



# *Council Meeting Agenda*

*16 June  
2022*

# SHIRE OF YILGARN NOTICE OF MEETING



Councillors:  
Please be advised that the

## **JUNE 2022 ORDINARY MEETING OF COUNCIL**

Will be held in the Council Chamber  
on Thursday, 16 June 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**

10/06/2022

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## RECORDS MANAGEMENT

### Guidelines for Elected Members

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#### Introduction

Elected members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at council and committee meetings, and facilitate communication between the community and the Council.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

*"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."*

This policy applies regardless of a record's format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government's corporate memory in accordance with the local government's Recordkeeping Plan.

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#### 1 What is a record?

A **record** can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, text messages, and social media posts relevant to the business of the organization. **Government records** are those records created or received by a government organization, or by an employee or contractor in the course of their work for that organization.

#### 2 Why do I need to keep records?

Records provide evidence of what an organization has done, and why. Keeping records of business activity enables an organization to account for its actions, meet legislative requirements, and make informed and consistent decisions.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.

- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.

### 3 Which records should be captured?

|   |
|---|
| <b>YES</b> – forward to your local government administration  |
| <p><b>Communications</b>, such as:</p> <ul style="list-style-type: none"> <li>• complaints and compliments</li> <li>• correspondence concerning corporate matters</li> <li>• submissions, petitions and lobbying</li> <li>• information for Council's interest relating to local government business activity and functions</li> </ul>            |
| <b>Lobbying</b> – correspondence or petitions, relating to lobbying matters   |
| <b>Telephone, meetings and other verbal conversations</b> – regarding local government projects or business activities  |
| <p><b>Social Media</b> – where the posts:</p> <ul style="list-style-type: none"> <li>• create interest from the public or media</li> <li>• communicate decisions or commit the local government to an action</li> <li>• seek feedback</li> <li>• address issues of safety, and/or</li> <li>• relate to sensitive or contentious issues</li> </ul> |
| <b>Work diaries / Appointment books</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government   |
| <b>Allowances, benefits and gifts records</b>   |
| <b>Addresses / Speeches / Presentations</b> – delivered as part of an elected member's official duties  |

|  |
|--|
| <b>NO</b> – do not need to be forwarded to your local government   |
| <b>Duplicate copies</b> – of Council meeting agenda, minutes and papers  |
| <b>Draft documents or working papers</b> – which are already captured at the local government  |
| <b>Publications</b> – such as newsletters, circulars and journals  |
| <b>Invitations</b> – to community events where an elected member is <i>not</i> representing Council or the local government  |
| <b>Telephone, meetings and other verbal conversations</b> which: <ul style="list-style-type: none"> <li>• convey routine information only; <b>or</b></li> <li>• do not relate to local government business or functions</li> </ul> |
| <b>Electioneering</b> – or party-political information   |
| <b>Personal records</b> – not related to an elected member’s official duties   |

#### 4 Confidential Documents / Records

Records held within an information management system (IMS) or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the CEO to treat the information as confidential and restrict access to those records.

#### 5 What do I do with records once they are created?

Records of business activity should be entered into Councils official recordkeeping system by forwarding them to Councils Administrative Services Officer (ASO) for processing, confidential records should be forwarded to the CEO.

By doing this, records relating to particular work matters are kept together and are available for all relevant staff to refer to.

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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  |
|                  | G Brigg       | Executive Manager Infrastructure      |
|                  | S Chambers    | Executive Manager Regulatory Services |
|                  | B Forbes      | Finance Manager                       |
|                  | L Della Bosca | Minute Taker                          |

Apologies:

Observers:

Leave of Absence:

**4. DECLARATION OF INTEREST**

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5.1. PUBLIC QUESTION TIME**

**6. CONFIRMATION OF MINUTES**

6.1 Ordinary Meeting of Council, Thursday, 19 May 2022- (Minutes Attached)

Recommendation

**That the minutes from the Ordinary Council Meeting held on the 19 May 2022 be confirmed as a true record of proceedings.**

**Voting Requirements: Simple Majority**



6.2 Special Meeting of Council, Monday 30 May 2022 - (Minutes Attached)

Recommendation

**That the minutes from the Special Meeting of Council held on the 30 May 2022 be confirmed as a true record of proceedings.**

**Voting Requirements:** Simple Majority

6.3 Central East Accommodation and Care Alliance (CEACA), Monday, 30 May 2022- (Minutes Attached)

Recommendation

**That the minutes from the CEACA Management Committee Meeting held on the 30 May 2022 be received**

**Voting Requirements:** Simple Majority

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

**8. DELEGATES' REPORTS**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Shire of Yilgarn Tourism Advisory Committee – Changes to Committee

|                               |                          |
|-------------------------------|--------------------------|
| <b>File Reference</b>         | <b>1.3.10.5</b>          |
| <b>Disclosure of Interest</b> | <b>None</b>              |
| <b>Voting Requirements</b>    | <b>Absolute Majority</b> |
| <b>Attachments</b>            | <b>Nil</b>               |

#### Purpose of Report

For Council to consider and endorse changes to the membership of the Shire of Yilgarn Tourism Advisory Committee.

#### Background

At the August 2020 Ordinary Council meeting, Councillors moved to re-form the Tourism Advisory Committee, with the following motion carried:

**116/2020**

**Moved Cr Shaw/Seconded Cr Cobden**

**That Council:-**

- 1. Appoints the following Community members to the Shire of Yilgarn’s Tourism Advisory Committee:-**

***Leonie Gethin, Robin Stevens, Kaye Crafter, Charles Jenkins, Ken Fairless, Kerry Fairless, Gary Kenward, Alison Carnicelli, Shannon Carnicelli, Jess Stephens, Laura Black, Ron Goodhill.***

- 2. Appoints Councillors Cobden and Rose as Council’s representatives on the above Committee.**

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

Since reforming, the Committee has been pivotal in the drafting and implementation of the Tourism Marketing Strategy and Activation Plan, which has led to a rebranding for the Shire, a new tourism website, social media presence and progression of a number of infrastructure projects.

It was raised at the April 2022 Tourism Advisory Committee meeting, as to whether expressions of interest should be sought for new members, given it had been almost 2 years since committee members were sought. The committee consensus was to seek applications for new members, and as a result, advertisements were placed in the local “Crosswords” publication seeking interested persons to apply.

## Comment

The Shire received three applications for membership, from Onida Truran, Liz Sheehan and Malcolm Tabner.

The June 2022 Yilgarn Advisory Committee meeting did not meet quorum, and as such, an endorsed recommendation to Council is not available, however, is not required for endorsement.

Objections from the Chair and Committee were sought out of session, regarding the proposed inclusion of the new members, with no forthcoming. As such, it is recommended Council endorse the new applicants.

Council are to note Charlie Jenkins resigned from the committee in April 2022, as per the minutes of that meeting.

## Statutory Environment

### *Local Government Act 1995*

#### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

#### **5.9. Committees, types of**

(1) In this section —

***other person*** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

#### **5.10. Committee members, appointment of**

(1) A committee is to have as its members —

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

*[Section 5.10 amended: No. 16 of 2019 s. 18.]*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – Tourism Opportunities Maximised – Re-establish a Yilgarn Tourism Committee to advise /recommend to Council on actions to promote tourism in the district.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

| Risk Category               | Description   | Rating<br>(Consequence x<br>Likelihood) | Mitigation Action  |
|-----------------------------|---|---|--|
| <b>Health/People</b>        | Inability for community to provide input into the Tourism activities of the district                | Moderate (6)                            | Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire. |
| <b>Financial Impact</b>     | Nil   | Nil                                     | Nil  |
| <b>Service Interruption</b> | Nil   | Nil                                     | Nil  |
| <b>Compliance</b>           | Nil   | Nil                                     | Nil  |
| <b>Reputational</b>         | Reputational damage caused by lack of tourism activities and ability for community to provide input | Moderate (6)                            | Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire  |
| <b>Property</b>             | Nil   | Nil                                     | Nil  |
| <b>Environment</b>          | 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 endorses the inclusion of Onida Truran, Liz Sheehan & Malcom Tabner to the Shire of Yilgarn Tourism Advisory Committee.*

*And*

*That Council notes the resignation of Charlie Jenkins from the Shire of Yilgarn Tourism Advisory Committee.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 WALGA Proposed Advocacy Position on Arrangements for Volunteer Bushfire Brigades

|                               |   |
|-------------------------------|---|
| <b>File Reference</b>         | <b>5.1.2.9</b>  |
| <b>Disclosure of Interest</b> | <b>None</b>   |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>  |
| <b>Attachments</b>            | <ul style="list-style-type: none"> <li>- WALGA Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position</li> <li>- WALGA Infopage</li> </ul> |

#### Purpose of Report

For Council to consider a Western Australian Local Government Association (WALGA) advocacy position in relation to the management of Volunteer Bushfire Brigades.

#### Background

WALGA have produced the “Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position” paper (attached), and has sought Local Government’s views.

The implementation of the Work Health and Safety Act 2020, has raised concerns with the appropriateness of Local Governments being the responsible entity for the management of Volunteer Bushfire Brigades.

In addition, the State Government is currently drafting the Consolidated Emergency Services Act, which consolidates the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998 into a single piece of legislation, anticipated to be released as a Green Bill in early 2023<sup>1</sup>.

Therefore, WALGA consider consultation on a new Advocacy Position with respect to management of BFBs appropriate at this time. WALGA’s Infopage is also attached for Councillors information.

#### Current Arrangements

FESA (now the Department of Fire and Emergency Services (DFES)) was established in 1999 for the purpose of improving coordination of the State’s emergency services, replacing the Fire Brigades and Bush Fires Boards<sup>2</sup>. DFES provides strategic leadership for emergency services across WA. DFES manages the career fire and rescue service, as well as a number of volunteer emergency services: Volunteer Fire and Emergency Services (VFES); Volunteer Fire and Rescue Service (VFRS); State Emergency Services (SES); and Marine Rescue Western Australia.

Western Australia is the only state within which Local Governments manage bushfire volunteers (pursuant to the Bush Fire Act 1954)<sup>1</sup>, with all other States bushfire volunteers managed by either a State agency or independent body.

It is understood, due to its long association, Local Government's and Bush Fire Brigades have formed a good working relationship, allowing brigades to operate autonomously for the most part, and allowing local knowledge and expertise to guide the direction of bush fire management.

Whilst each Local Government relationship with its Bush Fire Brigades will differ, it is important that whatever form the new management structure looks like, the ability for local input from brigades and volunteers is protected.

### **Emergency Management Survey**

In 2021, WALGA undertook an Emergency Management Survey, where Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback<sup>1</sup>:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

### **Euan Ferguson Special Inquiry – Waroona/Yarloop Fires**

After the 2016 Waroona/Yarloop bushfires, Mr. Euan Ferguson AFSM was appointed to undertake an inquiry into the events of that incident, with the "Report of the Special Inquiry into the January 2016 Waroona Fire" (Ferguson Report), detailing his findings. Whilst a number of recommendations were made, of importance to this matter was Recommendation 15<sup>3</sup>, which recommends establishment of a Rural Fire Service:

*Recommendation 15: The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:*

- *be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;*
- *have an independent budget;*
- *be able to employ staff;*
- *have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;*
- *be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;*
- *have responsibilities and powers relating to bushfire prevention, preparedness and response; and*



- *operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.*

*In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.*

*The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.*

On page 12 of the Ferguson Report, it states:

*“It is my view that there exists a need to effect fundamental changes to the system of rural fire management in Western Australia. My conclusion, which has been very carefully considered, is that the current system for managing bushfire in Western Australia is failing citizens and the government.”*

In 2017 the State Government hosted a bushfire mitigation summit at which a number of options were considered by stakeholders: a rural fire service operated within DFES; a rural fire service operated within DFES with autonomy; and a dedicated rural fire service that operated independently. Options to transfer the management of all BFBs under one umbrella – DFES or other – were also explored<sup>1</sup>.

In 2018 a Rural Fire Division was established under DFES in response to the inquiry, however it seems to be a support mechanism as opposed to a responsible entity at this stage. This is likely due to the requirement for a legislative change to remove Local Governments as the responsible agency and/or establish the Rural Fire Division or another entity as the responsible agency.

### **Work Health and Safety Act 2020**

The Ferguson Report describes the complexities and risks associated with bushfire fighting as follows:

*“Hindsight is a wonderful thing. But we must act with disciplined caution when exercising this hindsight. It must always be remembered that those who were key players in this fire emergency were not afforded such luxury. Many individuals, be they citizens or members of agencies or in community teams, worked in extreme and challenging conditions. Many were hot, hungry, dehydrated and sometimes sick with worry and exhaustion. Dangers were ever present. Fast decisions had to be made with information that was incomplete and sometimes conflicting. There were many unknowns. People made decisions. Assumptions changed. Best laid plans failed. Teams used their initiative and adjusted. Even the most straightforward of tasks became*

*complex. Emergency and essential services worked to create order out of chaos. Everyone worked against time and the progression of the fire.*

*It would be easy to look at any shortcomings and be tempted to fall into the trap of finding fault and allocating blame. This must be resisted. In striving for excellence in bushfire emergency management, it must be recognised that there are many parts of the system: the fire, the weather, the terrain and the actions and reactions of people that are subject to sudden and unpredictable change. Under these conditions, much is unknown. Almost everything is shrouded by uncertainty. People make judgements and those judgements are not infallible. Errors can and do occur, despite the best intentions and best efforts of people.”*

Whilst the Ferguson Report was not intended to find fault or place blame, the new Work Health and Safety Act 2020 (WHS Act) is. The WHS Act is specifically designed and written to provide standards and responsibilities for health and safety, in order to provide a path for finding fault, allocating blame and then punishing those who are at fault.

The key features of the WHS Act are provided in the following extract from the “Overview of Western Australia’s Work Health and Safety Act 2020” put out by the Department of Mines, Industry Regulation and Safety, and Worksafe:

- The primary duty holder is the ‘person conducting a business or undertaking’ (PCBU) which is intended to capture a broader range of contemporary workplace relationships.
- A primary duty of care requiring PCBUs to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services.
- A requirement that ‘officers’ exercise ‘due diligence’ to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBUs where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for ‘notifiable incidents’ such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high-risk work or users of certain plant or substances), including provisions for automated authorisations.

The WHS Act requires employers, or PCBU’s to provide a safe workplace for “workers”, and defines workers to be:

- *any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.*

The Bush Fires Act 1954 (BF Act) deems a Volunteer Fire Fighter to be:

- *a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member.*

The Shire of Yilgarn currently has 104 registered bush fire brigade volunteers. However, as per the BF Act, during an incident, any person acting under the direction of a bush fire control officer or brigade member is classed as a volunteer. As such, the Shire as a body corporate, and the Executive Shire staff as individuals, are responsible for providing a safe workplace for registered volunteers as well as any number of un-registered persons who attend an incident to assist under direction.

This type of scenario places a substantial level of responsibility on the Shire and its executive staff when considering the high-risk nature of bush fire fighting coupled with a large number of un-registered persons who may attend a bush fire under direction, of which the Shire and executive staff are responsible for their safety.

### **Volunteer Insurance**

Whilst Local Governments remain the responsible agency for Bush Fire Volunteers, they remain responsible for providing compensation for injury caused to present and former volunteers as a result of their duties. The commercial insurance market ceased writing injury insurance for volunteers in 2012, therefore a self-insurance mutual scheme was implemented to ensure that Local Governments continue to meet this obligation<sup>1</sup>.

Since 2012, due to the high cost of claims, the aggregate limit of liability has increased from \$250,000 to \$750,000. In addition, the annual cost of insurance has nearly doubled (92%) from \$47.50 to \$91.20 per volunteer, and it is expected that this trend will continue<sup>1</sup>.

### **WALGA Proposed Advocacy Position Statement**

WALGA have identified four advocacy options for the future management of Bush Fire Brigades, as follows:

1. **Status quo** - continue with the current arrangements for management of BFBs whereby the majority are managed by Local Government and transfer arrangements are negotiated on an ad hoc basis between DFES and Local Governments (or their BFBs).

2. **Improvements** - continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.
3. **Hybrid Model** - Local Government continues to manage BFBs where they have the capacity, capability and resources to do so; however where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES.
4. **Transfer** - Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories.

WALGA's preferred position is to support a **hybrid model** for the management of BFBs<sup>1</sup>.

WALGA state:

*A hybrid model would enable the continued management of BFBs by those Local Governments with capacity, capability and resources to do so, while providing a framework for the transfer of the management of BFBs to the State Government where a Local Government does not.*

*Whatever the arrangements for future management of BFBs, it is apparent that Local Governments with responsibility for management of BFBs require additional support and resourcing which should be provided by the State Government, including:*

- *development of a suite of guidelines and resources to assist Local Governments in their management of BFBs, particularly with respect to the discharge of obligations under the Work Health and Safety Act 2021;*
- *expansion of the Community Emergency Services Manager Program (CESM) so that every Local Government with responsibility for managing BFBs has access to the Program if they wish to participate;*
- *universal access to DFES training for BFBs; and*
- *development of mandatory and minimum training requirements including recognition of competency for volunteers.*

WALGA's proposed Advocacy positions is as follows:

1. The Association advocates that the State Government must provide for:
  - a) A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;
  - b) The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;
  - c) Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and

- d) The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.
2. That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).
3. Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility.

WALGA has provided Local Governments with the following questions to consider and provide responses to:

1. Does your Local Government manage BFBs?
2. Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?
3. Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?
4. For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?
5. Is your response endorsed by Council? If so, please include the Council paper and resolution.
6. Do you have any further comments to make?

### Comment

As detailed in the Ferguson Report, fighting bushfires is a high-risk activity, undertaken by volunteers, some register, others un-registered, under direction of a Fire Control Officer or Brigade Member.

The Work Health and Safety Act 2020 has placed significant responsibility on the Local Governments and their Executive Staff to ensure a safe working environment for its workers, of which includes volunteers.

Given the safety implications of volunteers, both registered and un-registered, undertaking high-risk activities, it is not considered that Local Government are best placed to manage these ongoing risks.

As detailed in the Ferguson report, it is the reporting officer's opinion that a Rural Fire Service, or similar type entity should be established as the sole responsible agency for the management of rural and bush fire management. An entity that is adequately resourced to be able to provide the plant, equipment and training required to manage these risks.

At present and speaking specifically about the Shire of Yilgarn, there is an overlap between the Department of Fire and Emergency Services (DFES) and Local Government in relation to Bush

Fire Brigades. DFES seem to assume the role of managing the plant and equipment resourcing; and training and education needs of brigades, with the Shire responsible for the safety risks.

This is not seen as a fault, it has most likely evolved over time due to DFES being best placed to provide those resources and services. It is therefore another indication that a state government managed entity would be best placed to manage the volunteer bush fire brigades.

The ability for local brigades to continue to provide input into the ongoing management of bush fires is paramount for any future management structure. In writing this report, input from a number of local stakeholders was sought, with feedback provided stating that whilst the benefits of a sole managing agent are recognised, concerns are held for the regional brigades being able to still provide input into how risk are managed in their areas along with maintaining the current level of resourcing. This needs to be protected.

From the point of view of the Shire of Yilgarn, it is the Officers opinion that the management of bush fire brigades would be best placed with a stand-alone entity, such as a Rural Fire Service. However, it is understood that this may not suit all Local Governments.

As such, the Hybrid Model proposed by WALGA holds merit in that it allows Local Governments to either maintain control; or, hand over control of Bush Fire Brigades. However, concerns are held with regards to how a Local Government would prove it does not have the capacity, capability and resources.

This has the ability to be create onerous task for Local Governments, with the final decision of whether a Local Government is capable open to interpretation and limitations, and could see Local Governments who wish to hand over control of Bush Fire Brigades not being able to.

As such, should the Hybrid Model eventuate as WALGA's preferred advocacy position, it is suggested that there be no criteria related to the ability for a Local Government to hand over responsibility of its Bush Fire Brigades.

In response to WALGA's questions for consideration, the following is proposed:

| Question   | Response  |
|--|---|
| 1. Does your Local Government manage BFBs?   | Yes, 9 Brigades with 104 registered members   |
| 2. Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not? | The Shire of Yilgarn's preference is Option 4, being a uniform approach to the transfer of responsibility of Bush Fire Brigades and Bush Fire management to the State Government. |

|   |   |
|---|---|
|   | <p>However, it is understood many Local Government's may wish to retain control of their Bush Fire Brigades, and as such, the Shire of Yilgarn would support the proposed advocacy position of a Hybrid Model, on the condition it is amended to state there be no criteria attached to the ability for a Local Government to hand over responsibility of its Bush Fire Brigades.</p> |
| <p>3. Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?</p>   | <p>As suggested above, there be no criteria related to the ability for a Local Government to hand over responsibility of its Bush Fire Brigades.</p> <p>The proposed working group tasked with development of a process and timeline for the transfer of responsibility, is to have an avenue for local brigades to provide input throughout the process.</p>                         |
| <p>4. For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?</p> | <p>Transfer responsibility to the State Government.</p>   |
| <p>5. Do you have any further comments to make?</p>   | <p>The ability for local brigades to provide input into the ongoing management of bush fires is paramount for any future management structure. This needs to be implemented in the Planning and Development stages</p>  |

### **Summary**

With the introduction of the Work Health and Safety Act 2020, and the consolidation of the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998, an opportunity exists to review Local Governments suitability as the responsible agency for Bush Fire management in Western Australia.

Given the risks involved with bush fire management, and the expertise required to address these risks, it seems practicable to establish an entity with the sole purpose of rural and bush fire management. This echoes the recommendation provided in the Ferguson Report on the Waroona/Yarloop bush fires and brings Western Australia in line with other states.

DFES, as an agency, seem best placed to manage currently, with the relevant expertise, knowledge, systems, training, support and control already in place. A sub-department arrangement may be well suited for bush fire management responsibilities.

### Statutory Environment

[Work Health and Safety Act 2020](#)

[Bush Fires Act 1954](#)

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - 1.4.2 - Advocate and actively support emergency management and services in the district.

### Policy Implications

Shire of Yilgarn Policies:

- 2.1 - Use of Council Equipment
- 2.2 - Harvest and Vehicle Movement Bans
- 2.3 - Brigade Membership Forms
- 2.4 - Bush Fire Advisory Committee Policy
- 2.5 - Management of Bushfire Volunteers Policy

### Financial Implications

Up to \$10 Million in uninsurable organisational maximum penalties for the most serious failures to comply with the new WHS Act 2020.

WALGA Local Governments are responsible for providing compensation for injury caused to present and former BFB volunteers as a result of their duties. The commercial insurance market ceased writing injury insurance for volunteers in 2012, therefore a self-insurance mutual scheme was implemented to ensure that Local Governments continue to meet this obligation.

Since 2012, due to the high cost of claims, the aggregate limit of liability has increased from \$250,000 to \$750,000. In addition, the annual cost of insurance has nearly doubled (92%) from \$47.50 to \$91.20 per volunteer, and it is expected that this trend will continue<sup>1</sup>.

### References

- <sup>1</sup> WALGA Infopage: Proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades - Attached
- <sup>2</sup> <https://www.dfes.wa.gov.au/site/about-us/corporate-information/corporate-history/corporate-history.html>
- <sup>3</sup> Report of the Special Inquiry into the January 2016 Waroona Fire – Euan Ferguson –



<https://www.wa.gov.au/system/files/2020-02/Reframing%20Rural%20Fire%20Management%20-%20Report%20of%20the%20Special%20Inquiry%20into%20the%20January%202016%20Waroona%20Fire.pdf>

### Risk Implications

| Risk Category               | Description  | Rating<br>(Consequence x<br>Likelihood) | Mitigation Action  |
|-----------------------------|--|---|--|
| <b>Health/People</b>        | Bush Fire Brigade volunteers exposed to an unsafe work environment as part of their duties.  | Extreme (20)                            | Provision of a suitably resourced Rural Fire Service, tasked with the management of Bush Fire Brigades in Western Australia, will provide an appropriate and suitable response to risks associated with high-risk activity of Bush Fire management |
| <b>Financial Impact</b>     | Financial costs of historic & ongoing claims and possibility of significant penalties for offences under the Work Health and Safety Act 2020 | High (16)                               | The provision of an expert entity to manage Bush Fire risks should see claims reduce and minimise risk of WHS penalties.   |
| <b>Service Interruption</b> | Nil  | Nil                                     | Nil  |
| <b>Compliance</b>           | Non-compliance with WHS Act.   | High (12)                               | The provision of an expert entity to manage Bush Fire risks should minimise risk of WHS non-compliances.   |
| <b>Reputational</b>         | Reputational damage for mis-handling of bush fire responses.   | Moderate (9)                            | The provision of an expert entity to manage Bush Fire risks should enable a  |

|                    |     |     |  |
|--------------------|-----|-----|--|
|                    |     |     | uniform approach to bush fire responses. |
| <b>Property</b>    | Nil | Nil | Nil                                      |
| <b>Environment</b> | 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 note the “WALGA Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position” document.*

*And*

*That Council endorse the following responses to WALGA in relation to the proposed Advocacy Position:*

1. *Does your Local Government manage BFBs?*

**Yes, 9 Brigades with 104 registered members**

2. *Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?*

**The Shire of Yilgarn’s preference is Option 4, being a uniform approach to the transfer of responsibility of Bush Fire Brigades and Bush Fire management to the State Government.**

However, it is understood many Local Government's may wish to retain control of their Bush Fire Brigades, and as such, the Shire of Yilgarn would support the proposed advocacy position of a Hybrid Model, on the condition it is amended to state there be no criteria attached to the ability of a Local Government to hand over responsibility of its Bush Fire Brigades.

3. *Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?*

As detailed in question 2, there should be no criteria attached to the ability of a Local Government to hand over responsibility of its Bush Fire Brigades.

The proposed working group tasked with development of a process and timeline for the transfer of responsibility, is to have an avenue for local brigades and individual Local Governments to provide input throughout the process.

4. *For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?*

Transfer responsibility to the State Government.

6. *Do you have any further comments to make?*

The ability for local brigades to provide input into the ongoing management of bush fires is paramount for any future management structure. This needs to be implemented in the Planning and Development stages and established in the eventual management structure.

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

|                               |                          |
|-------------------------------|--------------------------|
| <b>File Reference</b>         | <b>8.2.3.2</b>           |
| <b>Disclosure of Interest</b> | <b>Nil</b>               |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>   |
| <b>Attachments</b>            | <b>Financial Reports</b> |

#### 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 May 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<br>(Consequence x<br>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 May 2022.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment

|                               |                             |
|-------------------------------|-----------------------------|
| <b>File Reference</b>         | <b>8.2.1.2</b>              |
| <b>Disclosure of Interest</b> | <b>Nil</b>                  |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>      |
| <b>Attachments</b>            | <b>Accounts for Payment</b> |

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41121 to 41130 totalling \$5,506.55
- Municipal Fund - EFT 12651 to 12752 totalling \$858,956.38
- Municipal Fund – Cheques 1933 to 1949 totalling \$257,481.13
- Municipal Fund Direct Debit Numbers:
  - 16806.1 to 16806.11 totalling \$22,719.39
  - 16829.1 to 16829.11 totalling \$23,123.91
- Trust Fund - Cheques 402630 to 402631 totalling \$471.30

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

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

### **Officer Recommendation**

- *Municipal Fund – Cheques 41121 to 41130 totalling \$5,506.55*
- *Municipal Fund - EFT 12651 to 12752 totalling \$858,956.38*
- *Municipal Fund – Cheques 1933 to 1949 totalling \$257,481.13*
- *Municipal Fund Direct Debit Numbers;*
  - *16806.1 to 16806.11 totalling \$22,719.39*
  - *16829.1 to 16829.11 totalling \$23,123.91*
- *Trust Fund - Cheques 402630 to 402631 totalling \$471.30*

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

## 9.4 Officers Report – Executive Manager Regulatory Services

### 9.4.1 Development Application – Bullfinch Hotel – 13 Nicholls Street, Bullfinch Workers Accommodation Camp

|                               |  |
|-------------------------------|--|
| <b>File Reference</b>         | <b>3.1.1.2</b>   |
| <b>Disclosure of Interest</b> | <b>Nil</b>   |
| <b>Voting Requirements</b>    | <b>Simple majority</b>                                       |
| <b>Attachments</b>            | <b>Site Plan</b><br><b>Applicants Supporting Information</b> |

#### Purpose of Report

To consider a development application submitted by NuFortune Pty Ltd for a proposed worker's accommodation camp at 13 Nicholls Street, Bullfinch.

#### Background

The Shire has received a development application from NuFortune Pty Ltd for a workers accommodation camp at 13 Nicholls Street, Bullfinch. The land is owned by NuFortune and is part of the Bullfinch Hotel. The applicant intends to use the existing kitchen facilities within the hotel to service the workers accommodation village at the rear.

The proposal consists of 12 new transportable accommodation units. Each unit is divided into three bedrooms with an en-suite in each room. The proposal also includes a laundry which will be housed within a transportable unit on site.

The applicant has advised that the majority of workers will be bussed or flown in from major centres, however they intend to park a limited number of vehicles on Shallcross Street adjacent to the camp and hotel.

A preliminary layout plan and supporting information has been included to assist Council in determining whether they are supportive of the proposal.

#### Comment

The Shire of Yilgarn Town Planning Scheme 2 (TPS2) zones the land as "Townsite Zone"

***"The Townsite Zone is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance."***

**TABLE 1 - ZONING TABLE**

| ZONES       |              |             |            |            |             |          |              |
|-------------|--------------|-------------|------------|------------|-------------|----------|--------------|
|             |              | Residential | Commercial | Industrial | Special Use | Townsite | Rural Mining |
| USE CLASSES |              |             |            |            |             |          |              |
| 20          | Hotel/Tavern |             | P          |            |             | AA       |              |

The proposed development has been categorised as “Hotel/Tavern” which according to the Townsite Zone is classed as “AA” use and Council has the ability to either approve or reject the application.

The TPS2 “Development Table” defines the required setbacks, plot ratios and landscaping for development according to the Use Class. There are no specific setback requirements for “Hotel/Tavern”. The relevant requirements as per the table are shown below:

| Use Class    | Minimum Boundary Setback (m) |      |       | Maximum Plot Ratio | Minimum Landscape Area % | Minimum Car Parking Bays  |
|--------------|------------------------------|------|-------|--------------------|--------------------------|---|
|              | Front                        | Rear | Sides |                    |                          |   |
| Hotel/Tavern | *                            | *    | *     | *                  | 10                       | 1 for every bedroom plus 1 per 4 m <sup>2</sup> of bar and lounge area. |

\*means 'to be determined by the Council' in each particular case.

### Setbacks

Council has discretion to approve any setback it deems suitable, taking into account aesthetics and effects on adjoining/neighbouring properties.

The applicant proposes a 2.79 metre setback along the perimeter of the camp. Given that there are no adjoining neighbours and the building line is behind the current Bullfinch Hotel building line, this setback is considered adequate.

### Plot Ratio

Council have discretion to approve any plot ratio they deem adequate. The plot ratio for the proposed development is approximately 60% built and 40% open space. This is deemed adequate for the proposed development. As a guide, the plot ratio for a motel is 100% built.

### Minimum Landscape Area %

There is sufficient space to achieve 10% landscaping.

## **Car Parking Bays**

Off-street parking has not been accounted for and the applicant proposes to park approximately 8 lights vehicles and 1 minivan on Shamrock Street adjacent to the hotel and accommodation camp.

The TPS2 recommends one car space per room, however this is not a standard hotel/tavern arrangement with the main use being workers accommodation, whereby staff are flown or bussed in. It is therefore considered appropriate for Council to consider altering these requirements given the reduced need for off-street parking. Shallcross Road has been assessed as suitable for parking light vehicles given the road width and availability of street parking within close proximity to the hotel.

## **Officers Comments**

Council is advised that the proposal meets the objectives of the scheme and the current Shire of Yilgarn Strategic –Community Plan 2016 -2026. The Plan states as an economic strategy “The Shire continue to provide an efficient and effective approval process” and “Support initiatives progressed by the local business community.”

It is the reporting officer’s view that the proposed development will not unduly affect the amenity of the area as the accommodation camp will be located behind the Bullfinch Hotel and fencing will be installed around the perimeter.

Additionally, the proposed camp has the potential to create employment within the townsite as maintenance staff, kitchen staff and mine workers are likely to be required.

Public consultation has been undertaken to consider the community’s views regarding the proposal. One verbal submission was received from Sandy and Andrew Parker who sold the Bullfinch Hotel to NuFortune Pty Ltd.

Sandy and Andrew advised that they are happy to co-exist with the mining company but wanted to draw attention to the fact that they run refrigerated trucks nearby as part of their pet meat processing business. They are concerned that shift workers might be affected by the noise from their generators and refrigeration units. They do not want to stand in the way of development but want their concerns to be noted.

I discussed the issue with Curtis Brand the Project Manager from NuFortune and he said that NuFortune will take these concerns into consideration and place night shift workers into units furthest from the Parkers property.

The *Noise Regulations 1997* set assigned noise levels for different types of noise and the regulations do not take into account whether a business existed prior to any new development. Noise complaints are assessed on face value and if assigned noise levels are exceeded, the Shire is obligated to investigate complaints.

### 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

Development Application Fee

### Officer Recommendation

*That Council approve the proposed development for 13 Nicholls Street, Bullfinch, involving the construction of a 36 room accommodation camp and laundry, subject to the following conditions;*

- 1. In the event onsite parking becomes an issue, as determined by Council or Shire Executive Staff, then the owners of 13 Nicholls Street, Bullfinch are to undertake any action as directed by Council or Shire Executive Staff to address the matter;*
- 2. A building permit is to be sought and issued prior to construction work commencing;*
- 3. A 2.4 metre colourbond fence is to be installed around the perimeter to ensure site is adequately screened;*
- 4. Upon sale or transfer of 13 Nicholls Street, Bullfinch, the accommodation units are to be removed from 13 Nicholls Street, or a subsequent development application is to be submitted to the Shire upon settlement.*

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Aurumin Mt Dimer Pty Ltd – Application to Clear Native Vegetation under the *Environmental Protection Act 1986*

|                               |   |
|-------------------------------|---|
| <b>File Reference</b>         | <b>7.2.1.21</b>   |
| <b>Disclosure of Interest</b> | <b>Nil</b>  |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>  |
| <b>Attachments</b>            | <b>Maps provided by DMIRS; Supporting Documentation; Flora &amp; Fauna Assessment</b> |

#### Purpose of Report

To consider a response to the Department of Mines, Industry, Regulation and Safety (DMIRS), regarding a proposal for Aurumin Mt Dimer Pty Ltd to clear native vegetation on an existing mining lease within the Shire of Yilgarn.

#### Background

At Council meeting held on 19<sup>th</sup> May 2022, the EMRS submitted an agenda item requesting Councils comments regarding a proposal for Aurumin Mt Dimer Pty Ltd to clear 3.5 hectares of native vegetation on an existing mining lease within the Shire of Yilgarn.

#### Comment

The site is currently subject to mining leases M 77/427, M 77/428 held by Aurumin Mt Dimer 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 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.

Aurumin Mt Dimer Gold Project is located 120 kilometres northeast of Southern Cross.

In March 2021, an inspection by environmental officers from DMIRS noted the presence of erosion gullies on the external batters of the Karli West Waste Rock Dump and requested remedial action be taken to stabilise the erosion and prevent sediment from entering the surrounding environment. To complete this request, native vegetation clearing is required to gain access and create cleared areas around the base of the waste rock dump to install sediment capture structures and remediate the erosion (Area A - Attached Map).

Additionally, access to the operational Mt Dimer Airstrip is via a road which runs through the mining area. A safety review highlighted that if mining recommenced in the area, the interaction of airstrip traffic and mobile mining equipment poses a safety risk. Therefore it is proposed to construct a new access road to the airstrip which does not traverse the mining areas (Area B – Attached Map)

Concerns were raised by Council regarding the level of detail provided within the report, specifically regarding the logic around the clearing permit, noting it was seeking to clear land for the purpose of rehabilitation. Council sought further clarification as to the methodology and purpose behind the clearing permit, with the matter to be returned to a future Council meeting for a further determination. As a result, Council passed the following motion.

**171/2022**

***Moved Cr Nolan/Seconded Cr Guerini***

***That Council withhold a response in relation to the application from Aurumin Mt Dimer Pty Ltd to clear 3.5 hectares of native vegetation under the Environmental Protection Act 1986, until such time at the Executive Manager Regulatory Services can seek additional information in relation to the proposal, such that Council are able to make a fully informed decision.***

**CARRIED 7/0**

The EMRS has subsequently included additional information provided by the applicant to assist Council in considering a response to DMIRS. The additional information includes a Flora and Fauna Assessment and Supporting Documentation.

### **Statutory Environment**

*Environmental Protection Act 1986*

### **Strategic Implications**

|                 |  |
|-----------------|--|
| <b>Goal</b>     | A prosperous future for our community.                           |
| <b>Outcome</b>  | Businesses in the Shire remain competitive and viable.           |
| <b>Strategy</b> | Continue to provide an efficient and effective approval process. |

### **Policy Implications**

Nil

### **Financial Implications**

Nil



### Risk Implications

| Risk Category        | Description  | Rating<br>(Consequence x<br>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. | Low (1)                                 | DMIRS Assessment and Approval Processes |
| Reputational         | Nil  | Nil                                     | Nil                                     |
| Property             | Nil  | Nil                                     | Nil                                     |
| Environment          | Environmental Impacts from Mining Activities                   | Low (1)                                 | 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 Aurumin Mt Dimer Pty Ltd to clear 3.5 hectares of native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comment on the proposal.*

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.3 Application for Miscellaneous License 77/356 – Request for Comment

|                               |                                   |
|-------------------------------|-----------------------------------|
| <b>File Reference</b>         | <b>1.6.26.17</b>                  |
| <b>Disclosure of Interest</b> | <b>Nil</b>                        |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>            |
| <b>Attachments</b>            | <b>Aerial Map; Support Letter</b> |

#### Purpose of Report

To consider a response to the Department Of Mines, Industry Regulation and Safety, regarding an application for Miscellaneous Licence 77/354 and 77/355 by Bullfinch Radio Gold Mine.

#### Background

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

*Under Sections 23 to 26 of the Mining Act 1978 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 reserves vested with local authorities, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the vested authority and the responsible Minister 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 tenement application.*

***Condition: Access to the surface of land within Bullfinch Townsite for mining purposes being subject to the approval of the local authority.***

*The encroachment area within the Bullfinch Townsite is also shown as being 1.79% - 0.4567ha Unoccupied Crown Land in my Appraisal of this application.*

*The nominated purposes for this Miscellaneous Licence application are as follows:*

***A Bore, A Bore Field, a Communications Facility, a Drainage Channel, a Pipeline, a Powerline, a Pump Station, a Road, a Search for Groundwater, and Taking Water.***

### Comment

The applicant has advised that the miscellaneous license applications are intended to support the Bullfinch Radio Mine.

**L77/354** – The intention of L 77/354 is to provide a service corridor to allow mains power, water and communications to be extended from the townsite of Bullfinch to Radio Gold Mine.



**L77/355** – The intention of L 77/355 is to provide a service corridor to access pre-existing bores and for the installation of a pipeline to transport water from the bores to the mine site.



The proposal is consistent with mining activities throughout the region and the installation of services aimed at supporting the mine is considered essential. The applicant has advised the Shire that a service corridor existed historically and that they intend to reinstate the service corridor.

### 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<br>(Consequence x<br>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;*

*The Shire of Yilgarn have no objection to Miscellaneous Licence 77/354 and 77/355 submitted by Bullfinch Radio Gold Mine for the purposes of a Bore, a Bore Field, a Communications Facility, a Drainage Channel, a Pipeline, a Powerline, a Pump Station, a Road, a Search for Groundwater, and Taking Water.*

*Condition: Access to the surface of land within Bullfinch 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**