



Council Meeting Agenda

21 April

2022

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

APRIL 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 21 April 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

14/04/2022

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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 L Granich
Cr G Guerini
Cr P Nolan
Cr L Rose

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

Apologies: G Brigg Executive Manager Infrastructure

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

Nic Warren declares an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in agenda item 9.4.6 - Development Application – Crisp Wireless Telecommunication Equipment Lot 967 Cramphorne Road, Mount Hampton, due to having a family relationship with the owners of the subject property.

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 March 2022- (Minutes Attached)

Recommendation

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

Voting Requirements: Simple Majority

- 6.2 Annual Electors Meeting, Thursday, 17 March 2022-(Minutes Attached)

Recommendation

That the minutes from the Annual Electors meeting held on the 17 March 2022 be confirmed as a true record of proceedings

Voting Requirements: Simple Majority

- 6.3 Wheatbelt North-East Sub Regional Road Group, Monday, 4 February 2022-(Minutes Attached)

Recommendation

That the minutes from the Wheatbelt North-east Sub Regional Road Group meeting held on the 4 February be received

Voting Requirements: Simple Majority

- 6.4 Shire of Yilgarn Bush Fire Advisory Committee, Wednesday, 30 March 2022- (Minutes attached)

That the minutes from the Shire of Yilgarn Bush Fire Advisory Committee meeting held on the 30 March be received.

Voting Requirements: Simple Majority

- 6.5 Shire of Yilgarn Tourism Advisory Committee, Wednesday, 6 April 2022-(Minutes Attached)

Recommendation

That the Minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 6 April 2022 be received

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

The New Regional Manager, Mohammad Siddiqui from Main Road will be attending council.

8. DELEGATES' 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 | Simple Majority |
| Attachments | Draft Review of Delegations Register Delegation Amendment List 2022 |

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 2021.

Comment

The Chief Executive Officer has reviewed the current Delegations Register and made various changes and additions.

A Delegations Amendment List has been provided as an attachment for Councillors perusal along with the draft delegations register.

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 Local Government Act | 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) |

Officer Recommendation

That Council adopt the reviewed 2022 Shire of Yilgarn Delegations Register as presented.

9.1 Officers Report – Chief Executive Officer

9.1.2 Yilgarn Agricultural Show – Financial Contribution

| | |
|-------------------------------|--------------------------|
| File Reference | 1.3.6.6 |
| Disclosure of Interest | None |
| Voting Requirements | Absolute Majority |
| Attachments | Email |

Purpose of Report

To present to Council for consideration, the ongoing commitment for financial assistance to the Yilgarn Agricultural Society in conducting the 2021 Yilgarn Show.

Background

In past years Council has contributed financially to the Yilgarn Agricultural Society to assist the Society in attracting performers/rides to make the Show a more attractive event for all ages.

Comment

The Shire's current 2021/2022 budget has an allocation of \$2,000 for contribution to the Yilgarn Agricultural Show for 2022.

In 2020/2021, the Shire provided a \$9,800 contribution towards rides and attractions for the 2021 show.

The Yilgarn Agricultural Society are in the planning stages for the 2022 show, and have sought a similar donation from the Shire as last year. The following contribution options have been provided:

- Motocross Stuntriders \$7,000
- Magician \$4,500
- Bunji Swing \$6,500
- Amusement Entertainment and large ride \$6,500,
- Virtual Gokarting, \$2,000

In keeping with last year's donation, it is proposed the Shire provides the \$2,000 general contribution already provided for in the budget, along with an additional \$7,000 contribution to fund the Motocross Stuntriders.

This would provide a \$9,000 contribution from the Shire from the 2021/2022 budget, and would be in keeping with contributions made last year.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Social Objectives Outcome 1.1 – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

Policy Implications

Nil.

Financial Implications

Current provision of \$2,000 in the 2021/2022 budget, with a \$7,000 amendment to the 2021/2022 budget, to fund the Yilgarn Agricultural Society 2022 Show.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---|---|---|
| Health/People | To support the Yilgarn Agricultural Society in providing a quality Show for all residents of the district | Low (1) | Contribution to support Yilgarn Ag Society. |
| Financial Impact | Unbudgeted funding. | Low (1) | Budget amendment approved by absolute majority. |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation

That Council reinforces its financial commitment to the Yilgarn Agricultural Society through its 2021/2022 Budget allocation of \$2,000.00, and endorses a budget amendment of an additional \$7,000.00 to assist the Society in securing performers/rides for the 2022 Show.

Laura Della Bosca

From: Alison Carnicelli <yilagpresident@outlook.com>
Sent: Wednesday, 16 March 2022 1:02 PM
To: Nic Warren
Subject: Re: Yilgarn Agriculture Show is on again In 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nic

So sorry I have taken a while to respond we had to take off to Perth.

The Shire paid for one of our Amusement Rides and our childrens entertainment in the Magician and face painting in 2021. Mineral Resources have the Fireworks.

Thank you so much for taking this to the meeting in order to try and get us more, more funds are much needed.

I'm glad you say you will help with the Motorbike stuntmen because I think they will be a great attraction and this makes me so excited to bring to the Community, and to put the Shire's name on it would be the cherry on top. Can we invoice you 21/22, hope that's ok. The \$2,000 we will put towards children's entertainment if that pleases you.

Again apologies for delay, warmest regards

Alison Carnicelli
President
Yilgarn Agricultural Society be

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From: Nic Warren <ceo@yilgarn.wa.gov.au>
Sent: Friday, March 11, 2022 4:22:16 PM
To: Alison Carnicelli <yilagpresident@outlook.com>
Subject: RE: Yilgarn Agriculture Show is on again In 2022

Hi Alison

The current budget has a \$2,000 general funding allocation, I note that for the 2021 show the Shire contributed \$2,000 general and \$7,800 for the fireworks.

I can commit the \$2,000 as it is already budgeted for, and can take an item seeking a further funding allocation of \$7,000 for the Motocross Stunriders.

If this is suitable, I can take a late item to Council for next week's Council meeting.

Would you be invoicing for the funds in the 2021/2022 or 2022/2023 financial year?

Regards

Nic Warren
Chief Executive Officer

Shire of Yilgarn
23 Antares Street
Southern Cross WA 6426
Ph: 08 9049 1001
Mobile: 04 27 775 325
Website: www.yilgarn.wa.gov.au



From: Alison Carnicelli <yilagpresident@outlook.com>
Sent: Thursday, 10 March 2022 12:43 PM
To: Nic Warren <ceo@yilgarn.wa.gov.au>
Subject: Yilgarn Agriculture Show is on again In 2022

Nic Warren
CEO
Shire of Yilgarn
Southern Cross

Hi there Nic

We have decided to go ahead with our Show again this year but this may depend on what finance we can hope to garner this year. This is why I am asking this early, so we can have an idea of what sponsorship may be coming our way this year.

The Show is being held on the 27th August 2022 and we would really love to bring the Community together with another great Show, but, as you would be aware, it takes a lot of money. Last year the costings were approximately \$72,000 and that was helped with the generous sponsorship of the Yilgarn Shire. This year, we hope to have the Motocross Stunriders, \$7,000, Magician \$4,500, the Bunji Swing, that was constantly used last year, \$6,500, along with the Amusement Entertainment and a large ride \$6,500, and Virtual Gokarting, \$2,000, which was another big hit last year, plus much more Entertainment for the families, but are dependant on Donations and Sponsorship. So if we get in early then we know what we can approximate and we can book some of the necessary things in as soon as possible.

We really hope the Shire can be as generous again in their support of the Community via the Yilgarn Agriculture Show, creating many memories for the Yilgarn, and beyond, and showing your belief in us, The Agricultural Society.

Thank you for taking the time to read my email,

Yours Sincerely

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

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31 March 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 41109 to 41113 totalling \$2,451.00
- Municipal Fund - EFT 12432 to 12548 totalling \$752,944.16
- Municipal Fund – Cheques 1895 to 1913 totalling \$351,848.77
- Municipal Fund Direct Debit Numbers:
 - 16622.1 to 16622.11 totalling \$22,461.49
 - 16655.1 to 16655.11 totalling \$22,231.25
 - 16656.1 to 16656.2 totalling \$346.88
 - 16686.1 to 16686.11 totalling \$22,689.26
- Trust Fund - Cheques 402625 to 402626 totalling \$364.25

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 | | 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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|---------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 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

- *Municipal Fund – Cheques 41109 to 41113 totalling \$2,451.00*
- *Municipal Fund - EFT 12432 to 12548 totalling \$752,944.16*
- *Municipal Fund – Cheques 1895 to 1913 totalling \$351,848.77*
- *Municipal Fund Direct Debit Numbers:*
 - *16622.1 to 16622.11 totalling \$22,461.49*
 - *16655.1 to 16655.11 totalling \$22,231.25*
 - *16656.1 to 16656.2 totalling \$346.88*
 - *16686.1 to 16686.11 totalling \$22,689.26*
- *Trust Fund - Cheques 402625 to 402626 totalling \$364.25*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2022/23 – 2031/32 Long Term Financial Plan

| | |
|-------------------------------|---|
| File Reference | 8.2.5.6 |
| Disclosure of Interest | Nil |
| Voting Requirements | Absolute Majority |
| Attachments | 2022/23 – 2031/32 Long Term Financial Plan |

Purpose of Report

For Council to consider adopting the revised Long-Term Financial Plan 2022/23 – 2031-32.

Background

In February 2009, the Minister for Local Government announced a package of wide-ranging local government reform strategies that were aimed at achieving greater capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

One of the requirements was to develop and review a long-term financial plan (LTFP) that is a ten-year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, annual budgets that are aligned with the strategic objectives can be developed.

Comment

The operating income and expenditure aspects of the LTFP are primarily developed utilising a CPI increase of 3% for the life of the plan, however the historic percentage increase/decrease of a given income or expense item could be utilised if appropriate. All estimates can be manually adjusted were appropriate to reflect a realistic valuation for the specific income or expenditure item.

Rate income is calculated utilising a 0.5% increase for the first 5 years with the remaining 5 years being calculated on a CPI Increase.

The Forward Capital Works aspect of the LTFP has been developed in consultation with the senior management team and with Councils Asset Management Officer. It should be noted that many aspects of the proposed forward capital works are currently under review and as such are subject to change.

Statutory Environment

Local Government Act 1996

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.

- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

[Section 5.56 inserted: No. 49 of 2004 s. 42(6).]

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.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Strategic Goal
Civic Leadership

Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

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

Financial Implications

There are no immediate financial implications as a result of this report however if adopted will inform in the setting of the 2021/2022 Budgeted.

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 the Local Government Act and associated Regulations. | Low (2) | Ensure Long Term Financial Plan Reviewed. |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation

That Council endorses the Long-Term Financial Plan 2022/23 – 2031/32 as presented

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2022/2023 Differential Rates – Objects & Reasons

| | |
|-------------------------------|---|
| File Reference | 8.1.1.5 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Attachment 1 – 2022/2023 Rating Strategy Attachment 2 – 2022/2023 Rating Objects & Reasons |

Purpose of Report

Council is requested to endorse the 2022/2023 Rating Strategy & Objects & Reasons.

Background

It is proposed to impose Differential Rates for the year ending 30th June 2022 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2022/2023 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

The Rates in the dollar being recommended are a result of efficiency measures being implemented over the previous few years. As a result of these measures, Council has significantly reduced the burden on its Ratepayers, in some categories, to the effect of as much as a 61% reduction in the rate in the dollar.

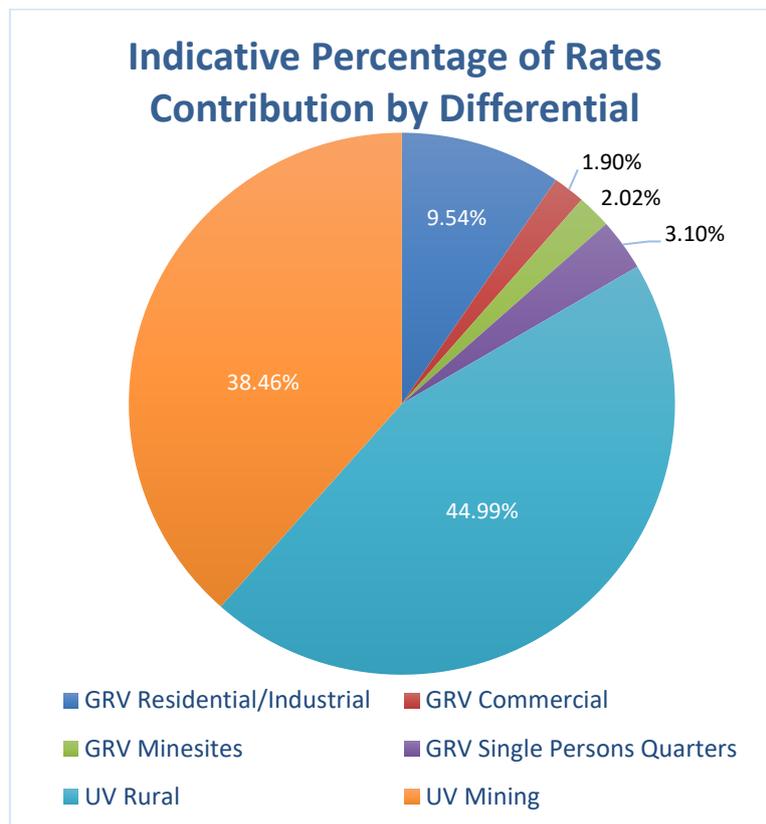
Due to the COVID-19 pandemic and the resulting economic uncertainties, it will be proposed that a small 0.5% increase in the Rate in the Dollar for the 2022/23 financial year.

2022/2023 Proposed Differential Rates

The proposed Differential Rate for each rating category are as follows:

| Land Category | Rate – Cents in the Dollar | Minimum Payment |
|------------------------------|----------------------------|-----------------|
| GRV - Residential/Industrial | 11.3458 | \$500 |
| GRV - Commercial | 7.9866 | \$400 |
| GRV - Minesites | 15.9734 | \$400 |
| GRV -Single Persons Quarters | 15.9734 | \$400 |
| UV - Rural | 1.7751 | \$400 |
| UV - Mining | 17.5667 | \$400 |

The proposed Rates in the dollar for 2022/2023 represent a 0.5% increase over those imposed in 2021/2022.



The recommended Rate in the dollar increase of 0.5% is less than the WA Local Government Cost Index (WALGCI) forecast for 2022/23 of 2.5% and December 2021 CPI of 5.66%. The WALGCI is similar in principle to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments.

The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such

as food and non-alcoholic and alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government.

The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government.

Statutory Environment

Attachment 1 - 2022/2023 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions with the addition of:

Local Government Act 1995

1.7. Local public notice

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

[Section 1.7 inserted: No. 16 of 2019 s. 5.]

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

and

- (c) is to advise electors and ratepayers that the document referred to in subsection (3A) —
 - (i) may be inspected at a time and place specified in the notice; and
 - (ii) is published on the local government's official website.
- (3A) The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

[Section 6.36 amended: No. 16 of 2019 s. 62.]

[Section 6.36 modified: SL 2020/57^{1M}.]

Local Government (Administration) Regulations 1996

3A. Requirements for local public notice (Act s. 1.7)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
 - (a) publication in a newspaper circulating generally in the State;
 - (b) publication in a newspaper circulating generally in the district;
 - (c) publication in 1 or more newsletters circulating generally in the district;
 - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;

- (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

[Regulation 3A inserted: SL 2020/213 r. 15.]

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 outcome of this recommendation will ultimately inform the direction for the 2022/2023 Income Budget as it relates to the raising of Rates.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|--|---|--|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Non or late payment of Rates by Ratepayers. | High (12) | If funding not received, projects and/or services can't be provided or undertaken. |
| Service Interruption | Non or late payment of Rates by Ratepayers. | Moderate (8) | Effective and efficient collection action. |
| Compliance | Act and Ministerial Policy differential rating requirements. | Moderate (9) | Ensure all requirements undertaken. |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Nil | Nil | Nil |

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

Officer Recommendation

That Council:

1. *Endorse the Differential Rating – Objects and Reasons for the 2022/2023 rating years as presented;*
2. *Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2022/2023 financial year:*

| <i>Land Category</i> | <i>Rate – Cents in the Dollar</i> | <i>Minimum Payment</i> |
|-------------------------------------|-----------------------------------|------------------------|
| <i>GRV - Residential/Industrial</i> | <i>11.3458</i> | <i>\$500</i> |
| <i>GRV - Commercial</i> | <i>7.9866</i> | <i>\$400</i> |
| <i>GRV - Minesites</i> | <i>15.9734</i> | <i>\$400</i> |
| <i>GRV-SPQ</i> | <i>15.9734</i> | <i>\$400</i> |
| <i>UV - Rural</i> | <i>1.7751</i> | <i>\$400</i> |
| <i>UV - Mining</i> | <i>17.5667</i> | <i>\$400</i> |

3. *Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:*
 - *Local public notice being place on Councils website on the 1st May 2022 with ancillary notices being published as soon as practicable after this, as per the requirements of section 6.36 of the Local Government Act 1995.*
 - *Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 Property Seizures for the Recovery of Unpaid Rates

| | |
|-------------------------------|--|
| File Reference | A3380, A4010, A7180, A7250, A8030 & 8.1.1.6 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

This report seeks Council's approval to seize with the intent to sell the land listed, for the purpose of recovering rates and charges outstanding in excess of three years.

Background

The following assessments have rates outstanding by more than three years for which it has not been possible to enter into an acceptable and successful arrangement for payment of the outstanding balance owing.

Mr Kelberg is the owner of record for assessments:

A3380 - 1 Gruis St, Southern Cross

A4010 - 25 Taurus St, Southern Cross

and is the sole proprietor of United Together Pty Ltd which is the owner of record for assessments:

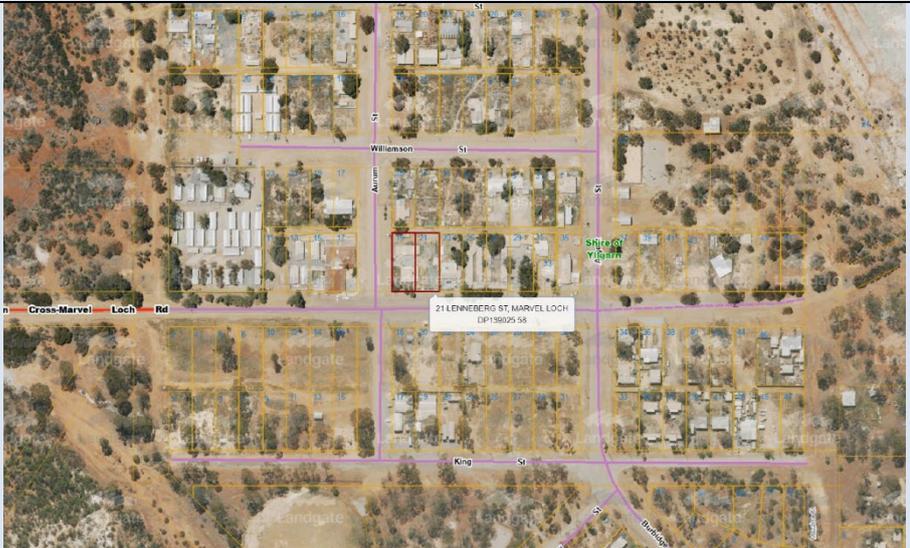
A7180 – 19-21 Lenneberg St, Marvel Loch

A7250 – 28 Horan St, Marvel Loch

A8030 – 20 Oxide St, Marvel Loch

| 1 GRUIS STREET, SOUTHERN CROSS | | | | | | | |
|---------------------------------------|---|--------|---------------------------------------|--------|---|--------|---------------------------------------|
| Assessment | A3380 | | | | | | |
| Ratepayer | Mr D Kelberg | | | | | | |
| Type / Zoning | Residential – Southern Cross | | | | | | |
| Period Outstanding | 2019 / 2020 – 2021 / 2022 (3 Years) | | | | | | |
| Amount Outstanding | \$12,596.48 | | | | | | |
| Last Payment | 19 th Feb 2019 - \$6,234.05 | | | | | | |
| Recovery Action | <table border="1"> <tr> <td>Jan 21</td> <td>Judgement in Council favour received.</td> </tr> <tr> <td>Feb 21</td> <td>Ratepayer lodged set aside application.</td> </tr> <tr> <td>Apr 21</td> <td>Ratepayer lost set aside application.</td> </tr> </table> | Jan 21 | Judgement in Council favour received. | Feb 21 | Ratepayer lodged set aside application. | Apr 21 | Ratepayer lost set aside application. |
| Jan 21 | Judgement in Council favour received. | | | | | | |
| Feb 21 | Ratepayer lodged set aside application. | | | | | | |
| Apr 21 | Ratepayer lost set aside application. | | | | | | |
| Additional Information | Nil | | | | | | |
| Location |  | | | | | | |
| |  | | | | | | |

| 25 TAURUS STREET, SOUTHERN CROSS | | | | | |
|---|---|--------|---------------------------------------|--------|---|
| Assessment | A4010 | | | | |
| Ratepayer | Mr D Kelberg | | | | |
| Type / Zoning | Residential (Duplex) – Southern Cross | | | | |
| Period Outstanding | 2015 / 2016 – 2021 / 2022 (7 Years) | | | | |
| Amount Outstanding | \$33,052.14 | | | | |
| Last Payment | 28 th Aug 2014 - \$3,047.24 | | | | |
| Recovery Action | <table border="1"> <tr> <td>Jan 21</td> <td>Judgement in Council favour received.</td> </tr> <tr> <td>Feb 21</td> <td>Ratepayer lodged set aside application; application not contested as previous judgement received in Oct 2018.</td> </tr> </table> | Jan 21 | Judgement in Council favour received. | Feb 21 | Ratepayer lodged set aside application; application not contested as previous judgement received in Oct 2018. |
| Jan 21 | Judgement in Council favour received. | | | | |
| Feb 21 | Ratepayer lodged set aside application; application not contested as previous judgement received in Oct 2018. | | | | |
| Additional Information | Nil | | | | |
| Location |  | | | | |
| |  | | | | |

| 19-21 LENNEBERG STREET, MARVEL LOCH | | | | | | | |
|--|---|--------|---------------------------------------|--------|---|--------|---------------------------------------|
| Assessment | A7180 | | | | | | |
| Ratepayer | United Together Pty Ltd | | | | | | |
| Type / Zoning | Residential – Marvel Loch | | | | | | |
| Period Outstanding | 2016 / 2017 – 2021 / 2022 (6 Years) | | | | | | |
| Amount Outstanding | \$13,364.47 | | | | | | |
| Last Payment | 22 nd Jan 2016 - \$4,525.13 | | | | | | |
| Recovery Action | <table border="1"> <tr> <td>Jan 21</td> <td>Judgement in Council favour received.</td> </tr> <tr> <td>Feb 21</td> <td>Ratepayer lodged set aside application.</td> </tr> <tr> <td>Apr 21</td> <td>Ratepayer lost set aside application.</td> </tr> </table> | Jan 21 | Judgement in Council favour received. | Feb 21 | Ratepayer lodged set aside application. | Apr 21 | Ratepayer lost set aside application. |
| Jan 21 | Judgement in Council favour received. | | | | | | |
| Feb 21 | Ratepayer lodged set aside application. | | | | | | |
| Apr 21 | Ratepayer lost set aside application. | | | | | | |
| Additional Information | Nil | | | | | | |
| Location |  | | | | | | |
| |  | | | | | | |

| 28 HORAN STREET, MARVEL LOCH | | | | | | | |
|-------------------------------------|---|--------|---------------------------------------|--------|---|--------|---------------------------------------|
| Assessment | A7250 | | | | | | |
| Ratepayer | United Together Pty Ltd | | | | | | |
| Type / Zoning | Residential – Marvel Loch | | | | | | |
| Period Outstanding | 2016 / 2017 – 2021 / 2022 (6 Years) | | | | | | |
| Amount Outstanding | \$13,146.40 | | | | | | |
| Last Payment | 22 nd Jan 2016 - \$3,892.38 | | | | | | |
| Recovery Action | <table border="1"> <tr> <td>Jan 21</td> <td>Judgement in Council favour received.</td> </tr> <tr> <td>Feb 21</td> <td>Ratepayer lodged set aside application.</td> </tr> <tr> <td>Apr 21</td> <td>Ratepayer lost set aside application.</td> </tr> </table> | Jan 21 | Judgement in Council favour received. | Feb 21 | Ratepayer lodged set aside application. | Apr 21 | Ratepayer lost set aside application. |
| Jan 21 | Judgement in Council favour received. | | | | | | |
| Feb 21 | Ratepayer lodged set aside application. | | | | | | |
| Apr 21 | Ratepayer lost set aside application. | | | | | | |
| Additional Information | Nil | | | | | | |
| Location |  | | | | | | |
| |  | | | | | | |

| 20 OXIDE STREET, MARVEL LOCH | | | | | | | |
|-------------------------------------|---|--------|---------------------------------------|--------|---|--------|---------------------------------------|
| Assessment | A8030 | | | | | | |
| Ratepayer | United Together Pty Ltd | | | | | | |
| Type / Zoning | Residential – Marvel Loch | | | | | | |
| Period Outstanding | 2016 / 2017 – 2021 / 2022 (6 Years) | | | | | | |
| Amount Outstanding | \$15,503.66 | | | | | | |
| Last Payment | 22 nd Jan 2016 - \$3,580.81 | | | | | | |
| Recovery Action | <table border="1"> <tr> <td>Jan 21</td> <td>Judgement in Council favour received.</td> </tr> <tr> <td>Feb 21</td> <td>Ratepayer lodged set aside application.</td> </tr> <tr> <td>Apr 21</td> <td>Ratepayer lost set aside application.</td> </tr> </table> | Jan 21 | Judgement in Council favour received. | Feb 21 | Ratepayer lodged set aside application. | Apr 21 | Ratepayer lost set aside application. |
| Jan 21 | Judgement in Council favour received. | | | | | | |
| Feb 21 | Ratepayer lodged set aside application. | | | | | | |
| Apr 21 | Ratepayer lost set aside application. | | | | | | |
| Additional Information | Nil | | | | | | |
| Location | | | | | | | |
| | | | | | | | |

Comment

Mr Kelberg's last contact with Council commenced in November 2021 when he had an in-person meeting with the Chief Executive Officer and Manager Finance regard entering into an agreeable repayment arrangement, the Chief Executive Officer requested Mr Kelberg to email his proposal in early December 2021 which was subsequently followed up as, at the time a proposal had not been forwarded. Mr Kelberg responded in mid-December 2021 and indicated that he was in discussions with a real estate agent with the intent to either sell or rent the properties and that if rented the rent would be forwarded to Council. The CEO responded, requesting Mr Kelberg detail exactly how he planned to pay off outstanding debts, with estimations on rents and sale pricing, providing a clear plan to resolve the issue. No response was forthcoming.

The CEO emailed Mr Kelberg again in February 2022, seeking an update. In early March 2022, the Executive Manager Corporate Services emailed Mr Kelberg with one final repayment offer that would have seen all outstanding amounts cleared within 12 months, this email was followed up in late March 2022, Mr Kelberg failed to respond in any way to this offer.

Statutory Environment

Local Government Act 1995

6.64. Actions to be taken

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

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

Council Policy

3.9 - Rates and Charges Recovery Policy (Including Sewerage Charges Financial Hardship Policy)

Financial Implications

Nil at this time, however, the cost of proceeding to an auction and potential for the write off of rates and charges in the future if the properties remain unsold.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|--|---|---|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Ongoing cost to Council of not collecting rates for assessments. | High (15) | Seize assessments and sell to new ratepayer/s |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Nil | Nil | Nil |
| Reputational | Reputation for inefficient collection of outstanding rates | High (15) | Demonstration of good financial management in the efficient collection of outstanding rates |
| 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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|--------------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 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

That Council, pursuant to Section 6.64 (1) (b) of the Local Government Act 1995, take possession of the land indicated and proceed to sell the land listed hereunder which have rates in arrears for three or more years.

List of Land by Assessment Number:

*Assessment: A3380 - 1 Gruis St, Southern Cross
A4010 - 25 Taurus St, Southern Cross
A7180 – 19-21 Lenneberg St, Marvel Loch
A7250 – 28 Horan St, Marvel Loch
A8030 – 20 Oxide St, Marvel Loch*

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Community Water Supply Program – Application for Grant Funding

| | |
|-------------------------------|-------------------------------|
| File Reference | 1.6.26.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | DWER Grant Information |

Purpose of Report

To consider whether Council are in favour of applying for grant funding from DWER Community Water Supply Program to upgrade the Shires waste water reuse program.

Background

The Community Water Supply Program is a State Government initiative administered by the Department of Water and Environmental Regulation.

The program's objective is to assist broad acre farming communities in establishing or improving non-potable water supplies. This will reduce reliance on potable water supplies for non-potable needs, increase water available for public amenities, ensure water is available for emergency livestock and firefighting, and better prepare communities for periods of low rainfall.

The focus of the program is to provide assistance to areas that have a history of water deficiency or where on-farm and non-potable community water supplies are unreliable and unable to meet the needs of local landholders or the community. Funding can be sought for projects that will take advantage of local non-potable water sources for community or emergency farmland use.

Up to \$100,000 is available for each project and all funds must be acquitted within two years of award. Applicants must contribute a minimum of 30 per cent of the total project cost. All applications must have the support of their Shire, and the application form must be signed by the Shire President and Chief Executive Officer.

Comment

The Shires currently uses treated effluent from the sewage treatment ponds to irrigate Southern Cross Football Oval and Constellation Park. The current water reuse system had a partial upgrade in 2015/16 however it is showing considerable signs of deterioration due to the age of the system which has resulted in ongoing breakdowns and system failures. The system is both costly to repair and maintain in its current state.

The reporting officer has spoken to the grants officer from DWER and has been advised that an upgrade of our existing water reuse system falls within the eligibility criteria of the scheme.

The reporting officer has identified five areas which require upgrading. The items have been listed in terms of priority.

- Upgrading the chlorination system.
- Upgrading the automatic pumping system. Moving from a line of site analogue system to a 4 G digital system.
- Replacing above ground black poly pipes and valves with lilac water reuse piping as required under our water reuse approval issued by Department of Health.
- Integrating the new filtration system.
- Replace the three old tanks at the footy oval with one large tank.

The estimated cost of the upgrading the system is approximately \$130 000. Given that the Shire was likely to spend approximately \$30 000 repairing, maintaining and servicing the existing system, it is the reporting officers view that if the Shire were to be successful in securing grant funding, we can undertake a complete upgrade of the system and future proof it for years to come.

Statutory Environment

Environmental Protection Act 1986

Guidelines for the Non Potable Uses of Recycled Water in Western Australia 2011

Strategic Implications

| | |
|-----------------|--|
| Goal | Protecting, utilising and enhancing our beautiful natural heritage. |
| Outcome | Satisfaction with sewerage services. |
| Strategy | Continue to maintain current sewerage systems in accordance with licensing requirements and asset management plan. |

Policy Implications

Nil

Financial Implications

Approximately \$30,000

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 environmental and public health legislation. | Moderate 6 | DWER and DOH Licensing and Approval Processes |
| Reputational | Non – Compliance with License Conditions. | Moderate 6 | Upgrade Existing System to ensure that it is compliant |
| Property | Nil | Nil | Nil |
| Environment | Environmental & Public Health Impacts from System Failures | Moderate 6 | Compliance with Approval Conditions |

| 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 Shires application to Department of Water and Environmental Regulatory for Grant Funding from the Community Water Supply Program.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Mt Walton Intractable Landfill Facility – License Renewal Application - Category 66 - Class V Intractable Landfill

| | |
|-------------------------------|---|
| File Reference | 1.6.26.3 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Stakeholder Letter & Licence Renewal Application |

Purpose of Report

To consider a response to Department of Water and Environmental Regulation (DWER) regarding an application submitted by Department of Finance to renew licence L8190/2007/2 under Division 3, Part V of the *Environmental Protection Act 1986* for the Mt Walton Intractable Waste Disposal Facility located on Crown Reserve No. 42001, Boorabbin WA 6429.

Background

The Department of Finance are the current license holders for the Mt Walton Intractable Waste Disposal Facility located in Boorabbin. The current license is due to expire on 17 August 2022 and the Department of Finance intends to renew their License.

Comment

The Shire has received email correspondence from DWER which states:

The Department of Water and Environmental Regulation (DWER) has recently received a renewal application from the Department of Finance to renew licence L8190/2007/2 under Division 3, Part V of the *Environmental Protection Act 1986* (EP Act) for the Mt Walton Intractable Waste Disposal Facility located on Crown Reserve No. 42001, Boorabbin WA 6429. The application is in relation to:

Category 66 – Class V intractable landfill facility.

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.

It is the reporting officer's view that the Intractable Landfill Facility is an integral part of waste management in Western Australia. The Shire is a member of the Community Liaison Committee for the Intractable Waste Facility and have found the committee to be open and transparent. The Department of Finance appear to be managing the facility in an efficient and safe manner and the facility is heavily regulated by DWER.

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 environmental legislation. | Moderate 9 | DWER Assessment and Approval Processes |
| Reputational | Nil | Nil | Nil |
| Property | Nil | Nil | Nil |
| Environment | Environmental Impacts from Landfill | Moderate 9 | 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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|--------------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 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 Water and Environmental Regulation;

With regards to the renewal application from the Department of Finance to renew licence L8190/2007/2 under Division 3, Part V of the Environmental Protection Act 1986 for the Mt Walton Intractable Waste Disposal Facility, the Shire of Yilgarn has no objections to the renewal of the license.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Request for Comment – Purchase of Lot 305 Procyon Street, Southern Cross

| | |
|-------------------------------|--|
| File Reference | 1.6.37.1 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Aerial Map and Smartplan Lease 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 Lot 305, 87 Procyon Street, Southern Cross.

Background

The Shire is in receipt of correspondence from DPLH seeking Councils comments in relation to a proposal to purchase Lot 305 Procyon Street, Southern Cross. The lot is located on the industrial estate in Southern Cross and is zoned industrial. The current lessee had the option to renew their existing lease however they have requested to purchase the freehold rather than continuing to lease the property.

Comment

The Shire received correspondence from DPLH which states;

The current Lessee of Lease I 219830 has asked to change his request from the renewal of Lease I 219830 on Lot 305 on Deposited Plan 223124, 87 Procyon Street, Southern Cross within the Shire of Yilgarn, to a request for Freehold. The current lease over Lot 305 was issued 99 years ago and states that the current purpose of Lot 305 is residential.

The applicant has stated that they intend to purchase Lot 305 Procyon Street for industrial purposes. Given that the property is located within the industrial, the proposed use fits within the Shire of Yilgarn Town Planning Scheme 2.

Additionally, the current lessee has a 99 year lease on the property and has a local presence. The proposed purchase aligns itself with the outcomes of our Strategic Community Plan for businesses to remain competitive and viable.

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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|--------------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 1 | 2 | 3 | 4 | 5 |
| 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 Lot 305 Procyon Street, Southern Cross, for industrial purposes 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;*

- Legend**
- Cadastre (View 1)
 - Roads**
 - Minor
 - MRWA Road Hierarchy**
 - Access Road

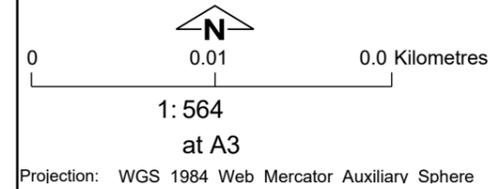


Notes:
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

Lease I219830 - Lot 305 on DP 223124

DPLH BUSINESS USE ONLY



Lease I219830 - Lot 305 on DP 223124

P144629
711
1.2096 ha

UCL
P223130
652
1012 m²

UCL
P223130
653
1012 m²

UCL
P223130
654
1012 m²

UCL
P223130
655
1012 m²

L GE I219830
P223124
305 GE
1012 m²

L GE L49304
P223124
306 GE
1012 m²

J962874
P223124
307 GE
1012 m²

J962874
P223124
308
1012 m²

P223124
304
1012 m²

P223124
303
1012 m²

P223124
952
1012 m²

P223124
950

P223124
309
1012 m²

P223124
310
1012 m²

PICTURUS ST
CLOSED ROAD



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 RSPCA Pet Sterilisation Program

| | |
|-------------------------------|------------------------|
| File Reference | 5.2.1.6 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | RSPCA Letter |

Purpose of Report

To consider whether Council are in favour of supporting a partnership with RSPCA for a pet sterilisation Program.

Background

Failure of some residents to register, sterilise and microchip their pets is a common problem throughout Western Australia. In light of these issues, and to support those with financial difficulties, RSPCA WA is launching a pilot Pet Sterilisation Program which offers reduced sterilisation costs, free microchipping and (where supported by the Local Government) lifetime pet registration for pet owners who hold a WA Seniors Card, Pensioner Concession Card or Health Care Card.

The program aims to:

- Help community members meet requirements to register and sterilise their pets.
- Support local veterinary businesses.
- Enable those experiencing financial hardship to better care for their pets.
- Assist cat owners to comply with the *Cat Act 2011*, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.
- Assist dog owners to comply with sterilisation requirements introduced under the *Dog Amendment (Stop Puppy Farming Bill 2021)*, at a reduced cost when the Bill becomes law.
- Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds.

Comment

It is the reporting officer's view that there is a growing problem with unregistered, unsterilized cats in Southern Cross townsite. Given the speed at which cats are able to reproduce, this program may prove valuable in assisting the Shire to address the issue. The program is aimed at helping those experiencing hardship to better care for their pets.

If the Shire were to partner with RSPCA, we could consider providing either reduced cost or free lifetime pet registration which is likely to encourage people to participate in the program.

Statutory Environment

Cat Act 2011
Dog Act 1976

Strategic Implications

Goal

Dynamic and visionary leadership guiding our community into the future.

Outcome

Positive and productive regional partnership.

Strategy

Continue to review opportunities for shared services and structural reform.

Policy Implications

Nil

Financial Implications

Approximately \$1000 annually

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|---|---|---|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Loss of revenue from pet registration fees. | Moderate 6 | Program is administered by RSPCA and the benefits out way the financial loss. |
| Service Interruption | Nil | Nil | Nil |
| Compliance | Compliance Dog Act 1976 and Cat Act 2011. | Moderate 6 | Reduced cost sterilisation and registration is likely to improve compliance. |
| 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

Option 1:

That Council supports the partnership between the Shire of Yilgarn and the RSPCA with regard to the Pet Sterilisation Program and offers half price pet registration fees for those eligible to participate in the program.

This is the reporting officers preferred option.

Option 2:

That Council supports the partnership between the Shire of Yilgarn and the RSPCA with regard to the Pet Sterilisation Program and offers free pet registration fees for those eligible to participate in the program.

Option 3:

That Council declines to support the partnership between the Shire of Yilgarn and the RSPCA with regard to the Pet Sterilisation Program.

16 March 2022

Mr Nic Warren
CEO
Shire of Yilgarn
23 Antares Street
Southern Cross, WA 6426

By email to: ceo@yilgarn.wa.gov.au

Dear Mr Warren,

I am sure you are acutely aware of the burden placed on Local Government due to deficient pet management by some owners. Failure to sterilise, microchip and register dogs and cats leads to poor welfare outcomes for the animals as well as increased workload and costs for councils when animals stray and otherwise cause a nuisance (i.e. roaming and fighting with other dogs, spraying/marketing their territory).

Our own work under the Animal Welfare indicates that pet owners who lack funds are most likely to fail to comply with these needs for their animals.

In light of these issues, and to support those with financial difficulties, RSPCA WA is launching a pilot Pet Sterilisation Program which offers reduced sterilisation costs, free microchipping and (where supported by the Local Government) lifetime pet registration for pet owners who hold a WA Seniors Card, Pensioner Concession Card or Health Care Card. With support from the Department of Primary Industries and Regional Development, the program is part funded by the State Government and administered by RSPCA WA. Sterilisation and microchipping is carried out by veterinary practices with whom RSPCA WA is partnering to deliver these services to the community.

This innovative pilot program will:

- Help community members meet requirements to register and sterilise their pets.
- Support local veterinary businesses.
- Enable those experiencing financial hardship to better care for their pets.
- Assist cat owners to comply with the *Cat Act 2011*, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.
- Assist dog owners to comply with sterilisation requirements introduced under the *Dog Amendment (Stop Puppy Farming Bill 2021)*, at a reduced cost when the Bill becomes law.
- Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds

The Royal Society
for the Prevention of
Cruelty to Animals,
Western Australia

ABN 48 626 609 587

108 Malaga Drive
(Cnr Reid Highway)
Malaga WA 6090

P (08) 9209 9300

E rspca@rspcawa.org.au
W rspcawa.org.au

PO Box 3147
Malaga WA 6944



I write to you today to seek a partnership with Shire of Yilgarn as part of this innovative pilot.

Given the social and economic benefits of the program, and to add further incentives to strengthen the program even further, I am seeking your support in the form of Shire of Yilgarn offering free lifetime registration to those pet owners who participate in the Pet Sterilisation Program.

It is anticipated that most of the program participants will be those who would ordinarily *not* consider getting their pets sterilised and registered, or those who are unaware of the need to do both. Therefore, increasing the number of pets which are sterilised and microchipped in Shire of Yilgarn will both benefit local residents, and reduce workload on your rangers and other related services.

I would be very interested in the opportunity to discuss this partnership with you and have requested the program coordinator, Emily Mostyn-Brown, contact your office to follow up on this correspondence. Alternatively, Emily can be contacted directly on 9209 9315 or by email emostynbrown@rspcawa.org.au

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ben Cave', with a stylized flourish at the end.

Ben Cave
Chief Executive Officer

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Development Application – Crisp Wireless Telecommunication Equipment Lot 469 Southern Cross South Road, South Yilgarn WA 6426

| | |
|-------------------------------|--|
| File Reference | 1.6.19.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Applicants Supporting Information |

Purpose of Report

To consider a Development Application from Crisp Wireless to extend their fixed wireless network within the Shire of Yilgarn by building a 30 metre tower and telecommunication communication hut at Lot 469 Southern Cross South Road, South Yilgarn WA 6426.

Background

The Shire is in receipt of a Development Application from Crisp Wireless seeking approval to extend their fixed wireless network within the Shire of Yilgarn.

The application relates to a privately owned property and Crisp Wireless have obtained permission from the landowner to erect telecommunication equipment on site. The property is zoned rural/mining and the Town Planning Scheme 2 (TPS2) defines rural/mining as;

“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”

Although the rural/mining zone to be used for agricultural, residential and public recreation, additional uses can be considered subject to complying with the provisions of the scheme.

The “Zoning Tables” in the TPS2 specifies the uses permitted in various zones. The permissibility of any use is determined by cross reference between the list of classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

TABLE 1 - ZONING TABLE

| ZONES | | | | | | | |
|-------|------------------------|-------------|------------|------------|-------------|----------|--------------|
| | | Residential | Commercial | Industrial | Special Use | Townsite | Rural Mining |
| 40 | Radio/TV. Installation | SA | AA | AA | | AA | AA |

There is no specific use listed in the zoning table for telecommunication towers however radio and television installations are considered similar in nature in terms of their impact on visual amenity. Council is advised that the Shire considers that the proposal meets the objectives of the scheme and the current Shire of Yilgarn Strategic Community Plan.

An economic strategy of the Strategic Community Plan states that “The Shire continue to provide an efficient and effective approval process” and “Support initiatives progressed by the local business community.”

Comment

The reporting officer considers the use to fall within the AA use under the “Zoning Table” and Council has the ability to either approve or reject the application.

There are significant shortfalls with regards to the delivery of reliable internet connection in regional Western Australia. Given that the aim of the application is to improve the delivery of reliable internet in regional and remote areas, it is the reporting officer’s view that the establishment of additional infrastructure will be of benefit to the community.

The WAPC State Planning Policy 5.2 – Telecommunications Infrastructure acknowledges the importance of providing telecommunications services to the community through the rollout of new networks but seeks for telecommunication towers to be developed in a sustainable manner that minimises the visual impact within the locality.

The proposed location of the tower is considered to have marginal visual impact on the surrounding area given that the tower is obscured by the surrounding vegetation buffer.

Additionally, given the remoteness, distance from residential properties and limited infrastructure requirements, it is the reporting officer’s view that the proposal will have minimal impact on the amenity of the area.

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 processes

Policy Implications

Nil

Financial Implications

Applicable Development 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 | Development non-compliant with relevant planning legislation. | Low 4 | DA to be determined by Council as per TPS2 |
| 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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|---------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 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

That Council approve the proposed development for the establishment of a telecommunication hut and the construction a 30 m communications tower at Lot 469 Southern Cross South Road, South Yilgarn WA 6426.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.6 Development Application – Crisp Wireless Telecommunication Equipment Lot 967 Cramphorne Road, Mount Hampton

| | |
|-------------------------------|--|
| File Reference | 1.6.19.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Internal Layout Plan/Aerial Image |

Purpose of Report

To consider a Development Application from Crisp Wireless to extend their fixed wireless network within the Shire of Yilgarn by establishing a telecommunication hut at Lot 967 Cramphorne Road and connecting to the existing communication tower at the same location.

Background

The Shire is in receipt of a Development Application from Crisp Wireless seeking approval to extend their fixed wireless network within the Shire of Yilgarn.

The application relates to a privately owned property and Crisp Wireless have obtained permission from the landowner to construct a telecommunication hut on their property. The property is zoned rural/mining and the Town Planning Scheme 2 (TPS2) defines rural/mining as;

“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”

Although the rural/mining zone to be used for agricultural, residential and public recreation, additional uses can be considered subject to complying with the provisions of the scheme.

The “Zoning Tables” in the TPS2 specifies the uses permitted in various zones. The permissibility of any use is determined by cross reference between the list of classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

TABLE 1 - ZONING TABLE

| ZONES | | | | | | | |
|-------|------------------------|-------------|------------|------------|-------------|----------|--------------|
| | | Residential | Commercial | Industrial | Special Use | Townsite | Rural Mining |
| 40 | Radio/TV. Installation | SA | AA | AA | | AA | AA |

There is no specific use listed in the zoning table for telecommunication towers however radio and television installations are considered similar in nature in terms of their impact on visual amenity. Council is advised that the Shire considers that the proposal meets the objectives of the scheme and the current Shire of Yilgarn Strategic Community Plan.

An economic strategy of the Strategic Community Plan states that “The Shire continue to provide an efficient and effective approval process” and “Support initiatives progressed by the local business community.”

Comment

The reporting officer considers the use to fall within the AA use under the “Zoning Table” and Council has the ability to either approve or reject the application.

There are significant shortfalls with regards to the delivery of reliable internet connection in regional Western Australia. Given that the aim of the application is to improve the delivery of reliable internet in regional and remote areas of WA, it is the reporting officer’s view that the establishment of additional infrastructure will be of benefit to the community.

The WAPC State Planning Policy 5.2 – Telecommunications Infrastructure acknowledges the importance of providing telecommunications services to the community through the rollout of new networks but seeks for telecommunication towers to be developed in a sustainable manner that minimises the visual impact within the locality.

The application relates to the construction of a solar powered telecommunication hut and connection to the existing telecommunication tower which will have very limited impact on the visual amenity of the surrounding area. Additionally, given the remoteness, distance from residential properties and limited infrastructure requirements, it is the reporting officer’s view that the proposal is of low impact on the amenity of the area.

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 processes

Policy Implications

Nil

Financial Implications

Applicable Development 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 | Development non-compliant with relevant planning legislation. | Low 4 | DA to be determined by Council as per TPS2 |
| 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) |

| Risk Matrix | | | | | | |
|-------------|---|---------------|---------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 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

That Council approve the proposed development for the establishment of a telecommunication hut at Lot 967 Cramphorne Road, Moorine Rock.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.7 Australian Light Minerals Pty Ltd – Application to Clear Native Vegetation under the *Environmental Protection Act 1986* – Marvel Loch

| | |
|-------------------------------|--|
| File Reference | 7.2.1.21 & 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 Australian Light Minerals Pty Ltd to clear native vegetation on an existing mining lease accessed from Marvel Loch – Forrestania Road.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission by Australian Light Minerals Pty Ltd, seeking a permit to clear approximately 4.4 hectares of native vegetation under the *Environmental Protection Act 1986*.

Comment

The site is currently subject to exploration license E77/2236 held by Australian Light Minerals Pty Ltd. ALM proposes to explore for lithium on E77/2236. Exploration will comprise Reverse Circulation (RC) drilling and/or Rotary Air Blast (RAB) drilling and take approximately two to three weeks. Approximately 4.4 hectares of clearing is proposed as part of exploration activities for access tracks and drill pads, within a 110.7 ha purpose permit area.

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.

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.

Please forward your submission within 21 days from the advertising date to the Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.

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) |
| 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 Australian Light Minerals Pty Ltd to clear approximately 4.4 hectares of native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comments on the proposal.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.8 Barto Gold Mining Pty Ltd – Application to Clear Native Vegetation under the *Environmental Protection Act 1986* – Marvel Loch

| | |
|-------------------------------|--|
| File Reference | 7.2.1.21 & 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 Barto Gold Mining Pty Ltd, Windmill Project to amend a previously granted clearing permit under the *Environmental Protection Act 1986*.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission by Barto Gold Mining Pty Ltd, seeking a permit to clear an additional 1.54 hectares of native vegetation under the *Environmental Protection Act 1986*.

Comment

The site is currently subject to mining tenements M 77/86, M 77/380 and Miscellaneous Licence tenement L 77/290 held by Barto Gold Mining 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 of the subject and believes DMIRS are better equipped to make informed decisions on such matters. The original native clearing permit was issued for 75 hectares. The amendment seeks to increase the area by an additional 1.54 hectares.

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 consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. After having taken into account any comments received and subject to sections 51O and 51P of the Act, I shall either grant the amended clearing permit (including any specified conditions) or refuse to grant the amendment.

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) |

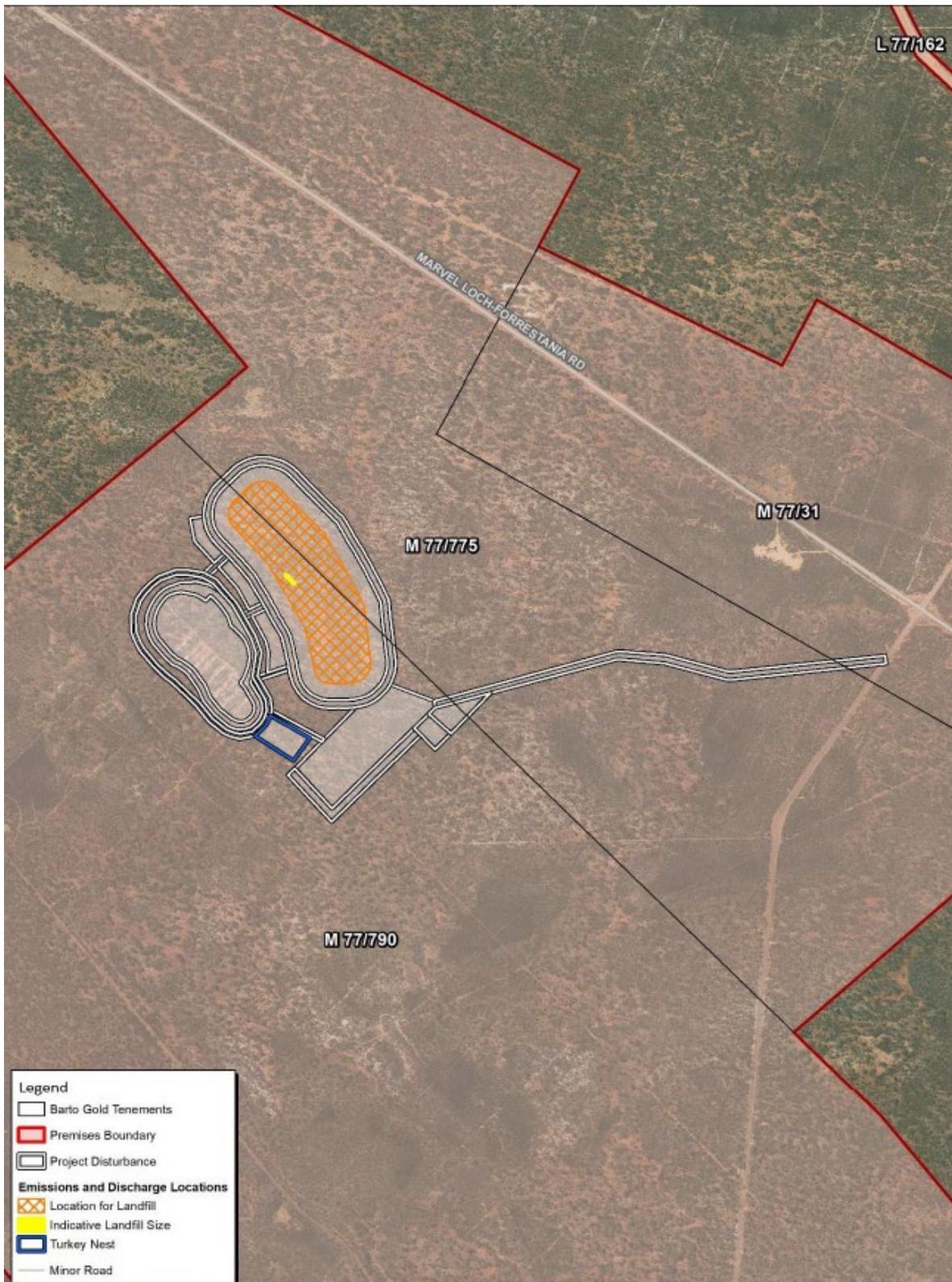
| Risk Matrix | | | | | | |
|-------------|---|---------------|--------------|--------------|--------------|--------------|
| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
| Likelihood | | 1 | 2 | 3 | 4 | 5 |
| Possible | 3 | Low (3) | Moderate (6) | Moderate (9) | High (12) | 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

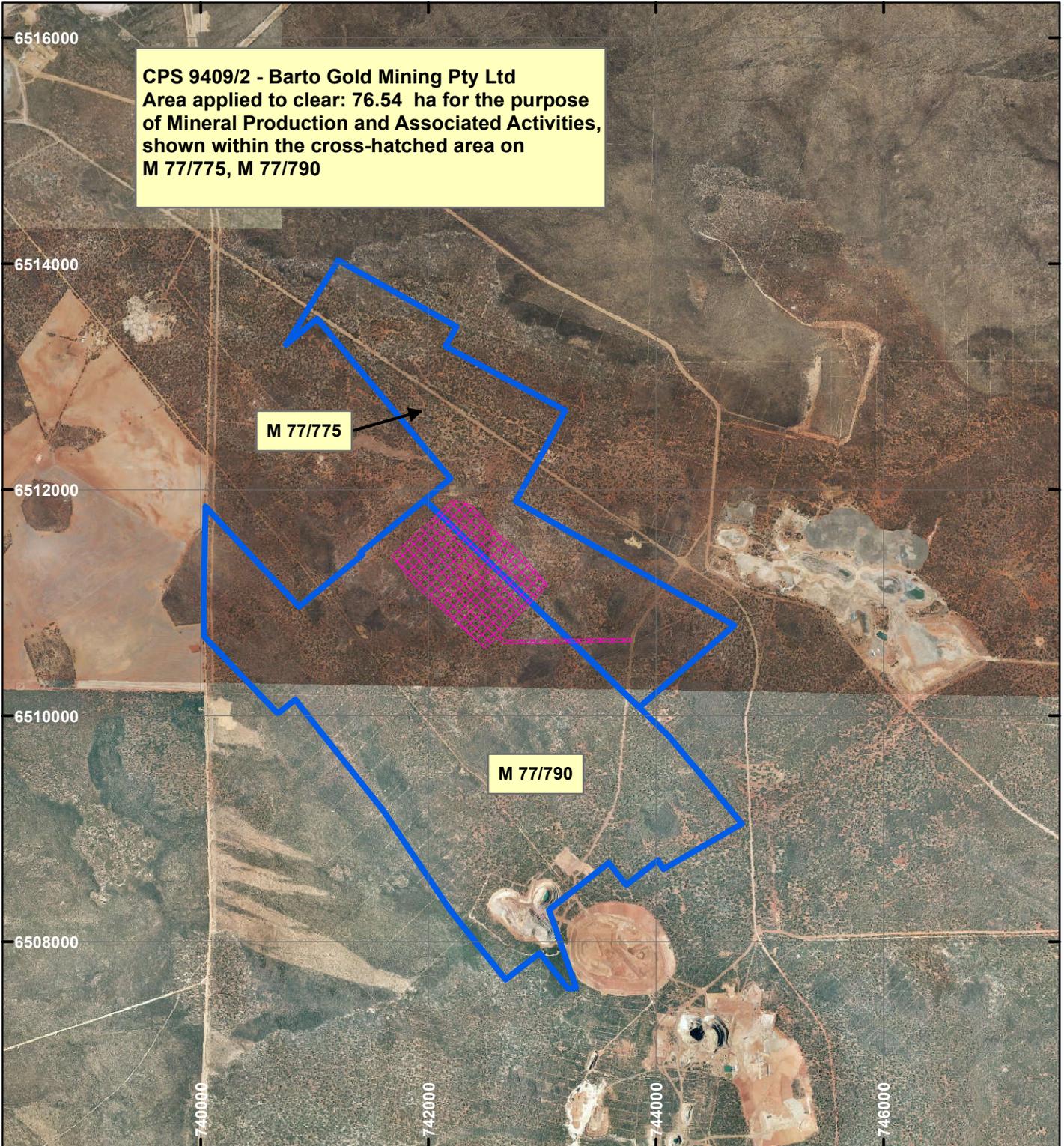
Council endorse the following response to the Department of Mines, Industry Regulation and Safety:

With regards to the revised application from Barto Gold Mining Pty Ltd to clear an additional 1.54 hectares of native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comments on the proposal.

9.4.8 Original Clearing Instrument



CPS 9409/2 -Barto Gold Mining Pty Ltd



CPS 9409/2 - Barto Gold Mining Pty Ltd
 Area applied to clear: 76.54 ha for the purpose
 of Mineral Production and Associated Activities,
 shown within the cross-hatched area on
 M 77/775, M 77/790

LEGEND

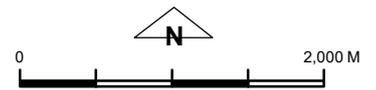


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:50,000

(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

9.4.9 Application for Miscellaneous License 77/356 – Request for Comment

| | |
|-------------------------------|---|
| File Reference | 3.2.1.29 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | - Aerial Map, Site Map, Supporting Information |

Purpose of Report

To consider a response to the Department Of Mines, Industry Regulation and Safety, regarding an application for Miscellaneous Licence 77/356 by Yilgarn Iron Pty Ltd situated in Koolyanobbing townsite within the Shire of Yilgarn.

Background

The Shire has received email correspondence from the Department Of Mines, Industry Regulation and Safety (DMIRS), which states:

Under Sections 23 to 26 of the Mining Act 1978 (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum has therefore directed that I commence the consultation process and obtain your Council's comments and recommendation with regard to the impact of the application on the reserve listed above.

Should your response be favourable, could you please advise if you agree to have the following endorsement and condition imposed upon the above tenement application;

Comment

The application is to enable access from Koolyanobbing mine site to Southern Cross Road as is required as ancillary infrastructure for the Koolyanobbing Iron Ore mine located on M77/990. There is an existing road in place, this tenure is required for the ongoing operation and maintenance of this road and additional infrastructure as required.

The purposes of the Application are:

- (a) a road;
- (d) a pipeline;
- (e) a power line;
- (i) taking water;
- (r) a bore;

DMIRS have recommended the following condition be imposed upon the tenement application;

Condition: Access to the surface of land within Koolyanobbing Townsite for mining purposes being subject to the approval of the local Authority.

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) |
| 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 the Department Of Mines, Industry Regulation and Safety;

The Shire of Yilgarn have no objection to Miscellaneous Licence 77/356 by Yilgarn Iron Pty Ltd for the purposes of construction of a road, a bore, taking water, a pipeline and a power line subject to the following;

Condition: Access to the surface of land within Koolyanobbing Townsite for mining purposes being subject to the approval of the local Authority

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE