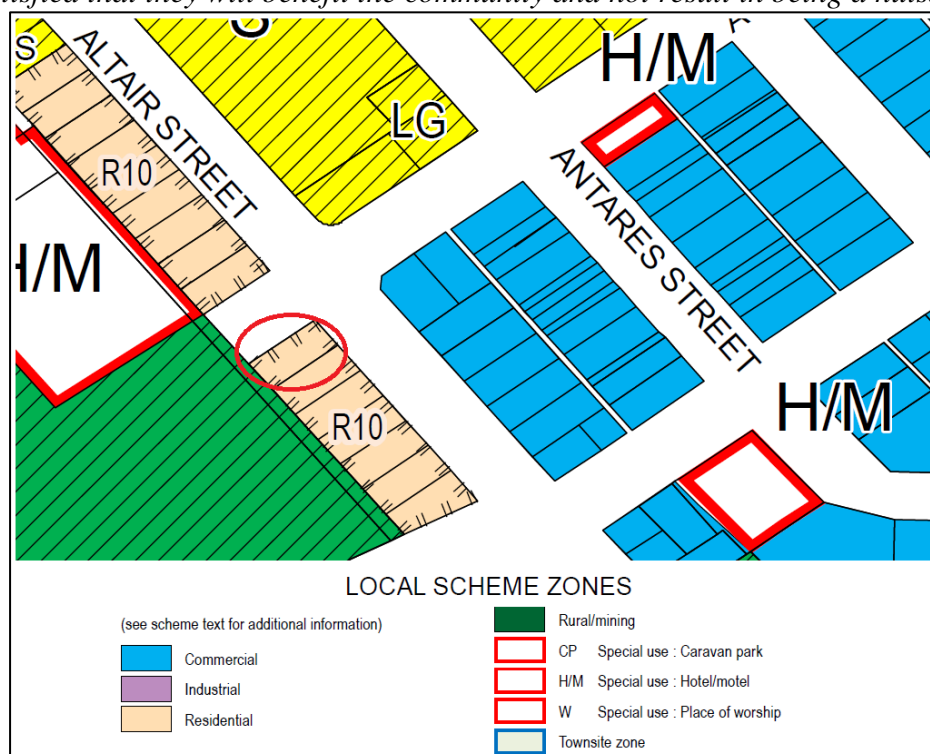
To consider a development proposal to install a single transportable dwelling at 14 Altair Street, Southern Cross.

Background

The Shire is in receipt of a Development Application for 14 Altair Street, Sothorn Cross. The applicant seeks to build a transportable dwelling on the currently vacant block. The submitted plans and specifications are included as an attachment.

The lot 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.



The TPS2 Table 1 – Zoning Table details the permitted uses in the relevant zones, with a single residential house deemed a “P” use in the residential zone. Clause 3.2.2 of TPS2 defines a “P” use as meaning that the use is permitted by the Scheme.

However, Section 5.3 of TPS2, states that a transportable dwelling is not permitted to be installed within the district without the prior approval of Council.

For approval to be granted, Councillors must be of the opinion the proposed dwelling will:

- comply with all applicable statutes, by-laws and regulations; and
- not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate;

or

- has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

Upon granting approval, Council may impose conditions, which may include the applicant providing a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.

Comment

Prior to the dwelling being transported to site, the applicant will be required to seek and obtain a Building Permit, via this process; it will ensure the dwelling meets all relevant legislative requirements.

The proposed dwelling is a new build, and as such, in the reporting officers opinion, there is minimal risk of this development creating a detrimentally affect the amenity of the locality.

Due to the build being undertaken by qualified builders, it is also believed a bond for surety is not required in this instance.

There is no alteration to the Residential Design Codes required by this application.

It is the reporting officers opinion that the proposed development of a transportable dwelling at 14 Altair Street, Southern Cross is in keeping with the residential zoning of the land, and will not create a detrimental effect to the locality, and as such, should be supported.

Statutory Environment

Shire of Yilgarn Town Planning Scheme 2 – Section 5.3 Transportable Dwellings

- 5.3.1 Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling whether in whole or in part.*

- 5.3.2 *Notwithstanding the provisions of Sub-Clause 5.3.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:-*
- (i) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or*
 - (ii) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.*
- 5.3.3 *The approval to be obtained from Council pursuant to Sub-clause 5.3.2 may be granted on condition, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.*
- 5.3.4 *If Council has required a bond pursuant to Sub-clause 5.3.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to:*
- (i) keeping the bond;*
 - (ii) applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council.*
 - (iii) applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant=s property and to place it elsewhere;*
 - (v) applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the transportable Dwelling;*
 - (vi) returning such amount of the bond as Council deems fit to the applicant.*
- 5.3.5 *Where Council applies a bond in accordance with Sub-clause 5.3.4 (ii), (iii) or (iv);*
- (i) Council may give at least 1 month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;*
 - (ii) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;*
 - (iii) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tool and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;*

- (iv) *the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and*
- (v) *Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.*

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 processes

Policy Implications

Nil

Financial Implications

Development and Building Application Fees

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|--|
| Health/People | Inadequate standards for dwelling | L1 | Building standards required through Permit. |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Compliance with Planning and Building Standards | L2 | Compliance with relevant legislation |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Aesthetic risk from poorly manufactured transportable dwelling | L2 | Building standards required through Permit. New structure |

| 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 and Council Decision

23/2020

Moved Cr Rose/Seconded Cr Guerini

That Council approve the installation of the proposed transportable dwelling at 14 Altair Street, Southern Cross, as per the submitted plans and specifications.

Advice Notes:

- 1. Applicant to seek and obtain a building permit prior to transportation to site.*
- 2. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.*

CARRIED (6/1)

* Cr Nolan voted against the decision

t: 08 6377 8335
w: www.foxmodular.com.au
e: info@foxmodular.com.au

PROJECT DETAILS

JOB NO: FT393
BUILDING: AREZZO
CLIENT: [REDACTED]
ADDRESS: 14 ALTAIR ST,
SOUTHERN CROSS, WA 6426
SHIRE OF YILGARN

DRAWING DETAILS

PAGE: 1 OF 4
DRAWING: **SITE PLAN**
SCALE: 1:200
DRAWN: CO
CHECKED: DM
DATE: 19/11/20

REVISIONS

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| C | 09/12/20 | CONTOUR SURVEY ADDED |
| B | 23/11/20 | SETBACKS CHANGED & NOTE ADD |
| A | 19/11/20 | ISSUED FOR APPROVAL |

NOTES

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PROCEEDINGS.

APPROVALS

OWNER 1:

DATE: _____

OWNER 2:

DATE: _____

STORMWATER NOTES

STORM WATER CALCULATION FOR NEW BUILDING

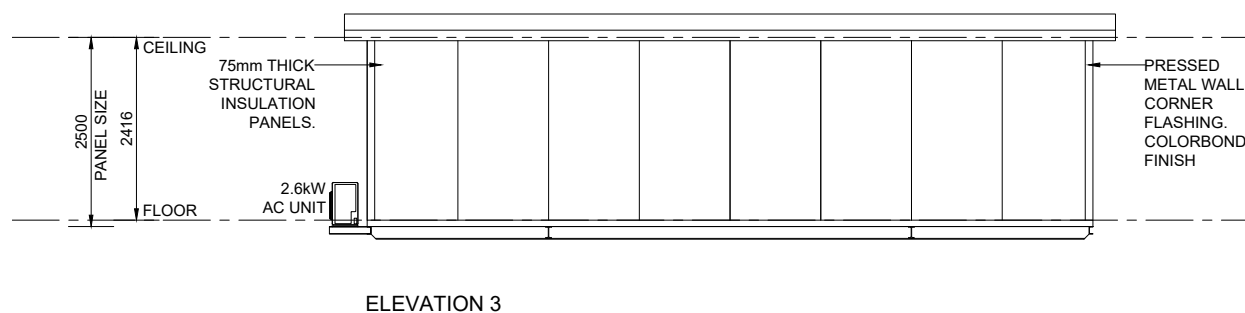
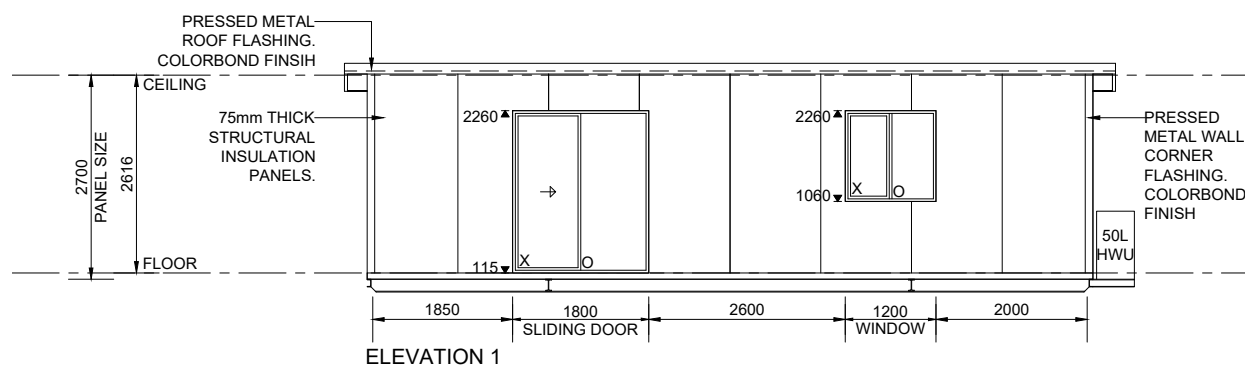
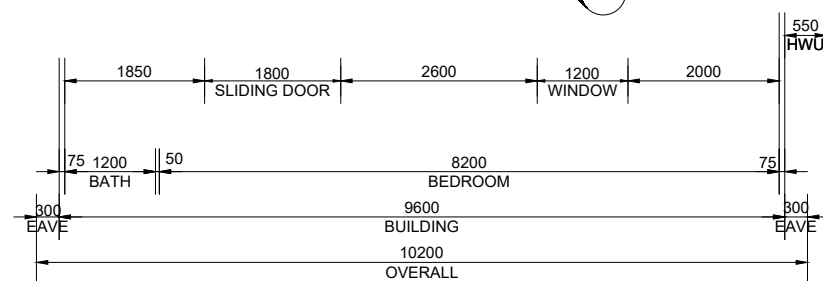
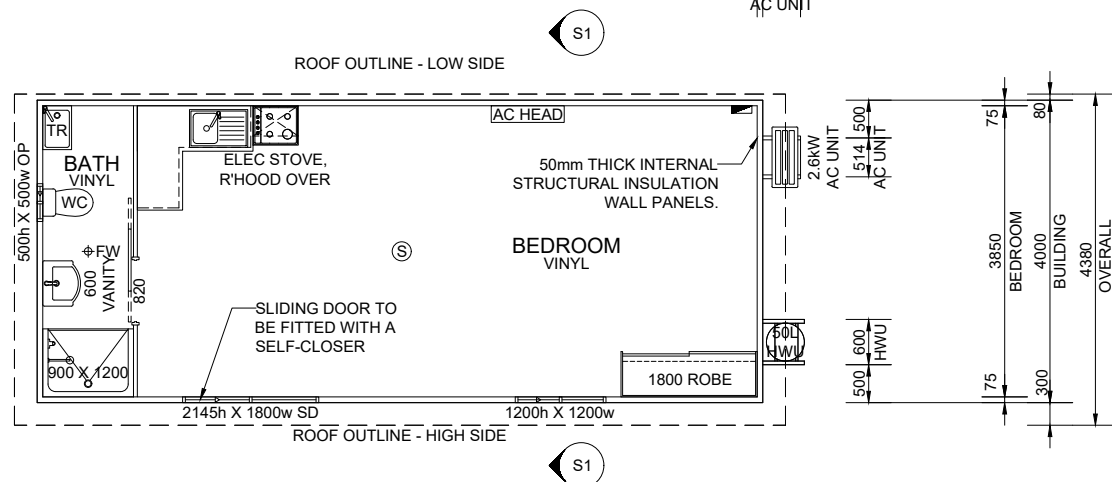
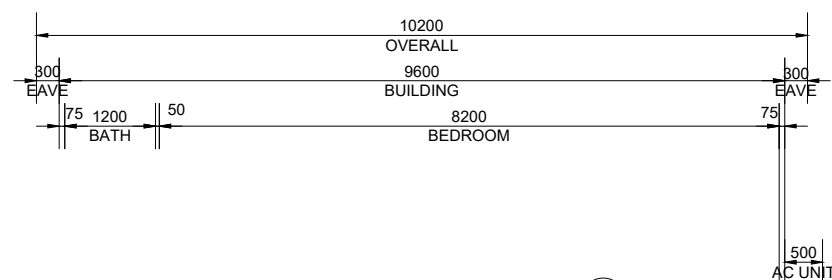
ROOF AREA: 44.68m²
VOLUME: 44.68m² X 0.0125 = 0.5585m³
SIZE: 3 X Ø600 X 600 DEEP
CONCRETE SOAKWELLS
POSITION: 1.0m MIN FROM BOUNDARY OR
FOOTING

SITE WORKS NOTES

SITE WORKS TO COMPLY WITH BCA 3.1.1

SOUTHERN CROSS
SURVEYS PTY LTD

MOBILE: 040 393 7877
EMAIL: info@southerncrosssurveys.com.au
WEB: www.southerncrosssurveys.com.au



1. PROVIDE ALL WINDOWS AND DOOR TRIM CHANNELS AS PER MANUFACTURERS SPECIFICATION
2. ALL WINDOWS TO BE GLAZED WINDOWS; 5mm TOUGHENED GLASS - SHGC .83, SC .95, U 5.8 OR SIMILAR APPROVED
3. PROVIDE KINGSPAN AIRCELL PERMIFLOOR TO UNDERFLOOR INSULATION
4. ROOF CONSTRUCTION - 100mm STRUCTURAL INSULATED PANEL
5. TOP OF PANEL BATTENED AND THEN COLORBOND ROOF CLADDING OVER, TO PROVIDE THERMAL BREAK
6. FOOTINGS AND FRAME SHOWN INDICATIVE ONLY. REFER TO CERTIFIED ENGINEERS DETAILS
7. WASTE PIPES FROM PLUMBING EQUIPMENT WILL BE TAKEN TO THE NEAREST SIDE OF THE BUILDING
8. **TERMITE PROTECTION STATEMENT.** ALL PRIMARY BUILDING ELEMENTS USED FOR THE CONSTRUCTION OF THIS BUILDING WILL CONSIST ENTIRELY OF, OR A COMBINATION OF MATERIALS CONSIDERED NOT SUBJECT TO TERMITE ATTACK. SPECIFICALLY, ALL TIMBERS USED IN THIS DWELLING WILL BE PRESERVATIVE TREATED IN ACCORDANCE WITH AS 3660.1 AND WILL COMPLY WITH PART 3.1.3.2 OF THE BUILDING CODE OF AUSTRALIA - VOLUME 2, 201

| WINDOW MANUFACTURER NOTES | |
|----------------------------------|-----|
| FRAME COLOUR | TBA |
| FLYSCREENS | TBA |

13 BOOM STREET
GNANGARA
WESTERN AUSTRALIA
6077

t: 08 6377 8335
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JOB NO: FT393
BUILDING: AREZZO
CLIENT: [REDACTED]
ADDRESS: 14 ALTAIR ST,
SOUTHERN CROSS, WA 6426
SHIRE OF YILGARN

| | |
|----------|------------------------------------|
| PAGE: | 2 OF 4 |
| DRAWING: | FLOOR PLAN & ELEVATIONS |
| SCALE: | 1:100 |
| DRAWN: | CO |
| CHECKED: | DM |
| DATE: | 19/11/20 |

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| C | 09/12/20 | CONTOUR SURVEY ADDED |
| B | 23/11/20 | SETBACKS CHANGED & NOTE ADDED |
| A | 19/11/20 | ISSUED FOR APPROVAL |

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OWNER 1: _____

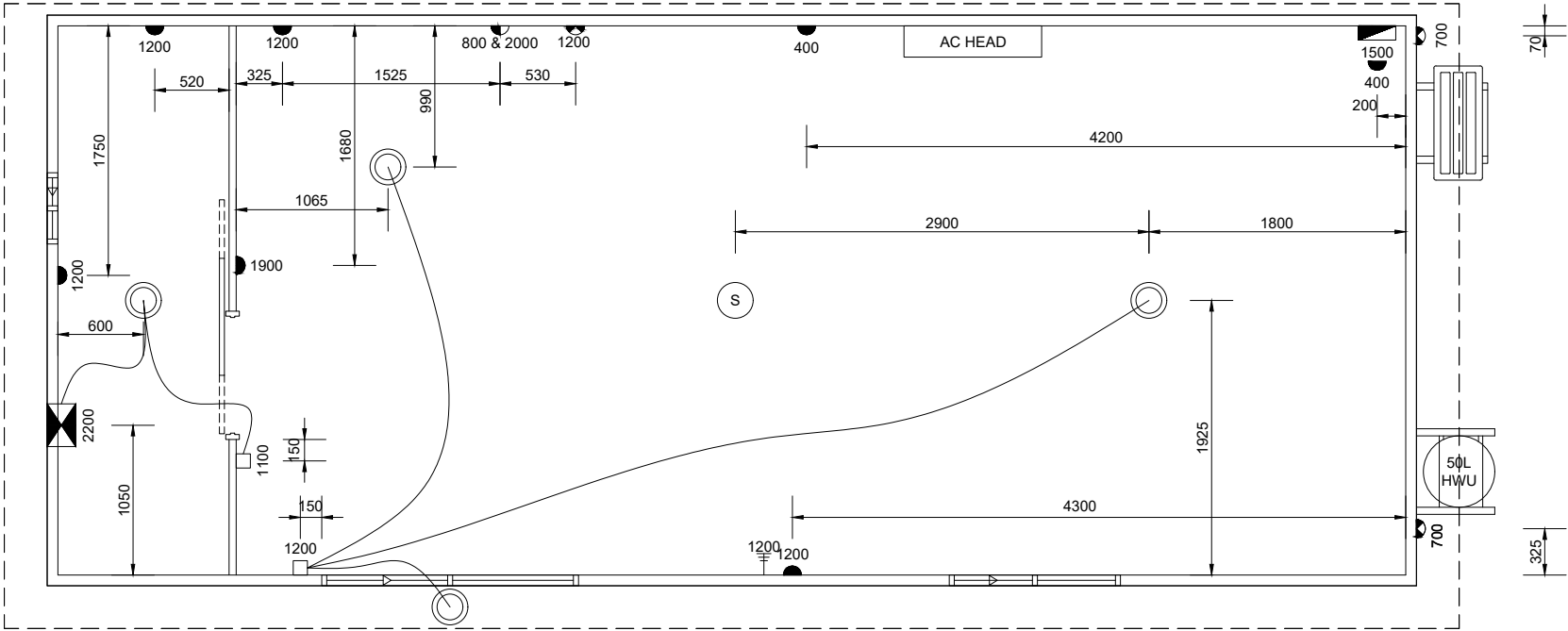
DATE: _____

OWNER 2: _____

DATE: _____

| ELECTRICAL NOTES | | ELECTRICAL LEGEND | |
|---|--|--|--|
| <div>1. THIS ELECTRICAL DRAWING TO BE READ IN CONJUNCTION WITH THE LAYOUTS PLAN FOR CONFIRMATION OF GPOs AROUND CABINETRY</div> <div>2. SMOKE ALARMS TO BE HARDWIRED TO THE MAINS SUPPLY</div> <div>3. ALL HEIGHTS OF ELECTRICAL ITEMS ON INTERNAL WALLS REFERENCED TO FINISHED FLOOR LEVEL (FFL)</div> <div>4. ALL HEIGHTS OF ELECTRICAL ITEMS ON EXTERNAL WALLS REFERENCED TO BOTTOM OF PANELS</div> <div>5. NON MIGRATORY WIRING TO BE USED THROUGHOUT</div> | | <div><div><div></div><div>SINGLE GPO @ NOTED HEIGHT</div></div><div><div></div><div>DOUBLE GPO @ NOTED HEIGHT</div></div><div><div></div><div>ISOLATOR @ NOTED HEIGHT</div></div><div><div></div><div>COAX POINT @ NOTED HEIGHT</div></div><div><div></div><div>LIGHT POINT</div></div></div> <div><div><div></div><div>CEILING FAN WITH LIGHT</div></div><div><div></div><div>WALL MOUNTED EXHAUST FAN</div></div><div><div></div><div>LIGHT SWITCH @ NOTED HEIGHT</div></div><div><div>S</div><div>SMOKE ALARM</div></div><div><div></div><div>SWITCH BOARD @ NOTED HEIGHT</div></div></div> | |

| ELECTRICAL | | | |
|-----------------|------------------------|----------|-------|
| ITEM | TYPE | QUANTITY | NOTES |
| WALL MOUNTED | DOUBLE GPO | 7 | |
| | SINGLE GPO | 2 | |
| | ISOLATOR | 3 | |
| | COAX | 1 | |
| | LIGHT SWITCH | 2 | |
| | EXHAUST FAN | 1 | |
| | SWITCHBOARD | 1 | |
| CEILING MOUNTED | LIGHT POINT | 4 | |
| | CEILING FAN WITH LIGHT | 0 | |
| | SMOKE ALARM | 1 | |



ELECTRICAL PLAN
SCALE 1:50

13 BOOM STREET
GNANGARA
WESTERN AUSTRALIA
6077

t: 08 6377 8335
w: www.foxmodular.com.au
e: info@foxmodular.com.au

PROJECT DETAILS

JOB NO: FT393
BUILDING: AREZZO
CLIENT: [REDACTED]
ADDRESS: 14 ALTAIR ST,
SOUTHERN CROSS, WA 6426
SHIRE OF YILGARN

DRAWING DETAILS

PAGE: 3 OF 4
DRAWING: **ELECTRICAL**
SCALE: 1:50
DRAWN: CO
CHECKED: DM
DATE: 19/11/20

REVISIONS

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| C | 09/12/20 | CONTOUR SURVEY ADDED |
| B | 23/11/20 | SETBACKS CHANGED & NOTE ADD |
| A | 19/11/20 | ISSUED FOR APPROVAL |

NOTES

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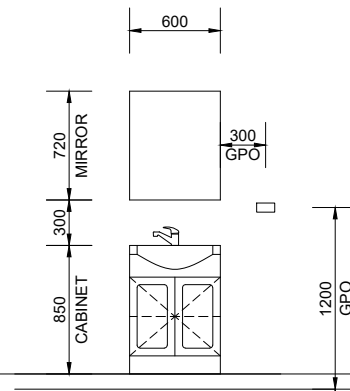
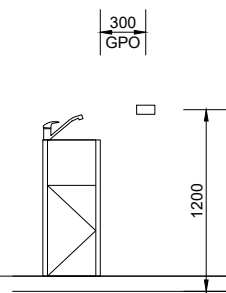
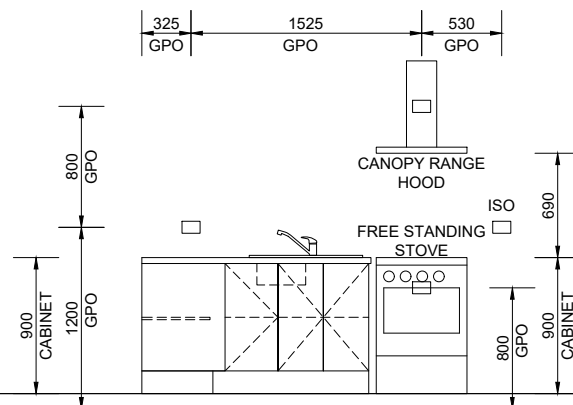
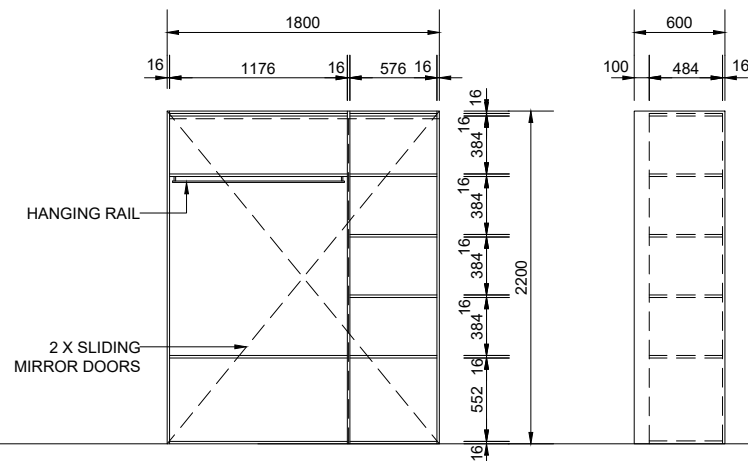
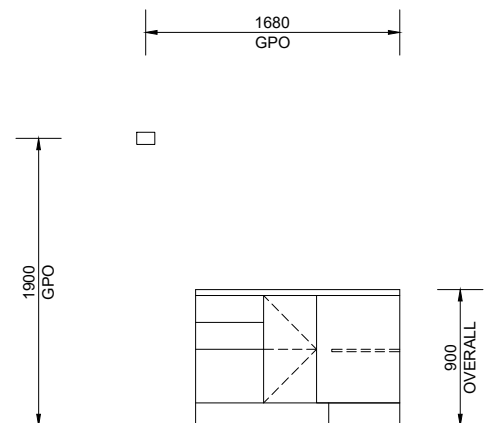
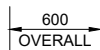
APPROVALS

OWNER 1: _____

DATE: _____

OWNER 2: _____

DATE: _____



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Tellus Holdings Ltd – Referral of a Licence Amendment – Sandy Ridge Facility

| | |
|-------------------------------|---|
| File Reference | 3.2.1.7 |
| 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 licence amendment for the Tellus Holdings Ltd Sandy Ridge Facility.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), seeking comments in regards to a submission by Tellus Holdings Ltd, for a Licence Amendment (L9240/2020/1) under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) for the Sandy Ridge Facility, within Lot 510 on Deposited Plan 413497.

The amendment application is to authorise the operation of the Waste Immobilisation Plant and the Waste Cells constructed under Works Approval W6308/2019/1. Up to 100,000 tonnes per year of Class IV and Class V waste is proposed to be accepted. Radioactive waste is not proposed to be accepted under this amendment.

Comment

The correspondence from DWER is attached for Councillors perusal.

As per the submission from Tellus Holdings Ltd, Sandy Ridge facility is being constructed and operated in phases. L9240/2020/1 currently authorises up to 10,000 tonnes to be stored in above-ground infrastructure in accordance with Dangerous Goods Licence DGSO22452, with the exception of a block-paved mixed store, low level radiation waste, liquid waste and sludge storage yard. The latter two storage yards are subject to a separate licence amendment up to 15,000 tonnes currently being assessed.

This amendment is to authorise operation of the Waste Immobilisation Plant, and Class IV and Class V waste to be placed in waste cells.

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

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-------------------------|--|---|---|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Environmental Impacts from Mining Activities | M6 | EPA Assessment and Approval Processes |

| 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) |

| Risk Matrix | | | | | | |
|---------------------------|---|---------------|---------|--------------|--------------|--------------|
| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
| | | 1 | 2 | 3 | 4 | 5 |
| Unlikely | 2 | Low (2) | Low (4) | Moderate (6) | Moderate (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Moderate (5) |

Officer Recommendation and Council Decision

24/2021

Moved Cr Close/Seconded Cr Cobden

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

In regards to the application (DER2020/000039) from Tellus Holdings Ltd for an amendment to licence L9240/2020/1, under Division 3 Part V of the Environmental Protection Act 1986 for the Sandy Ridge Facility; the Shire of Yilgarn have no objections to the proposal.

CARRIED (7/0)



Chief Executive Officer
Shire of Yilgarn
PO Box 86
SOUTHERN CROSS WA 6426

via email: yilgarn@yilgarn.wa.gov.au

Dear Sir/Madam

REFERRAL OF A LICENCE AMENDMENT UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* – INVITATION TO COMMENT

The Department of Water and Environmental Regulation (DWER) has recently received an application from Tellus Holdings Ltd for an amendment to licence (L9240/2020/1) under Division 3 Part V of the *Environmental Protection Act 1986* (EP Act) for the Sandy Ridge Facility, located within Lot 510 on Deposited Plan 413497, in the Shire of Coolgardie. The application is in relation to:

Category 61 – Liquid waste facility;
Category 61A – Solid waste facility;
Category 65 – Class IV secure landfill site; and
Category 66 – Class V intractable landfill site.

Specifically, the amendment application is to authorise the operation of the Waste Immobilisation Plant and the Waste Cells constructed under Works Approval W6308/2019/1. Up to 100,000 tonnes per year of Class IV and Class V waste is proposed to be accepted. Radioactive waste is not proposed to be accepted under this amendment.

This information and supporting documentation provided by the applicant is available online at: <https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications>.

Please note that the amendment relates to activities that have been assessed and approved under Ministerial Statement 1078 (<https://www.epa.wa.gov.au/1078-sandy-ridge-project>). In accordance with DWER's Guideline: Industry Regulation Guide to Licensing, in exercising its duties, the Department must ensure that the decisions and conditions for a licence or works approval are consistent with Ministerial Statements and associated documents (such as approved management plans) for significant proposals that have been assessed under Part IV of the EP Act.

In accordance with section 54 of the EP Act, the Chief Executive Officer (CEO) of DWER considers that you may have a direct interest in the subject matter of the application, and invites your comment on the proposal.

The CEO will, after having taken into account any comments received and subject to section 60 of the EP Act, either amend the licence or refuse the amendment.

Please forward your submission to the address below or forward via email to info@dwer.wa.gov.au within 21 days from the date of this letter and please quote L9240/2020/1 on future correspondence and enquiries.

If you have any queries regarding the above information, please contact the Environmental Officer listed above.

Yours sincerely

Tracey Hassell
A/SENIOR MANAGER WASTE INDUSTRIES
REGULATORY SERVICES

Officer delegated under section 20 of the Environmental Protection Act 1986

14 January 2021

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Barto Gold Mining Pty Ltd – Referral of a Licence Amendment – Marvel Loch Mine

| | |
|-------------------------------|---|
| File Reference | 3.2.1.7 |
| 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 licence amendment for the Barto Gold Mining Pty Ltd Marvel Loch Mine.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission by Barto Gold Mining Pty Ltd, seeking an amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) for the Marvel Loch Mine.

The amendment application is in relation to the replacement of the ore crushing circuit at the Marvel Loch processing plant (Category 5 – Processing or beneficiation of metallic or non-metallic ore).

Comment

The correspondence from DWER is attached for Councillors perusal.

The amendment seeks the replacement of the crushing circuit and associated controls.

Noise

An Environmental Noise Impact Assessment, produced by Talis Consultants, was submitted as part of the application, which states:

The study determined Barto's existing impacts at receptors within Marvel Loch using a combination of noise modelling and monitoring. It was found that the operational noise levels exceed the assigned levels as prescribed within the Environmental Protection (Noise) Regulations 1997 (Noise Regulations). Despite these operations pre-dating the Noise Regulations, to support the approvals process for the replacement infrastructure, Barto has developed a noise reduction strategy with the goal of ensuring "no net" increase in cumulative noise levels in the community and that the noise levels will progressively reduce over time with the application of various noise reduction strategies. Additionally, a noise control and As Low As Reasonably Practicable (ALARP) process was developed and approved by the company.

In summary, the current crusher breaches the assigned noise levels permitted to be received at noise sensitive premises (residential) within the Marvel Loch town site, however, the level of noise pre-dates the introduction of the assigned levels.

Barto have advised that whilst the new crusher will also breach the assigned levels, it will not exceed current noise levels emitted by existing crusher, and that the expected initial noise levels will gradually decrease as further mitigation methods are put in place.

Surface Water

A Surface Water Management Plan, produced by EMM Consulting Pty Ltd, was submitted with the application. The plan was requested by DWER, triggered by an uncontrolled release event from the site which occurred following a significant storm event on 25 February 2020. This event was traced back to buried pipe works linking the site to the downstream environment.

The plan is included in the attachment for Councillors perusal, and states implementation of the proposed surface water management plan will mitigate surface water management risks from legacy maintenance practises and the proposed new crusher facility.

Air Quality

An Air Quality Assessment, produced by Environmental Technologies & Analytics, was submitted as part of the application, with the key conclusions as follows

- Ground-level TSP concentrations predicted due to the proposed operations, with and without background concentrations, comply with the air quality assessment criteria at all sensitive receptors.
- Ground-level PM10 concentrations predicted due to the proposed operations, with and without background concentrations, comply with the air quality assessment criteria at all sensitive receptors.
- Ground-level PM2.5 concentrations predicted due to the proposed operations, with and without background concentrations, comply with the air quality assessment criteria at all sensitive receptors

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

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|---|
| Health/People | Nuisance effects on Marvel Loch Residents | M8 | DWER approval process, and Barto management plans |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Environmental Impacts from Mining Activities | M6 | DWER Assessment and Approval Processes |

| 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

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

In regards to the application from Barto Gold Mining Pty Ltd (DER2014/000887-1~5) for a licence amendment to L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986; the Shire of Yilgarn have no objections to the proposal, on the provision the proponent is required to implement and maintain the relevant management plans submitted as part of the application.

Council Decision

25/2021

Moved Cr Nolan/Seconded Cr Cobden

In regards to the application from Barto Gold Mining Pty Ltd (DER2014/000887-1~5) for a licence amendment to L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986; the Shire of Yilgarn have no objections to the proposal, on the provision:

- *The proponent is required to implement and maintain the relevant management plans submitted as part of the application;*
- *The proponent is required to supply a firm timetable for implementation of noise mitigation measures; and*
- *The proponent is required to address surface water runoff from its mine entrance, which runs into drainage and farmlands.*

CARRIED (7/0)

REASON FOR ALTERATION TO THE RECOMMENDATION

Whilst Council had no objections to the Licence Amendment application, Council considered that it was appropriate for DWER to instruct Barto Gold Mining to meet certain conditions in relation to the Licence, particularly implementation of noise mitigation levels and addressing surface water runoff, which had been areas of concern previously.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Montague Resources Australia Pty Ltd – Referral of a Clearing Permit Application – Mining Lease 77/1065

| | |
|-------------------------------|---|
| File Reference | 3.2.1.7 |
| 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 clearing permit application for Montague Resources Australia Pty Ltd on Mining Lease 77/1065.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission for Montague Resources Australia Pty Ltd, for a clearing permit (CPS 9165/1) under the Environmental Protection Act 1986 (EP Act) for the Mining Lease 77/1065.

The clearing permit is for the purpose of Mineral Exploration Rehabilitation and will cover an area of 0.42 hectares.

Comment

Attached for Councillors perusal is the correspondence from the department, including relevant maps.

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

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-------------------------|--|---|--|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Environmental Impacts from Mining Activities | M6 | DWER Assessment and Approval Processes |

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

Officer Recommendation and Council Decision

26/2021

Moved Cr Close/Seconded Cr Guerini

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

In regards to application CPS 9165/1 from Montague Resources Australia Pty Ltd for a clearing permit under the Environmental Protection Act 1986, for the purpose of mineral exploration rehabilitation; the Shire of Yilgarn have no objections to the proposal.

CARRIED (6/1)

*Cr Nolan voted against the decision



Shire of Yilgarn
PO Box 86
SOUTHERN CROSS
WA 6426
ceo@yilgarn.wa.gov.au

Dear Sir/Madam

Application to Clear Native Vegetation under the *Environmental Protection Act 1986*

The Department of Mines, Industry, Regulation and Safety has received the following application for permit to clear native vegetation under the *Environmental Protection Act 1986* (the Act):

| | |
|---|--------------------------------------|
| Applicant Name: | Montague Resources Australia Pty Ltd |
| Permit Type: | Purpose Permit |
| Tenement/s or Tenure: | Mining Lease 77/1065 |
| Purpose: | Mineral Exploration Rehabilitation |
| Area (ha): | 0.42 ha |
| Shire: | Shire of Yilgarn |
| Clearing Permit System (CPS) No: | CPS 9165/1 |

In accordance with sub-section 51E(4) of the Act, on behalf of the General Manager Environmental Compliance, Resource and Environmental Compliance Division, I consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. The General Manager Environmental Compliance, Resource and Environmental Compliance Division, will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant a clearing permit (including any specified conditions) or refuse to grant a permit.

Enclosed are maps indicating the area proposed to clear. Please forward your submission to the above address within 21 days from Monday 8 February 2021 quoting CPS 9165/1.

If you have any queries regarding this matter, please contact Stephanie Lea in the Department's Resource and Environmental Division at the address above, for further information.

Yours sincerely

Daniel Endacott

Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

5 February 2021

CPS 9165/1 - Montague Resources Australia Pty Ltd



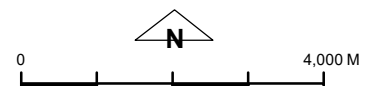
LEGEND



Clearing Instruments



Mining Tenements



Scale 1:100,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

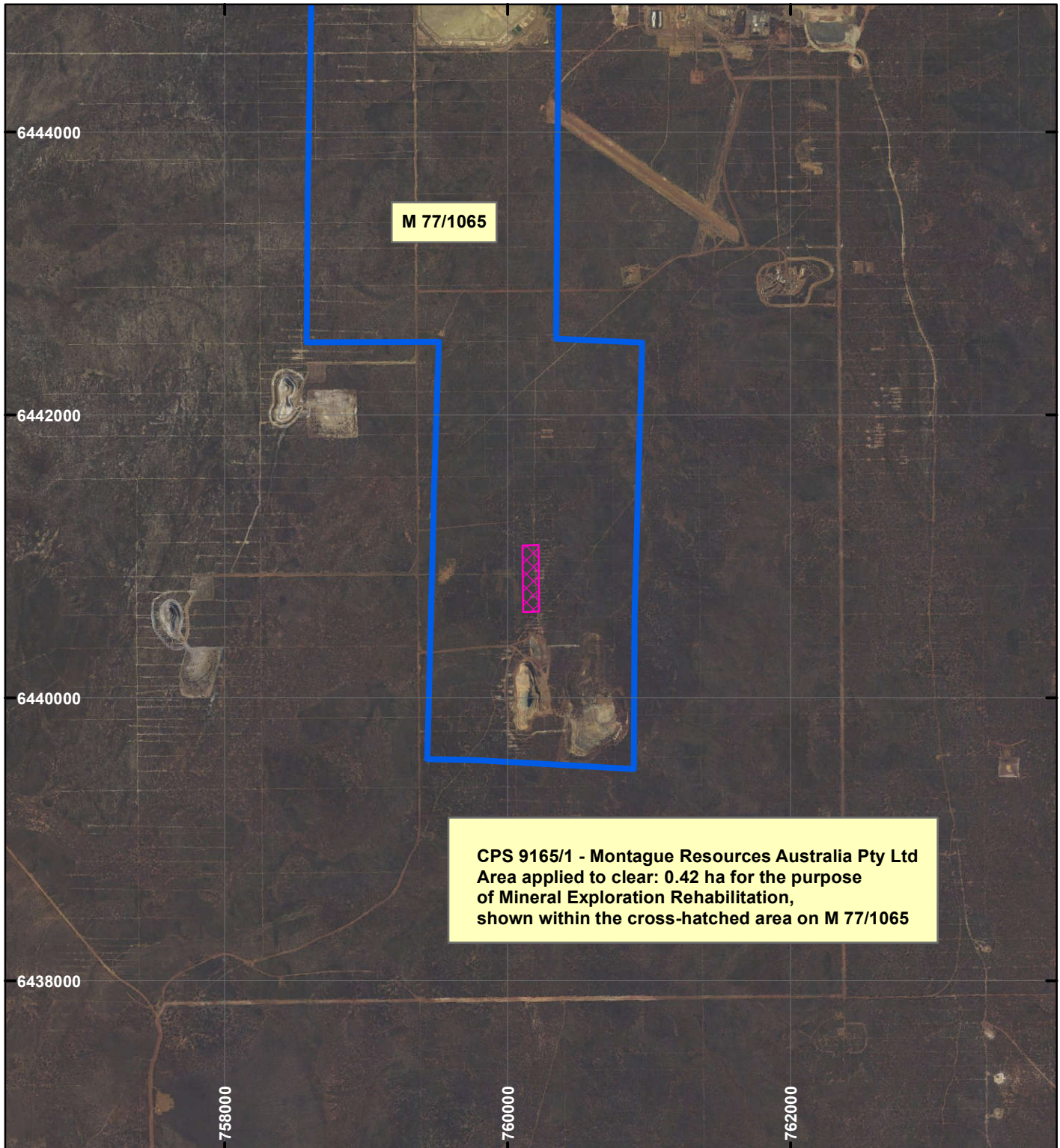
Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



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CPS 9165/1 - Montague Resources Australia Pty Ltd



LEGEND

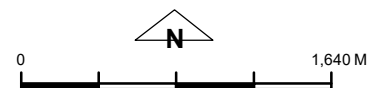


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:40,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

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9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Tianye SXO Gold Mining Pty Ltd - Amendment of Clearing Permit - Glendower Expansion Project

| | |
|-------------------------------|---|
| File Reference | 3.2.1.7 |
| 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 an amendment application for an issued clearing permit for Tianye SXO Gold Mining Pty Ltd at the Glendower Expansion Project.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), seeking comments in relation to a submission for Tianye SXO Gold Mining Pty Ltd, for an amendment to an issued clearing permit for the Glendower Expansion Project located over Mining Leases 77/186, 77/224, 77/352, 77/408, 77/424 and 77/721 and Miscellaneous Licence 77/281.

The clearing permit is for the purpose of Mineral Production and Associated Activities and will cover an area of 99.1 ha hectares. The amendment seeks to increase the clearing permit area by 33.1 hectares and to increase the permit boundary.

Comment

Attached for Councillors perusal is the correspondence from the department, including relevant maps.

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

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-------------------------|--|---|--|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Environmental Impacts from Mining Activities | M6 | DWER Assessment and Approval Processes |

| 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 and Council Decision

27/2021

Moved Cr Rose/Seconded Cr Shaw

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

In regards to the application from Tianye SXO Gold Mining Pty Ltd - Glendower Expansion Project for an amendment to the previously issued clearing permit CPS 8966/2; the Shire of Yilgarn have no objections to the proposal.

CARRIED (7/0)



Chief Executive Officer
Shire of Yilgarn
ceo@yilgarn.wa.gov.au

Dear Sir/Madam

Application to amend a previously granted Clearing Permit under the *Environmental Protection Act 1986*

The Department of Mines, Industry Regulation and Safety has received the following application to amend a previously granted clearing permit under the *Environmental Protection Act 1986* (the Act):

| | |
|---|---|
| Permit Holder: | Tianye SXO Gold Mining Pty Ltd - Glendower Expansion Project |
| Permit Type: | Purpose Permit |
| Tenements: | Mining Leases 77/186, 77/224, 77/352, 77/408, 77/424, 77/721, Miscellaneous Licence 77/281 |
| Purpose: | Mineral Production and Associated Activities |
| Area (ha): | 99.1 ha |
| Shire: | Shire of Yilgarn |
| Clearing Permit System (CPS) No: | 8966/2 |
| Amendment requested: | <ul style="list-style-type: none">•To increase the clearing permit area by 33.1 hectares•To increase the permit boundary |

In accordance with sub-section 51E(4) of the Act, on behalf of the General Manager Environmental Compliance, Resource and Environmental Compliance Division, I consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. The General Manager Environmental Compliance, Resource and Environmental Compliance Division, will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant the amended clearing permit (including any specified conditions) or refuse to grant the amendment.

Enclosed are maps indicating the amended application area. Please forward your submission to the above address within 21 days from the **Monday, 8 February 2021** quoting CPS 8966/2.

If you have any queries regarding this matter, please contact Alicia Dudzinska in the Department's Resource and Environmental Compliance Division, as above, for further information.

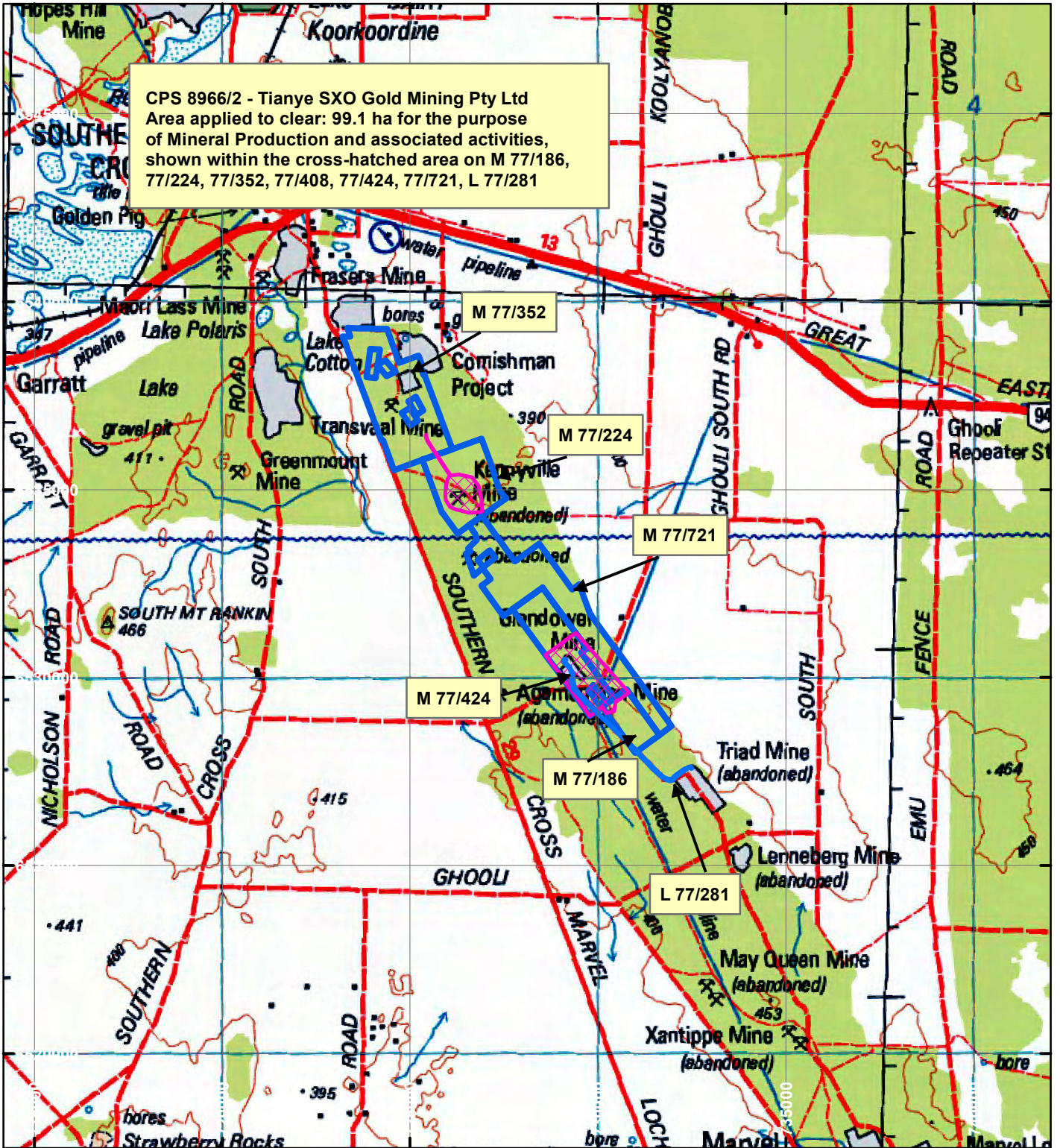
Yours sincerely

Daniel Endacott

Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

5 February 2021

CPS 8966/2 - Tianye SXO Gold Mining Pty Ltd



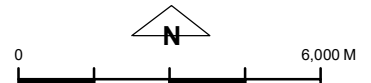
LEGEND



Clearing Instruments



Mining Tenements



Scale 1:150,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

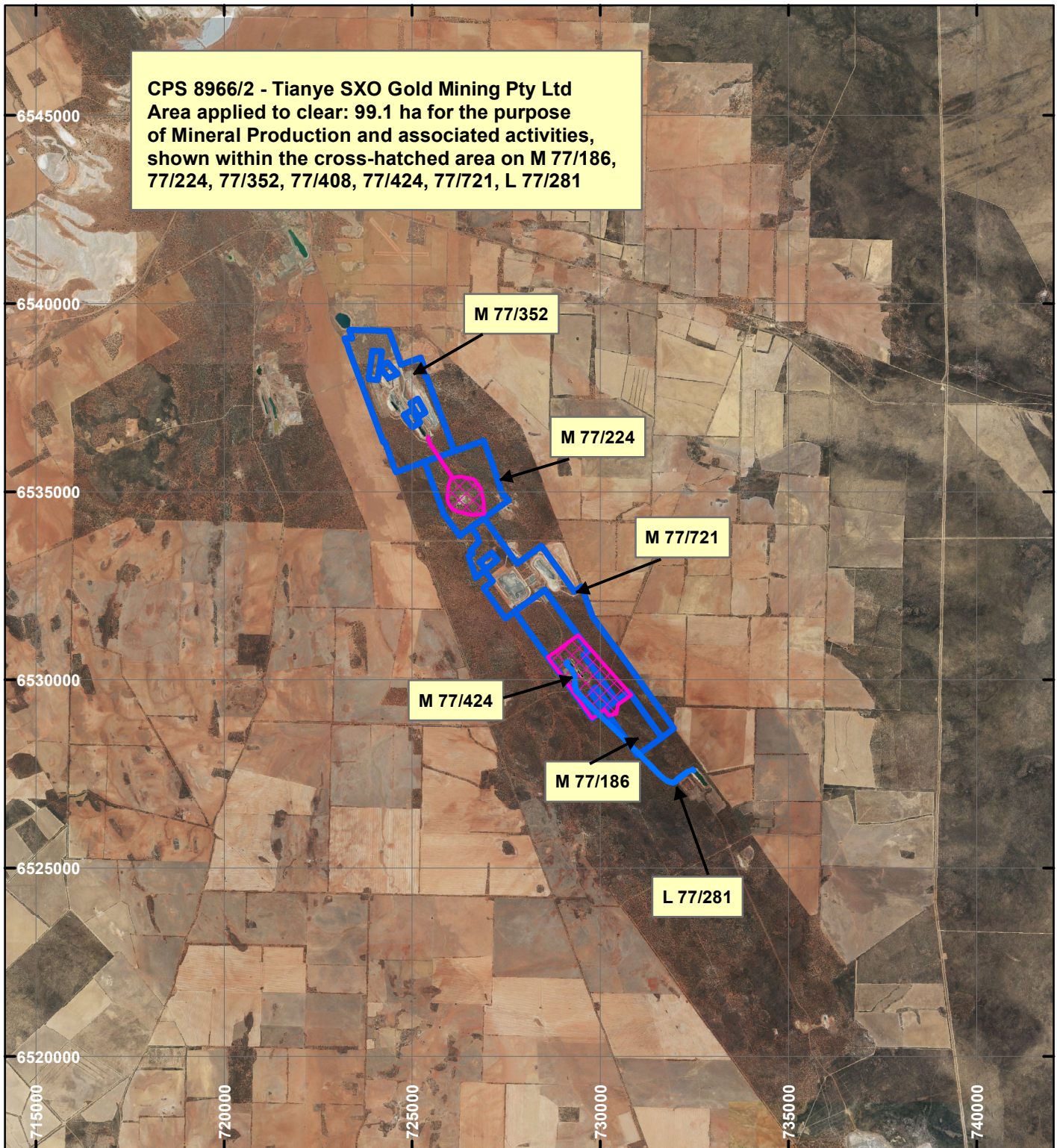
Officer with delegated authority under Section 20 of
the Environmental Protection Act 1986

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CPS 8966/2 - Tianye SXO Gold Mining Pty Ltd



LEGEND

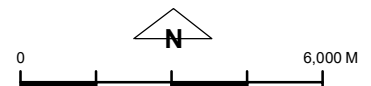


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:150,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of
 the Environmental Protection Act 1986

Information derived from this map should be
 confirmed with the data custodian acknowledged
 by the agency acronym in the legend.



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9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.6 Bodallin Hall Leach Drains

| | |
|-------------------------------|------------------------|
| File Reference | 1.3.2.1 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To note an inclusion to the budget review, February 2021 Council Agenda Item 9.2.4, for the provision of leach drains at the Bodallin Hall.

Background

At the August 2020 ordinary Council meeting, Council resolved the following:

126/2020

Moved Cr Della Bosca/Seconded Cr Cobden That in light of the Bodallin community feedback for the retention of the Hall, Council acknowledges this response and endorses the following

- 1. Allocated funds for demolition of the Bodallin Hall in the current 2020/2021 budget (\$20,000) be reallocated to immediate non-compliance issues indicated in the SW 19 Report as per current legislation requirements and direction by Council Officers.*
- 2. Following the above works being completed by Council to render the Hall functional, the Bodallin community provides an undertaking to Council that it will establish a Hall Committee to manage the Halls usage, and in conjunction with Council, undertake any future works of an urgent nature based on a co-contribution basis.*
- 3. That Council in consultation with the Bodallin community, reassess the future of the Hall based on usage and ongoing capital and maintenance cost in 2021 for potential inclusion of such agreed percentage of expenditure in the 2022/2023 Budget.*
- 4. The Bodallin Hall committee maintain a verifiable usage log and provides a written report to Council on an annual basis.*

To date, the immediate non-compliances relating to electrical rewiring have been completed and were funded by Shire. The Bodallin Hall Committee funded works for the repair of the ceiling in the kitchen and a new hot water system as well as extensive cleaning throughout the premises.

Under section 4.4.1 of the building report produced by SW19, it stated:

The operation of the septic tanks could not be confirmed at the time of the inspection. Costs have been included for repairs (if required) and a provisional sum for an upgrade.

An onsite inspection by the Executive Manager Regulatory Services determined that the concrete septic tank is in sound condition and can be reutilised, however the leach drains have collapsed in sections and will need to be replaced.

Comment

The Bodallin Hall Committee (BHC) have reported that a number of functions have already been held at the hall, with additional booked in.

To date, the septic tank, which is of sound condition, has been suitable to contain liquid waste produced by these events, and still has a significant capacity, however to ensure the ongoing viability of the hall for use, the leach drains will need to be replaced.

Quotes are currently being sought, and a nominal amount of \$10,000 has been included in the Budget Review to cover the costs of the replacement.

Whilst Council resolution 126/2020 states that ongoing urgent works are to be undertaken under as a co-contribution, due to the BHC still being in it's infancy, they do not currently have the funds to be able to financially contribute at this stage. However, the committee have advised they will be able to supply provision of labour to contribute to the upkeep of the hall, until they are in a financial position to contribute.

The outlay of funds at this stage by Council will ensure the ongoing use of the hall, and allow the BHC to receive funds via hire contributions, and therefore place them in a position to contribute to future works.

Councillors are to note the \$10,000 inclusion in the Budget Review for replacement of leach drains at the Bodallin Hall, and are asked to consider including this budget amendment favourably.

Statutory Environment

Nil

Strategic Implications

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

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

Strategy:

- Provide and maintain high quality community infrastructure (recreation centre, oval, bowls, swimming pool, library, community centre, halls).
- Provide support to local sport, recreation and community groups.

Policy Implications

Nil

Financial Implications

2020/2021 Budget amendment of \$10,000

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|---|---|---|
| Health/People | Health risks of failed septic system | H15 | Replacement of leach drains to ensure correct operation |
| Financial Impact | Possible penalties and remediation costs for failed system and unauthorised discharge of liquid waste | H12 | Replacement of leach drains to ensure correct operation |
| Service Interruption | Bodallin Hall not able to be used or hired out by committee | M8 | Replacement of leach drains to ensure correct operation |
| Compliance | Compliance with Health (Treatment of Sewage) Regulations | L2 | Applications made to DoH for approval. |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Unauthorised discharge of liquid waste | H12 | Replacement of leach drains to ensure correct operation |

| 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 and Council Decision

28/2021

Moved Cr Close/Seconded Cr Shaw

That Council note the inclusion of \$10,000 in the 2020/2021 budget review, for the replacement of leach drains at the Bodallin Hall.

CARRIED (7/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.7 Draft Policy 4.9 - Transportable Dwellings and Additional Rural-Mining Dwellings Policy

| | |
|-------------------------------|-------------------------|
| File Reference | 2.3.3.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Draft Policy 4.9 |

Purpose of Report

To consider a draft policy relating to transportable dwellings and additional rural-mining dwellings.

Background

The Shire of Yilgarn have received a number of enquiries relating to transportable dwellings and additional dwellings on rural lots in recent months.

Community feedback and a subsequent review of the current development requirements determined that the process of seeking approval for a new transportable dwelling or additional dwelling on a rural lot under the Shire of Yilgarn Town Planning Scheme 2 was overly onerous.

Whilst a review of the Shire's Town Planning Scheme is due to commence in 2021/2022, in order meet our obligation under the Community Strategic Plan, of continuing to provide an efficient and effective approval process, it is believed a policy addressing these requirements is warranted.

Comment

Transportable Dwellings

Section 6.1.2(d) of the Shire of Yilgarn Town Planning Scheme 2 (TPS2) states that the planning approval of the Council is not required for the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.

Under Residential, Townsite and Mining/Rural zones of the Zoning Table of the TPS2, it lists a single residential dwelling as "P" use, meaning council approval is not required in these areas for a single dwelling.

Section 5.3.1 states that a transportable dwelling may not be transported to and placed within a lot within the district.

Section 5.3.2 states that, notwithstanding the provisions of Sub-Clause 5.3.1, a person may seek the approval of Council for a Transportable Dwelling to be transported to and placed on

a lot within the District and used as a residential dwelling. Council may approve with conditions, including requiring the applicant to provide a bond as a "surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit"

The current requirement for transportable dwellings to seek Council approval and not in-situ built dwellings is believed to be related to second hand transportable dwellings being relocated, where there is a risk the finished standard will not meet the aesthetic expectations of the community within townsites. However, it seems overly onerous for new transportable dwellings to be required to undertake these same requirements, as they would pose no greater aesthetic risk to the townsite as an in-situ built dwelling.

As such, where a new factory built transportable dwelling is proposed to be transported to and placed on a lot in the district, which complies with all other relevant planning requirements, it is proposed to exempt it from the requirement to obtain Council approval as is the case with in-situ built dwellings.

However, building and health approvals, where applicable, are still required to be sought and gained prior to development commencing.

Where a second hand or used transportable dwelling is proposed to be transported and placed on a lot in the district, it is still required to seek and obtain Council approval.

Additional Rural/Mining Dwellings

Section 6.1.2(d) of the Shire of Yilgarn Town Planning Scheme 2 (TPS2) states that the planning approval of the Council is not required for the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.

Under Mining/Rural zones of the Zoning Table of the TPS2, it lists a single residential dwelling as "P" use, meaning council approval is not required in these areas for a single dwelling.

Whilst a single residential dwelling on a lot does not require Council approval, there is no exemption for multiple residential dwellings on the same lot, and as such, where two or more residential dwellings are proposed for a single lot, Council approval is required.

Whilst on Residential and Townsite zoned lots, Council approval should still be required for multiple residential dwellings, on Rural/Mining lots, where the residential design codes are not applicable, and there is generally ample space within which to place multiple dwellings, it seems overly onerous to require Council approval in these instances.

As such, where multiple residential dwellings are proposed on Rural/Mining lots within the district, it is proposed to exempt the requirement to gain Council approval, on the provision the dwellings are located in such a manner that they each have a minimum area allocation of one hectare, in keeping with the Department of Planning Development Control Policy 3.4 – Subdivision of Rural Land.

Health approvals, where applicable, are still required to be sought and gained prior to development commencing

Statutory Environment

Shire of Yilgarn Town Planning Scheme 2

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

Addition to Council Policy Manual

Financial Implications

Nil

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|---|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Compliance with relevant planning legislation | L1 | Council already has discretion to approve under TPS2, Policy will be in keeping with Council discretionary powers |
| Reputational | Failure to adhere to Community Strategic Plan | L3 | Policy in place to ensure efficient and effective approval process |
| Property | Nil | Nil | Nil |
| 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 and Council Decision

29/2021

Moved Cr Guerini/Seconded Cr Rose

Council endorse the proposed Policy 4.9 - Transportable Dwellings and Additional Rural/Mining Dwellings Policy.

CARRIED (7/0)

POLICY: **TRANSPORTABLE DWELLINGS AND ADDITIONAL RURAL/MINING DWELLINGS POLICY**

POLICY NO: **4.9**

SECTION: **TOWN PLANNING & BUILDING**

LAST REVIEW DATE: **N/A**

DUE FOR REVISION: **SEPTEMBER 2021**

Transportable Dwellings

Notwithstanding Section 5.3.1 of the Shire of Yilgarn Town Planning Scheme 2, where a new factory built transportable dwelling is proposed to be transported to and placed on a lot in the district, which complies with all other relevant planning requirements, it is exempt from the requirement to obtain Council approval.

Building and health approvals, where applicable, are still required to be sought and gained prior to development commencing.

Where a second hand or used transportable dwelling is proposed to be transported and placed on a lot in the district, it is still required to seek and obtain Council approval.

Additional Rural/Mining Dwellings

Where multiple residential dwellings are proposed on a single Rural/Mining lot within the district, Council approval is not required; on the provision, the dwellings are located in such a manner that they each have a minimum area allocation of one (1) hectare, in keeping with the Department of Planning Development Control Policy 3.4 – Subdivision of Rural Land.

Health approvals, where applicable, are still required to be sought and gained prior to development commencing.

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

30/2021

Moved Cr Close/Seconded Cr Shaw

That the new business be introduced for consideration by Council

CARRIED (7/0)

*Cr Cobden declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 and left the meeting at 5.04pm

12 Late Item - Reporting Officer– Executive Manager Regulatory Services

12.1 Development Application – 105 Altair Street, Southern Cross – Carport

| | |
|-------------------------------|------------------------|
| 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 reduced setbacks for a carport at 105 Altair Street, Southern Cross.

Background

The Shire is in receipt of a Development Application, which seeks approval to install a 7.5 by 9 metre carport to the street frontage of 105 Altair Street, Southern Cross. The carport is proposed to be built up to the front and side boundary line. The proposed floor area will be 67.5 square metres with a maximum height of 3 metres on a flat roof. A layout plan of the carport is shown below:



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 R30, with the Residential Design Codes (R-Codes) carport setbacks design principles stating:

Setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

The deemed-to-comply setbacks for carports o R30 zoned lots are as follows:

| Setback Type | Distance (metres) |
|--------------------------------|-------------------|
| Primary Street | 4 |
| Side Boundary | 1 |
| Maximum Reduced Primary Street | 2 |

Comment

The applicants wish to reduce the Primary Street and Side Boundary setbacks, such that the carport posts will abut the front boundary line and side 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, the following was determined:

- The carport will not inhibit the line of sight along Altair street, with the main Altair Street sealed section being separated from the property boundary by a gravelled section. There is no access to the side street, Gruis Rd, adjacent to the property front boundary, and as such, the only regular traffic accessing this area will be traffic entering and exiting the subject property, as such there is no inherent risk to pedestrians or traffic created via this proposal;
- The carport is not thought to detract from the streetscape, with a reasonably un-intrusive design;
- Being an open carport, it will not block views of the road from the adjoining property at 103 Altair Street.

Council has the discretion to approve the reduced boundary setbacks, allowing the carport to adjoin both the side and front boundary.

It should be noted, under the National Construction Code, it is permissible for an open sided structure such as a carport to be built against an adjoining boundary, as long as there is 900mm separation between the carport structure and the neighbouring dwelling. The dwelling on 103 Altair Street is setback further than 900mm from the boundary fence, permitting the carport structure at 105 Altair to be built up to the boundary.

If permitted, no additions to 103 Altair Street property will be permitted within 900mm of the carport structure on 105 Altair Street, however this property is owned by the Shire of Yilgarn and there are no plans to extend or alter the current dwelling in a manner that would breach this setback.

It is the reporting officers' opinion that approving the proposal will not unduly affect the design principles of the R-Codes or the TPS2, nor will it unduly affect the adjoining neighbour or the aesthetics of the area.

Statutory Environment

Planning and Development Act 2005

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 processes

Policy Implications

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

Financial Implications

Planning and building application fee revenue

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|---|
| Health/People | Inadequate building standards | L1 | Building standards assessed through permit process. |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Compliance with Planning and Building Standards | L2 | Compliance with relevant legislation |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decisions

31/20201

Moved Cr Rose/Seconded Cr Close

Council endorse the proposed 7.5 metre long, 9 metre wide and 3 metre high flat roof carport at 105 Altair Street, Southern Cross, as per submitted plan.

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

- ***Required Maximum Reduced Primary Street setback of 2 metres to be reduced to a nil setback, allowing the carport posts to abut the front boundary; and***
- ***Required Side Boundary Setback of 1 metre to be reduced to a nil setback, allowing the carport posts to abut the side boundary;***

Council also note that the Shire of Yilgarn owned property at 103 Altair Street, Southern Cross will not be permitted to extend or build any habitable structures within 900mm of the affected side boundary.

Advice Notes:

- 1. Applicant to seek and obtain a building permit prior to construction.***
- 2. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.***

CARRIED (6/0)

*Cr Cobden re-joined the meeting at 5.06pm

12 Reporting Officer– Executive Manager Regulatory Services

12.2 Local Government (Model Code of Conduct) Regulations 2021 – for Council Members, Committee Members and Candidates

| | |
|-------------------------------|------------------------------------|
| File Reference | 2.3.3.1 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Draft Model Code of Conduct |

Purpose of Report

To present to Council the Draft Code of Conduct for Council Members, Committee Members and Candidates and to appoint an authorised person to receive complaints.

Background

New regulations came into effect that implement the final reforms identified during Phase 1 of the *Local Government Act Review*. At the same time, new sections of the *Local Government Act 1995* relating to the regulations also took effect.

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations* and *Local Government Amendment Regulations (Employee Code of Conduct) Regulations 2021* prescribe a Model Code of Conduct for Council Members, Committee Members and Candidates; prescribe Model Standards for the recruitment, selection, performance review and termination of Local Government CEO's; and introduce requirements for Codes of Conduct for employees.

The Regulations provide for an implementation phase of up to three (3) months during which time Local Governments must undertake a series of actions to operationalise the new Regulations however, as stated in the Guidelines on the Model Code of Conduct the following should be undertaken:-

To account for any breaches occurring on the first day that the Regulations take effect, local governments must authorise at least one person within three weeks of the Regulations taking effect (by 24 February 2021).

Comment

The attached Draft Code of Conduct is based on the Model Code contained with the newly constituted *Regulations*.

The Code of Conduct requires that Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include

specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:-

- President or Mayor,
- Deputy President or Mayor (especially for complaints about the President or Mayor),
- Chief Executive Officer, or
- External consultant

Statutory Environment

Local Government Act 1995

Division 9 — Conduct

5.102A. Terms used

In this Division —

breach means a minor breach or a serious breach;

candidate means a candidate for election as a council member;

complaints officer means the person who is the complaints officer under section 5.120 for the local government concerned;

minor breach has the meaning given in section 5.105(1), and it includes a recurrent breach;

model code means the model code of conduct prescribed for the purposes of section 5.103(1);

party, when used in connection with a complaint, means —

- (a) the person who made the complaint; or
- (b) the person against whom the complaint was made;

primary standards panel means the standards panel established under section 5.122(1);

recurrent breach has the meaning given in section 5.105(2);

rule of conduct means a provision of the model code that is specified in the model code to be a rule of conduct;

serious breach has the meaning given in section 5.105(3);

standards panel means a standards panel established under section 5.122(1) or (2).

[Section 5.102A inserted: No. 1 of 2007 s. 9; amended: No. 16 of 2019 s. 49.]

5.103. Model code of conduct for council members, committee members and candidates

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include —
 - (a) general principles to guide behaviour; and
 - (b) requirements relating to behaviour; and
 - (c) provisions specified to be rules of conduct.

- (3) The model code of conduct may include provisions about how the following are to be dealt with —
 - (a) alleged breaches of the requirements referred to in subsection (2)(b);
 - (b) alleged breaches of the rules of conduct by committee members.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations may amend the model code of conduct.
[Section 5.103 inserted: No. 16 of 2019 s. 50.]

5.104. Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

** Absolute majority required.*

- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.

** Absolute majority required.*

- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —
 - (a) can only be expressed to apply to council members or committee members; and
 - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.

[Section 5.104 inserted: No. 16 of 2019 s. 50.]

5.105. Breaches by council members

- (1) A council member commits a minor breach if the council member —

- (a) contravenes a rule of conduct; or
 - (b) contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.
- (1A) Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- (1B) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).
- (2) A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.
- (3) A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.

Draft Code of Conduct for Council Members, Committee Members and Candidates

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

Strategic Implications

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

Policy Implications

The new Code of Conduct will replace previous Council Policy 1.7 – Code of Conduct relating to Members of Council.

Financial Implications

Nil

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|--|
| Health/People | Allow for Council Members, Committee Members and Candidates to submit breaches | Moderate (9) | Ensure that complaints received are dealt with as per the Code, Regulations and Act. |
| Financial Impact | Nil | Nil | Nil |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Section 5.104 of the <i>Local Government Act 1995</i> and <i>Local Government (Model Code of Conduct) regulations 2021</i> | Moderate (9) | Adoption of Code of Conduct to ensure Council is meeting statutory requirements |
| Reputational | To maintain a high level of governance | High (15) | Ongoing review of Code and ensure Member training is undertaken |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation and Council Decision

32/2021

Moved Cr Close/Seconded Cr Guerini

That in accordance with Section 5.104 of the Local Government Act, Council adopts the Code of Conduct for Council Members, Committee Members and Candidates as presented and, that Council appoints the CEO as the person designated to receive complaints regarding Council Members, Committee Members and Candidates.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Lord Mayors Disaster Relief Appeal - Donations for Perth Hills Bushfires

As previously discussed in the Council Discussion session a decision was made to donate to the Lord Mayors Disaster Relief Appeal.

33/2021

Moved Cr Shaw/Seconded Cr Rose

That Council donate \$500 to the Lord Mayors Disaster Relief Appeal in support of those affected by the Perth hills bushfires.

CARRIED (5/2)

*Cr Nolan and Cr Close voted against the decision

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.13pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 18 February 2021, are confirmed on Thursday, 18 March 2021 as a true and correct record of the February 2021 Ordinary Meeting of Council.

**Cr Wayne Della Bosca
SHIRE PRESIDENT**