



Council Meeting Agenda

*17 March
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

MARCH 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 17 March 2022 Commencing
at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*

Nicholas Warren
Chief Executive Officer

11/03/2022

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Members

Cr W Della Bosca
Cr B Close
Cr J Cobden
Cr G Guerini
Cr P Nolan
Cr L Rose

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	S Chambers	Executive Manager Regulatory Services
	B Forbes	Finance Manager
	L Della Bosca	Minute Taker

Apologies: B Forbes Finance Manager

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 17 February 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 17 February 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Audit Committee Meeting, Thursday, 17 February 2022-(Minutes Attached)

Recommendation

That the minutes from the Audit Committee meeting held on the 17 February 2022 be confirmed as a true record of proceedings

Voting Requirements: Simple Majority

6.3 Central East Accommodation and Aged Care Alliance (CEACA), Monday, 28 February 2022-(Minutes Attached)

Recommendation

That the minutes from the CEACA meeting held on the 28 February 2022 be received

Voting Requirements: Simple Majority

6.3 Wheatbelt East Regional Organisation of Councils Inc., Tuesday, 1 March 2022 (WEROC)-(Minutes Attached)

Recommendation

That the minutes from the WEROC meeting held on the 1 March 2022 be received

Voting Requirements: Simple Majority

6.2 Westonia/Yilgarn Local Emergency Management Committee, Thursday, 24 February 2022-(Minutes Attached)

Recommendation

That the minutes from the Westonia/Yilgarn Local Emergency Management Committee meeting held on the 24 February be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Sarah Kristy, Senior Environmental & Community Advisor and Trevor Ennis-John, Environmental Manager for Barto Gold Mining Pty Ltd will attend Council to discuss the Southern Cross operations.

8. DELEGATES' REPORTS

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 28 February 2022

- 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

At the request of Councillors, the financial statements now include an additional note for Local Roads and Community Infrastructure (LRCI) projects.

The new note details the following for each LRCI project:

- the allocated LRCI funds
- costs incurred, in total and for the financial year-to-date
- overall under/over spending
- grant funds receivable (if any).

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

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

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 28 February 2022.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41103 to 41108 totalling \$3,050.04
- Municipal Fund - EFT 12330 to 12431 totalling \$427,807.21
- Municipal Fund – Cheques 1874 to 1894 totalling \$263,054.10
- Municipal Fund Direct Debit Numbers 16532.1 to 16532.11, and 16559.1 to 16559.11 totalling \$43,474.85
- Trust Fund - Cheques 402623 to 402624 totalling \$266.05

The above are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

Risk Matrix						
Consequence 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

- *Municipal Fund – Cheques 41103 to 41108 totalling \$3,050.04*
- *Municipal Fund - EFT 12330 to 12431 totalling \$427,807.21*
- *Municipal Fund – Cheques 1874 to 1894 totalling \$263,054.10*
- *Municipal Fund Direct Debit Numbers 16532.1 to 16532.11, and 16559.1 to 16559.11 totalling \$43,474.85*
- *Trust Fund - Cheques 402623 to 402624 totalling \$266.05*

The above are presented for endorsement as per the submitted list.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2021/22 – 2025/26 Corporate Business Plan

File Reference	1.1.12.4
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	2021/22 – 2025/26 Corporate Business Plan

Purpose of Report

To consider the modified Shire of Yilgarn 2021/22 – 2025/26 Corporate Business.

Background

The 2021/22 – 2025/26 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 3.5% as provided by the ABS December 2021 quarter calculations.

It should also be noted that the Capital Works associated with the Local Roads and Community Infrastructure, round 3 grant have not been included as part of the Forward Capital Works Plan as the projects and costings have yet to be determined.

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)

Officer Recommendation

That Council adopts the 2021/22 – 2025/26 Corporate Business Plan as presented.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Bullfinch Radio Pty Ltd – Application to Clear Native Vegetation under the *Environmental Protection Act 1986* – Bullfinch

File Reference	1.6.26.17
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Maps provided by Department of Mines, Industry, Regulation and Safety

Purpose of Report

To consider a response to the Department of Mines, Industry, Regulation and Safety (DMIRS), regarding a proposal for Bullfinch Radio Pty Ltd to clear native vegetation on an existing mining lease in Bullfinch.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission by Bullfinch Radio Pty Ltd, seeking a permit to clear 32.92 hectares of native vegetation under the *Environmental Protection Act 1986*.

Comment

The Shire has received email correspondence from DMIRS which states:

In accordance with sub-section 51E(4) of the Act, I consider that you may have a direct interest in the subject matter of the application and wish to provide you with the opportunity to comment on the proposal should you consider it appropriate.

I 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.

The site is currently subject to Mining Lease 77/633 held by Bullfinch Radio Pty Ltd. The clearing is consistent with mining activities in the region and DMIRS are the responsible agencies for managing native clearing permits in the mining sector throughout Western Australia. The reporting officer has limited knowledge on the subject and believes DMIRS are better equipped to make informed decisions on such matters.

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	Compliance with relative environmental and mining legislation.	Moderate 6	DMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	DMIRS 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)

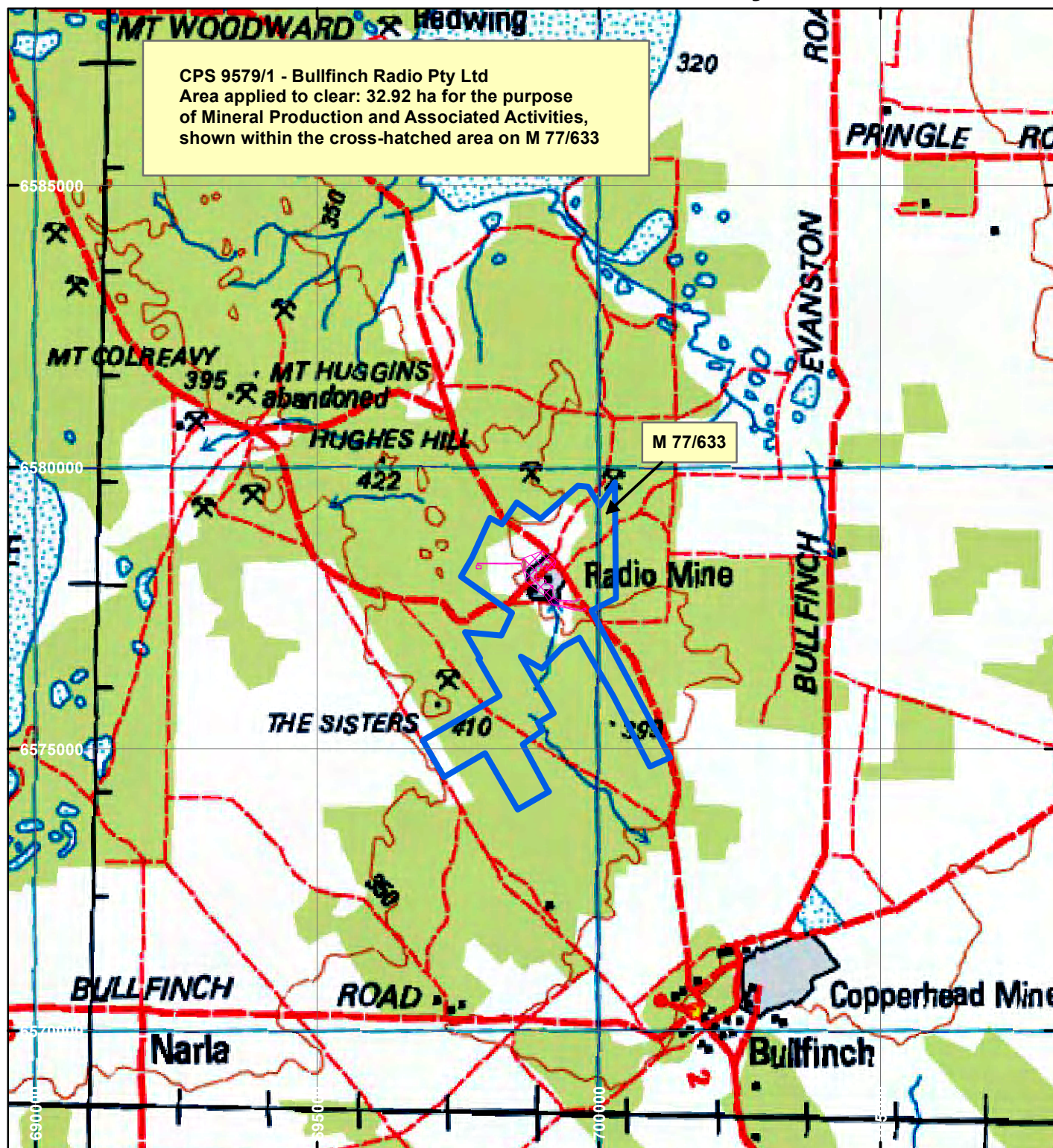
Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

Council endorse the following response to the Department of Mines, Industry Regulation and Safety:

With regards to the application from Bullfinch Radio Pty Ltd to clear 32.92 hectares of native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comments on the proposal.

CPS 9579/1 - Bullfinch Radio Pty Ltd



LEGEND

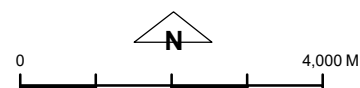


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



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.



WA Crown Copyright 2002

CPS 9579/1 - Bullfinch Radio Pty Ltd

CPS 9579/1 - Bullfinch Radio Pty Ltd
Area applied to clear: 32.92 ha for the purpose
of Mineral Production and Associated Activities,
shown within the cross-hatched area on M 77/633

6580000

M 77/633

6578000

6576000

698000

700000

LEGEND

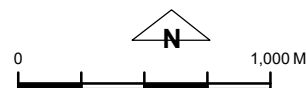


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:30,000

(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.



WA Crown Copyright 2002

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Covalent Lithium Pty Ltd – Application for Works Approval - Category 63 & 64 Landfill Site under the *Environmental Protection Act 1986*

File Reference	3.2.1.31
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Map Provided by DWER

Purpose of Report

To consider a response to Department of Water and Environmental Regulation (DWER) regarding an application for works approval to construct a landfill site within Mining Tenement M77/1066, Mount Holland

Background

The Shire has received correspondence from DWER, regarding an application for works approval submitted by Covalent Lithium to construct a Class 1, 11 & 111 landfill site on Mining Tenement M77/1066 in Mount Holland under the *Environmental Protection Act 1986*.

Comment

The Shire has received email correspondence from DWER which states:

The Department of Water and Environmental Regulation (DWER) has recently received an application from Covalent Lithium Pty Ltd for a works approval under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at the Earl Grey Lithium Project site within Mining Tenement M77/1066, Mount Holland.

The application is in relation to:

Category 63 – Class I inert landfill site; and

Category 64 – Class II or III putrescible landfill site.

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 grant a works approval (including any specified conditions) or refuse the works approval.

The site is currently subject to mining tenements M77/1066, held by Covalent Lithium Pty Ltd. Covalent Lithium do not currently have a licensed landfill facility on their mining tenement and have been depositing significant volumes of waste at the Southern Cross landfill site. The volume of waste is so significant that the Shire has been required to dig an additional cell to accommodate the increased waste and to allow for the side tippers to deposit waste in a safe and manageable way.

The proposal to construct a landfill site on Covalent Lithium's existing tenement will reduce reliance on existing Shire facilities and increase the long term sustainability of the Southern Cross landfill site.

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	Compliance with relative environmental and mining legislation.	Moderate 6	DWER Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	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

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

With regards to Covalent Lithium's application for works approval to construct a Category 63 – Class 1 inert Landfill site and a Category 64 – Class II or III putrescible landfill site, the Shire of Yilgarn supports the application.



Nic Warren
Chief Executive Officer
Shire of Yilgarn
23 Antares Street
SOUTHERN CROSS WA 6426

via email: ceo@yilgarn.wa.gov.au; reception@yilgarn.wa.gov.au

Dear Nic Warren

REFERRAL OF A WORKS APPROVAL UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* – INVITATION TO COMMENT

The Department of Water and Environmental Regulation (DWER) has recently received an application from Covalent Lithium Pty Ltd for a works approval under Division 3 Part V of the *Environmental Protection Act 1986* (EP Act) at the Earl Grey Lithium Project site within Mining Tenement M77/1066, Mount Holland. The application is in relation to:

Category 63 – Class I inert landfill site; and

Category 64 – Class II or III putrescible landfill site.

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 grant a works approval (including any specified conditions) or refuse the works approval.

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 forward your submission to the address below or forward via email to info@dwer.wa.gov.au within 14 days from the date of this letter and please quote W6649/2022/1 on future correspondence and enquiries.

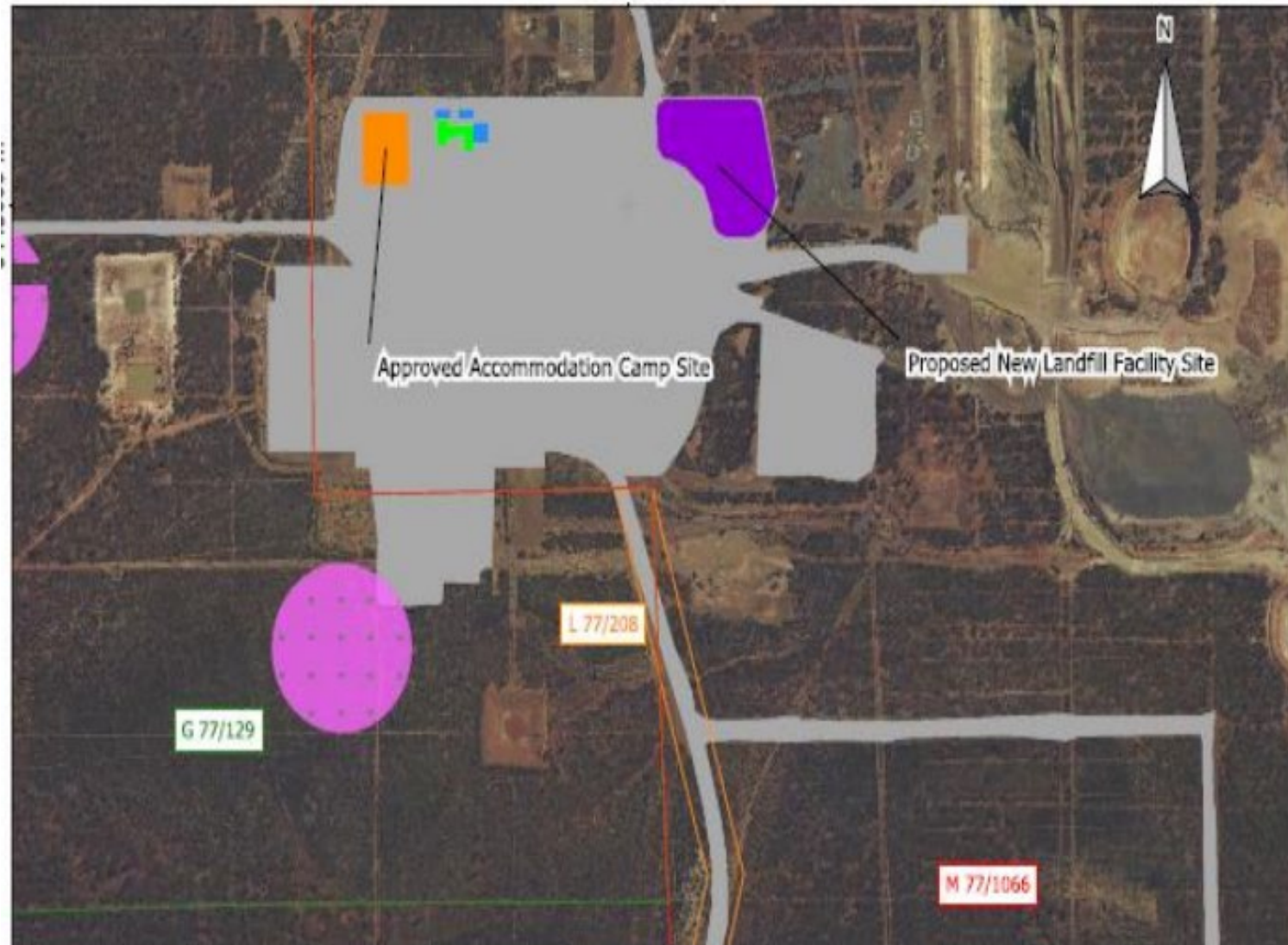
If you have any queries regarding the above information, please contact the Environmental Officer listed above.

Yours sincerely

Melissa Chamberlain
A/Manager Waste Industries
REGULATORY SERVICES
Officer delegated under section 20
of the Environmental Protection Act 1986

21 February 2022

Covalent Lithium – Works Approval – Category 63 & 64



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Request for Comment – Purchase Unallocated Crown Land – Lots 107 & 108 Dorothy Street, Bullfinch

File Reference	1.6.17.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Aerial Map and Tenure Map Provided by DPLH

Purpose of Report

To consider a request for comment from Department of Lands Planning and Heritage (DPLH) in relation to a proposal to purchase Lots 107 & 108 Dorothy Street, Bullfinch.

Background

The Shire is in receipt of correspondence from DPLH seeking Councils comments in relation to a proposal to purchase Lots 107 & 108 Dorothy Street, Bullfinch. The lots are located in the townsite of Bullfinch in close proximity to residential dwellings. The lots are accessed via Dorothy Street and are zoned rural/mining.

As part of the application process with the Department, the proponent is required to seek the Local Governments comments as to whether they would support the proposal.

The Shire has received email correspondence from DWER which states:

The Department of Planning, Lands and Heritage are investigating a request to purchase UCL over Lots 107 & 108 on Deposited Plans 222206 in Bullfinch, within the Shire of Yilgarn. The purpose for these UCL Lots is for a land sale/land exchange.

Could the Shire of Yilgarn please advise whether it supports the desired proposal?

Comment

In assessing this request, it is important for Council to take into account the planning scheme, zoning and permitted uses of the land. As such, should the proponent be successful in purchasing the land, they are likely to require Development Approval, Building Approval and Health Approval for any development or associated infrastructure on the land. In view of this, Council should determine what use is consistent with the zoning of the land and surrounding land use.

The land is zoned as “Rural/Mining” under the Shire of Yilgarn Town Planning Scheme 2 (TPS2).

Rural/Mining Zone

“The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.”

As the land is surrounded by residential dwellings, Council needs to consider the sensitive land users adjacent or within proximity to land. Residential development is likely to be consistent with surrounding land use however other uses such as industrial or extractive industry may present risk of nuisance arising from noise, dust, odour or vibration.

Statutory Environment

Planning and Development Act 2005
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

Nil

Financial Implications

Future Development Application and Building Permit Application fees.

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 Planning, Building and Health Legislation	Moderate 6	Development Application and Building Permit required prior to infrastructure construction commencing.

Reputational	Consenting to a land use not listed.	Moderate 6	Compliance with discretionary clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council supports the proposal to purchase Unallocated Crown Land, being Lots 107 & 108 Dorothy Street, Bullfinch, on the following conditions:

- 1. The proponent lodges relevant Planning, Building and Health applications for any development on the land prior to development taking place;*
- 2. Any future development shall comply with the Shire of Yilgarn Town Planning Scheme 2;*
- 3. Access and egress from the site is to be via Dorothy Street.*



Legend

☐ Cadastre (View 1)

Roads

— Main

— Minor

Land Tenure Small Scale 16K

Crown Allotment (Type 2)

Public Road

Unallocated Crown Land

Land Tenure Small Scale 4K

Crown Allotment (Type 2)

Unallocated Crown Land

Reserve

Notes:

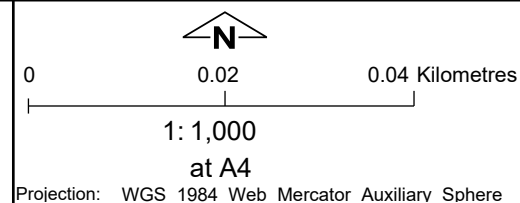
* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

UCL Lots 107 and 108 on Deposited Plan 222206

DPLH BUSINESS USE ONLY





Legend

☐ Cadastre (View 1)

Roads

— Main

— Minor

Land Tenure Small Scale 16K

Crown Allotment (Type 2)

Public Road

Unallocated Crown Land

Land Tenure Small Scale 4K

Crown Allotment (Type 2)

Unallocated Crown Land

Reserve

Notes:

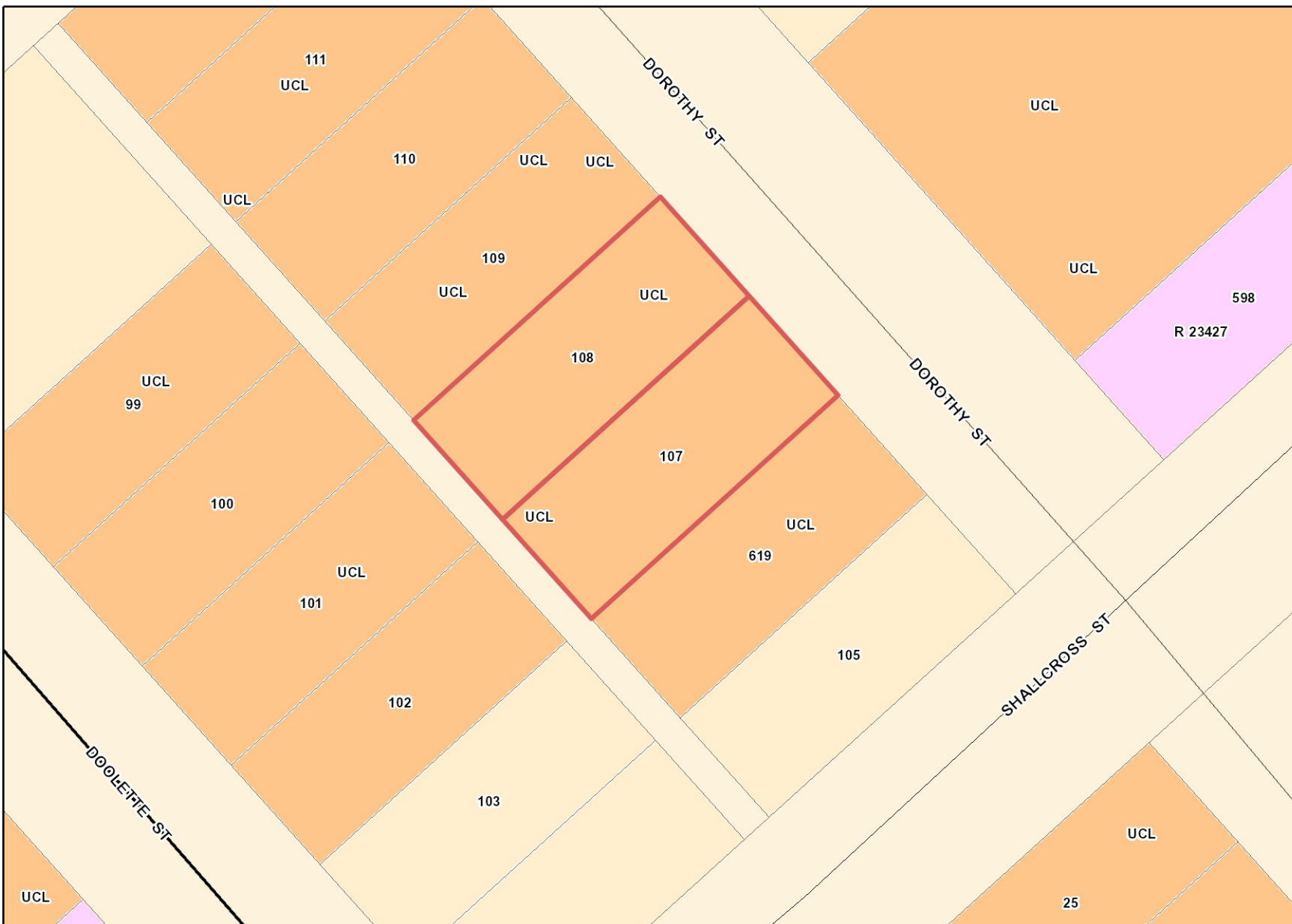
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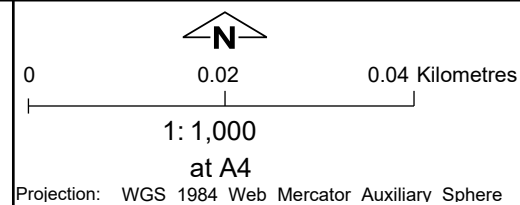
Date produced:

27-Oct-2021



UCL Lots 107 and 108 on Deposited Plan 222206

DPLH BUSINESS USE ONLY



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Barto Gold Mining Pty Ltd – Referral of a Licence Amendment – Windmill Open Pit Project

File Reference	3.2.1.30
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 (DWER), regarding an application to amend an existing licence for Barto Gold Mining Pty Ltd, Windmills Open Pit Project, Marvel Loch.

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*.

The application relates to prescribed activities which fall under the following categories;

Category Number	Category Description	Threshold	Infrastructure
6	Mine Dewatering	6,000,000 tonnes per annual period	Turkey Nest Dam
64	Class 11 & 111 putrescible landfill	2,000 tonnes per annual period	Landfill Site

Comment

The Shire has received email correspondence from the DWER, which states:

The Department of Water and Environmental Regulation (DWER) has recently received an application from Barto Gold Mining Pty Ltd for an amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at the Southern Cross Operations. The application is in relation to the Windmills Open Pit Project located within mining tenements M77/790 and M77/775, specifically prescribed activities that fall under the following categories, as defined in Schedule 1 of the Environmental Protection Regulations 1987:

Category 6 – Construction and operation of dewatering pipeline and lined turkey's nest to store mine dewater.

Category 64 – Construction and operation of a Class II or III putrescible landfill.

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 reasons provided for submitting an application to amend the license are as follows;

- The construction of a Turkeys Nest and associated pipeline to store mine dewater; and
- The construction of a class II or III putrescible landfill for the disposal and storage of waste generated at the Windmills Project.

As the existing license relates to an open pit mining operation with the potential to extend below the pre mining water table, dewatering is considered an essential part of the operation. Additionally, the construction of an onsite landfill facility will reduce the burden placed on the existing Shire owned landfill facility located at Marvel Loch.

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	Moderate 8	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	Moderate 6	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:

With regards to the application from Barto Gold Mining Pty Ltd for a licence amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986; the Shire of Yilgarn has no comment on the proposal.

10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

Recommendation

That the new business of an urgent nature be accepted by Council for consideration

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE