



Council Meeting Agenda

*18 August
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

AUGUST 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 18 August 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

12/08/2022

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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 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: Cr B Close

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, 21 July 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 21 July 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Special Meeting of Council, Thursday, 7 July 2022- (Minutes Attached)

Recommendation

That the minutes from the Special Council Meeting held on the 7 July 2022 be confirmed as a true record of proceedings.

6.3 Audit Committee Meeting, Thursday 21 July 2022-(Minutes Attached)

Recommendation

That the minutes from the Audit Committee Meeting held on the 21 July 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Local Government Professionals Australia (WA) - Annual State Conference

| | |
|-------------------------------|------------------------|
| File Reference | 1.6.13.2 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To seek the approval of Council for the CEO and Executive Manager Corporate Services to attend the Local Government Professionals Australia (WA) Division Annual State Conference.

Background

The CEO's Contract of Employment supports Professional Development which is detailed below:-

6.6 Attendance at conference and further studies

1. *In this clause, 'conference' include workshop, forum of similar event.*
2. *The Local Government –*
 - a. *Supports, as part of Your performance of the functions, the membership of professional bodies and attendance at conferences.*
 - b. *Must pay the costs associated with Your membership of professional bodies and attendances at conferences relevant to Your performance of the functions, as approved by Council.*
3. *In addition, where the Council (or, if the Council so resolves, the President) believes that it is in the interests of the Local Government, the Local Government may also pay the costs of other conference attendances by You for professional development purposes relevant to the Functions. This will also apply to further studies You might want to undertake which are relevant to the role. As approved by Council.*

Council's Employee Training and Development Policy 7.17 states, "to ensure that the Shire has appropriate levels of skills, experience and competencies to provide services, all employees at the Shire are required to undergo learning and development activities." Attendance at conferences and seminars is supported by the Policy.

Comment

The 2022 LG Professionals conference is to be held on the 2-3 November 2022 at Crown Perth, with this year's theme being Re-connect.

Whilst the program is yet to be released, the conference is touted as "the key professional development event in the calendar of local government professionals each year. A great component of this popular event is our diverse trade display, which provides the ideal

opportunity for delegates to talk with representatives from various companies who supply goods and services to the Local Government sector.”

This proves a great opportunity for the CEO and EMCS to network, listen to profession relevant speakers and keep up to date with services and supplies available for Local Governments.

The EMCS did not attend the last Finance Professionals conference, and as such, this provides a good opportunity for networking with peers and catch up on relevant issues.

A CEO Connections forum is due to be held on the 4 November 2022 after the state conference, which provides another great opportunity for the CEO to network with peers, with the event described as “a commitment to providing a space for Local Government CEOs to come together and share their experiences and insights.”.

Statutory Environment

CEO contract of employment.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

Employee Training and Development Policy 7.17.

Financial Implications

Provision for Conference attendance included in 2022/2023 budget.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|---------------------------------------------------------------------|-----------------------------------------|--------------------------------------------------------------|
| Health/People | Nil | Nil | Nil |
| Financial Impact | Ensure Professional development opportunities are afforded to staff | High (10) | Annual Budget allowance for ongoing Professional Development |
| 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 grants approval for the Chief Executive Officer and Executive Manager Corporate Services to attend the Local Government Professionals Australia (WA Division) Annual State Conference to be held in Perth on Wednesday, 2 and Thursday, 3 November 2022 and pays all associated costs with such attendance.

And

That Council grants approval for the CEO to attend the Local Government Professionals Australia (WA Division) CEO Connections Forum to be held in Perth on Friday 4 November 2022 and pays all associated costs with such attendance.

9.1 Officers Report – Chief Executive Officer

9.1.2 Clontarf Foundation Mandurah – Waiver of Fees and Charges – Sports Complex

| | |
|-------------------------------|------------------------|
| File Reference | 8.2.6.27 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To submit to Council a request to waive the fees associated with the hire of the Southern Cross Sports Complex for the Clontarf Foundation Mandurah.

Background

The CEO has been contacted by the Clontarf Foundation Mandurah, seeking use of the Southern Cross Sports Complex changeroom and courts by the visiting Clontarf Students on the night of the 15th September 2022.

The organisers of the trip have advised the students will undertake a number of activities in the Yilgarn district, train with the Southern Cross Bombers football team, then stay overnight, utilising the complex facilities.

The Clontarf Foundation, in their own words, “uses a unique, innovative and highly successful approach to target one of the most at risk groups in contemporary Australian society – young Aboriginal and Torres Strait Islander men.

Using the existing passion that these boys have for sport allows Clontarf to initially attract them to school, and then keep them coming. It is however, not a sporting programme – it’s about developing the values, skills and abilities that will assist the boys to transition into meaningful employment and achieve better life outcomes.

The Foundation partners with schools and communities to create ‘Clontarf academies’ which are embedded within the school grounds and education programme.

Hire costs equate to \$105.

Comment

Council’s Delegation No. LGA14 only allows the CEO to waive hire fees to community groups based in the Shire of Yilgarn. As the Clontarf Foundation is not based in the Yilgarn, the CEO is not delegated to approve the waiver.

As such, Council are asked to consider the waiver.

Statutory Environment

Delegation Register

LGA14 Donations and Waiver of Hire Fees

| | |
|-----------------------------------------------|------------------|
| Date Adopted: | 17 March 2016 |
| Date Last Reviewed: | 21 April 2022 |
| Policy Reference: | |
| Delegate: | CEO |
| Sub-Delegated: | No |
| Chief Executive Instruction/Procedure: | N/A |
| History: | Previously LGA30 |

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

Extent of Delegation:

Council delegates its authority and power to the Chief Executive Officer to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
 - a. less than \$500
 - b. for a non-profit group that is located in the Shire of Yilgarn
 - c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

Conditions Imposed:

Nil

Legislation:

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*
- * *Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

Strategic Implications

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

Policy Implications

Nil.

Financial Implications

Requested Donation/Waiving of Hire Fees to the value of \$105.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|---------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------|
| Health/People | Awareness of Clontarf Foundation within the Yilgarn community | Low (4) | Waiver of fees assists the Clontarf Foundation to visit the Yilgarn. |
| Financial Impact | Nil | Nil | Nil |
| 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) |

Offier Recommendation

That Council waives the fees, being \$105, for the hire of the Southern Cross Sports Complex Changerooms and Courts, for Clontarf Foundation Mandurah for their stay on the 15 September 2022.

Council are to note the hire bond will still be payable.

9.1 Officers Report – Chief Executive Officer

9.1.3 Designated Area Migration Agreement – Regional Development Australia

| | |
|-------------------------------|------------------------|
| File Reference | 1.6.26.5 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

For Council to endorse the response provided to Regional Development Australia – Wheatbelt WA in relation to an Expression of Interest regarding involvement in a Wheatbelt Designated Area Migration Agreement (DAMA) .

Background

DESIGNATES AREA MIGRATION AGREEMENTS

A Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a Designated Area Representative (DAR) to fill recognised labour shortages in a specified area. DAMAs enable regions to respond to their unique economic and labour market conditions by gaining access to experienced skilled or semi-skilled overseas workers under the terms of their individually negotiated agreement.

A designated area may be a state, territory or regional area, and a DAR may be a state or territory authority, regional authority or local government. The Wheatbelt Business Network is an ideal DAR candidate and have offered to provide this administrative role if it is funded and resourced.

WHEATBELT DAMA

RDA Wheatbelt is providing a facilitation role to bring business, industry and local government together to prepare and make a DAMA application. The first step in this process is to determine the geographic extent of the DAMA region. This requires an understanding of which Wheatbelt local governments are motivated to contribute to and participate in the agreement.

Benefits of participating in the DAMA include:

- Addressing skilled workforce issues that other visa tools cannot address, such as access to occupations not included in skilled occupation lists.
- Increased productivity of regional businesses.
- Opening a pathway for permanent residency in Australia for visa holders.
- Creating an opportunity for economic and community development through an increased regional workforce size (eg. Increased home ownership, school enrolments, population growth).

- Providing regional businesses with workforce security and confidence to expand operations.
- Creating opportunities for supply chains to regional businesses to enter contracts for goods and services delivery.

If approved, the DAMA is delivered by the DAR, who will enter a 5-year agreement with the Australian Government. These agreements are only able to be varied on the 12-month anniversary of the agreement being signed. This means those local governments that opt out of this expression of interest will not have the ability to use the DAMA. Businesses within the shires that opt out will not have the ability to pay the DAR to secure visa holder skilled workers.

The RDA advised:

- A cap of approximately 200 workers per year is the general guide for DAMAs however this is negotiable during the application and agreement signing phase.
- Indications from DARs in other regions suggest the minimum resource requirement is a part time DAMA Coordinator and a vehicle.
- Given the size of the Wheatbelt, this could be a full-time role with part time administration support.
- A sliding scale of capacity to pay should be examined to enable equitable participation of all Wheatbelt local governments.

Businesses that utilise the DAMA service will pay registration and processing fees to the DAR which is how end user benefit is realised over the duration of the agreement. RDA Wheatbelt and some industry partners are considering a contribution to the business case preparation and application submission.

YILGARN DAMA NEEDS

The Shire was approached in 2021 by a Southern Cross business, seeking Council's consideration of establishing a DAMA as they were struggling to find suitable employees.

Investigations at the time determined establishing a DAMA was too large a task to undertake as a sole Local Government. As such, at the Wheatbelt East Regional Organisation of Councils (WEROC) meeting on the 22 November 2021, the Shire of Yilgarn raised the possibility of WEROC establishing a DAMA.

The Committee endorsed WEROC to undertake initial groundwork to determine whether a DAMA would be feasible. Work in this space, including requests for support to RDA and WBN have led to the a request for Expressions of Interest, to see what level of interest there is from Local Governments within the Wheatbelt to be involved in the DAMA.

Comment

At this stage, RDA are unable to provide an estimate of costs for either the business case or ongoing operation of the DAMA. This is due to a number of variables, including the number

of member LG's, amount of business and community interest, external funding and staffing requirements.

However, RDA have sought local governments to advise their preference on one of the following three options:

1. Yes we are interested in participating in the DAMA and acknowledge that in doing so a contribution to the business case, application and ongoing operation of the DAR will be required.
2. No we are not interested in participating in the DAMA and acknowledge that businesses within our Shire will not be eligible to access visa holders through the DAMA arrangement.
3. We are prepared to make a monetary contribution to the business case and annual operating costs of the DAR.

A response was required by the 8th August 2022, in order to fit in with agency meeting dates, as such, Councillor feedback was sought by the CEO out of session, with the intention of providing a response based on the majority preference, and Council to endorse the response at a later date.

Councillor feedback determined that Option 1 was the preferred response, this as based on the initial need for a DAMA arising from the Yilgarn area and a current and predicted demand for skilled and semi-skilled workers, both in the local business community and Local Government workforce.

As such, the CEO provided the RDA with a response indicating the Shire is interested in participating in the DAMA and acknowledge that in doing so a contribution to the business case, application and ongoing operation of the DAR will be required.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - Outcome 2.2 - Businesses in the Shire remain competitive and viable. 2.2.2 - Support the local business community and promote further investment in the district, including opportunities for industry growth and development

Policy Implications

Nil.

Financial Implications

Should the undertaking of a business case and establishment of a DAMA eventuate, then a funding contribution may be applicable.

Risk Implications

| Risk Category | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|-----------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Health/People | Businesses unable to find skilled or semiskilled workers | Moderate (8) | DAMA will provide an avenue for access to overseas workforce. |
| Financial Impact | Local Business unable to operate to full potential due to workforce shortage | Moderate (8) | DAMA will provide an avenue for access to overseas workforce, of which will assist with business operations. |
| Service Interruption | Local Business forced to close due to workforce shortages. | High (12) | DAMA will provide an avenue for access to overseas workforce, assisting with continuing services |
| Compliance | Nil | Nil | Nil |
| Reputational | Shire of Yilgarn seen not to assist where possible with local business workforce shortages. | Low (3) | Inclusion in DAMA will provide support to local businesses. |
| 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 endorse the response provided to Regional Development Australia Wheatbelt WA, regarding the expression of interest for involvement in the establishment of a Designated Area Migration Agreement, with the response being: the Shire is interested in participating in the DAMA and acknowledge that in doing so a contribution to the business case, application and ongoing operation of the DAR will be required.

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 July 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 July 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 41142 to 41151 totalling \$5,823.50
- Municipal Fund - EFT 12858 to 13000 totalling \$1,142,329.04
- Municipal Fund – Cheques 1968 to 1987 totalling \$260,793.82
- Municipal Fund Direct Debit Numbers:
 - 16951.1 to 16951.11 totalling \$17,507.35
 - 16952.1 to 16952.11 totalling \$7,649.36
 - 16995.1 to 16995.11 totalling \$26,274.81
- Trust Fund - Cheques 402635 to 402636 totalling \$535.95

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 41142 to 41151 totalling \$5,823.50*
- *Municipal Fund - EFT 12858 to 13000 totalling \$1,142,329.04*
- *Municipal Fund – Cheques 1968 to 1987 totalling \$260,793.82*
- *Municipal Fund Direct Debit Numbers:*
 - *16951.1 to 16951.11 totalling \$17,507.35*
 - *16952.1 to 16952.11 totalling \$7,649.36*
 - *16995.1 to 16995.11 totalling \$26,274.81*
- *Trust Fund - Cheques 402635 to 402636 totalling \$535.95*

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

9.4 Reporting Officer– Executive Manager Regulatory Services

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

| | |
|-------------------------------|-------------------------------------------------------|
| File Reference | 3.2.1.30 & 7.2.1.21 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Maps provided by DMIRS; Native Clearing Report |

Purpose of Report

To consider a response to the Department of Mines, Industry, Regulation and Safety (DMIRS), regarding a proposal from Barto Gold Mining Pty Ltd to clear native vegetation on existing mining leases within the Shire of Yilgarn.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission from Barto Gold Pty Ltd, seeking a permit to clear 48.6 hectares of native vegetation under the *Environmental Protection Act 1986*.

Comment

The site is currently subject to mining leases Mining Leases 77/133, 77/159, 77/224, 77/721, 77/722 and Miscellaneous Licence 77/114 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 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.

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. | 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 Barto Gold Mining Pty Ltd to clear 48.6 hectares of native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comment on the proposal.

10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

14 CLOSURE