



Council Meeting Agenda 21 December 2023

Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

December 2023 Ordinary Meeting of Council

Will be held in the Council Chambers
on Thursday, 21 December 2023

Commencing at **5pm**

COUNCILLORS PLEASE NOTE:

- *The Audit and Risk Committee Meeting will start at 3.30pm*
- *The Discussion Session will start at 4pm*
- *The Ordinary Meeting of Council will start at 5pm*



Nicholas Warren
Chief Executive Officer

15/12/2023

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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 Close
 Cr B Bradford
 Cr G Guerini
 Cr L Granich
 Cr L Rose
 Cr Newbury

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	F Mudau	Finance Manager
	L Della Bosca	Minute Taker

Apologies: G Brigg Executive Manager Infrastructure

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 16 November 2023- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 16 November 2023 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

- 6.2 Yilgarn History Museum Advisory Committee, Wednesday, 1 November 2023-
(Minutes Attached)

Recommendation

That the minutes from the Yilgarn History Museum Advisory Committee meeting held on the 1 November 2023 be received.

Voting Requirements: Simple Majority

- 6.3 Central East Accommodation and Care Alliance Inc (CEACA) Management Committee Monday, 6 November 2023- (Minutes Attached)

Recommendation

That the minutes from the CEACA Management Committee meeting held on the 1 November 2023 be received.

Voting Requirements: Simple Majority

- 6.4 Central East Accommodation and Care Alliance Inc (CEACA) Annual General Meeting Monday, 6 November 2023- (Minutes Attached)

Recommendation

That the minutes from the CEACA Annual General meeting held on the 1 November 2023 be received.

Voting Requirements: Simple Majority

- 6.5 Wheatbelt North East Sub Regional Road Group (SRRG) Tuesday 14 November 2023- (Minutes Attached)

Recommendation

That the minutes from the Wheatbelt North East SRRG meeting held on the 14 November 2023 be received.

Voting Requirements: Simple Majority

- 6.6 Wheatbelt East Regional Organisation of Council Inc (WEROC) Annual General Meeting Wednesday, 29 November 2023- (Minutes Attached)

Recommendation

That the minutes from the WEROC Annual General meeting held on the 29 November 2023 be received.

Voting Requirements: Simple Majority

- 6.7 Wheatbelt East Regional Organisation of Council Inc (WEROC) Board Meeting Wednesday, 29 November 2023- (Minutes Attached)

Recommendation

That the minutes from the WEROC Board meeting held on the 29 November 2023 be received.

Voting Requirements: Simple Majority

- 6.8 Great Eastern Country Zone (GECZ) Monday, 20 November 2023- (Minutes Attached)

Recommendation

That the minutes from the GECZ meeting held on the 20 November 2023 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Peter Bayliss from Barto Gold will attend Council to give a presentation on Barto's planning for Frasers mine.

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Covalent Lithium – Consent for Booster Pump Installation

File Reference	3.2.1.31
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Booster Pump Layout Plan

Purpose of Report

For Council to consider a request for consent from Covalent Lithium in relation to the proposed installation of booster pumps along their scheme water pipeline.

Background

In December 2020, Council resolved the following in relation to Covalent Lithium installing a Water pipeline from Moorine Rock to the Mt Holland Minesite:

186/2020

Moved Cr Close/Seconded Cr Nolan

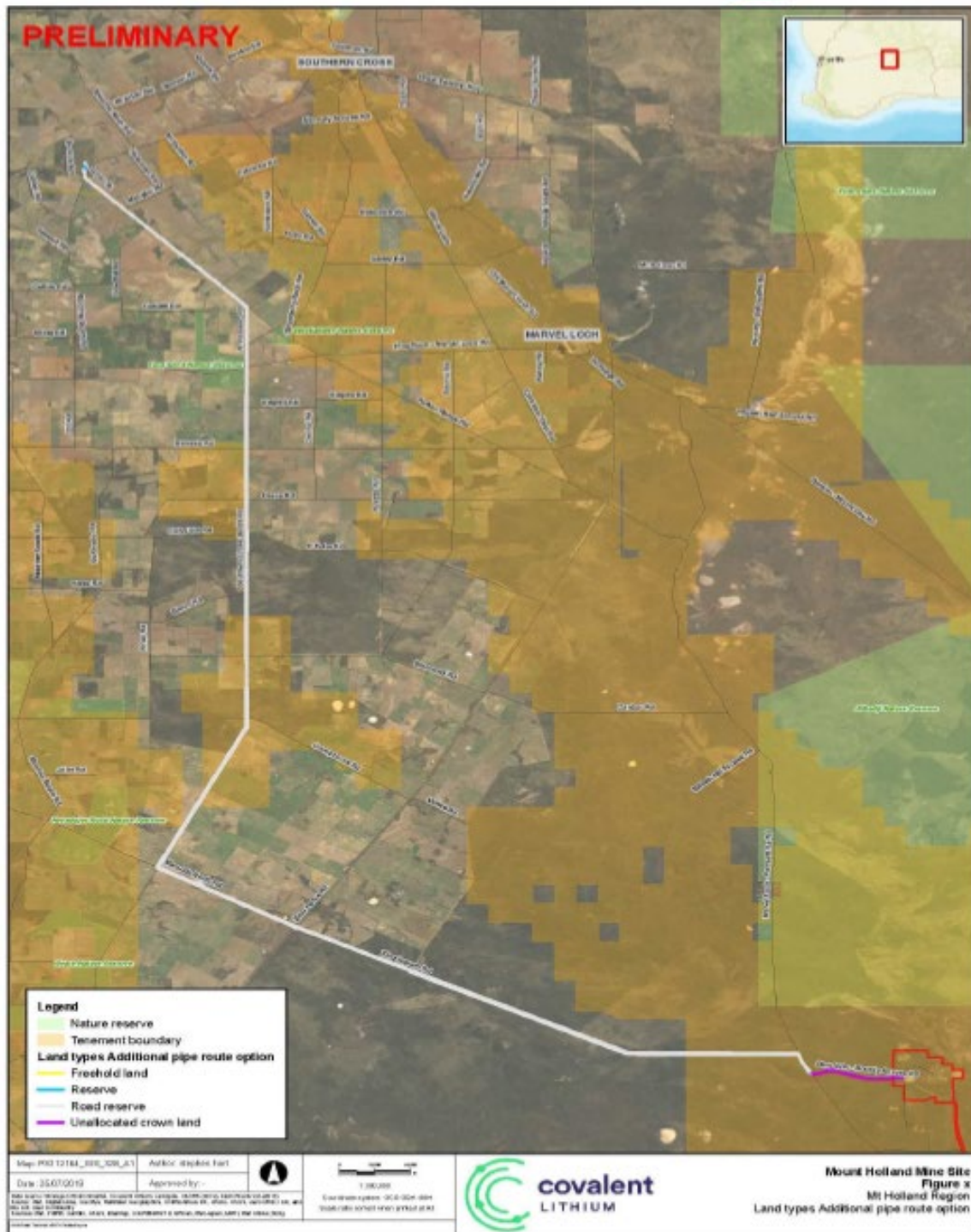
That Council approves of Covalent Lithium constructing a pipeline, both underground and above ground, subject to vegetation conditions and granite outcrops, on Shire of Yilgarn Road Reserves (Granich Road, Stubbs Road, Parkers Range Road, Armanasco Road, Southern Cross South Road, Merenda North Road, King Ingram Road and Marvel Loch-Forrestania Road) for the supply of potable water to Covalent's Mt Holland Project subject to the following:-

- 1. That under no circumstances is the pipeline to be laid within the running surface of the road pavements (it is considered that the road pavement area is from gravel shoulder to gravel shoulder, this is to be identified prior to commencement of works);***
- 2. That Traffic Management Plans be presented to the Executive Manager Infrastructure for approval prior to any work commencing;***
- 3. During the construction period, whether night time or during daylight hours, open trenches, up to a maximum of two (2) kms, must be sufficiently delineated to alert motorists of the exposed trenches.***
- 4. During the construction period a suitable dust suppressant (not saltwater) must be applied to gravel carriageway adjacent to work areas***
- 5. Pipeline crossing on bitumen roads must be horizontally drilled, not open trenching***
- 6. Open trenching is allowed on gravel road intersection crossings only subject to the following:***
 - a. All works to be carried out during daylight hours***
 - b. No open trenching to be left overnight on carriageways, all trenching across carriageway (at intersections) must be backfilled compacted and left in a safe trafficable state***
 - c. Detour roads/tracks that are required while trenching across carriageways, must have a minimum five (5)meters trafficable width***
 - d. All such detours must have appropriate traffic management plans***

7. *Following completion of ten (10) kilometres sections of pipelaying, backfilling and reinstatements of trenches, Covalent representative and Councils Executive Manager Infrastructure carry out an inspection of completed re-instatement works to identify any short fallings of re-instatement works, any identified areas that need rectifying must be completed immediately*

CARRIED (7/0)

The following image details the installation route of the pipe:



Comment

Covalent have approached the Shire, advising of the need to improve water flow rates for proposed expansion of the site.

To achieve this, Covalent are proposing to install two (2) additional booster pumps.

In order to progress the works, Covalent need to obtain a miscellaneous licence (the same as the existing pump stations and water pipeline) and in order to submit this application, they require the consent of Council.

Attached is a layout plan, detailing the proposed location of the additional booster pumps, named Booster Station 1 and 3.

Booster Station 1 is in private property, there will be a small amount of works to connect the pump station (in the paddock) to the main pipeline on the side of the road.

Booster Station 3 is located within an existing fire break, with the required power lines to be run along the firebreak as well.

Council are to consider if they are supportive of the installation of the two additional booster pumps.

The reporting Officer suggests a conditional approval as per the recommendation.

Statutory Environment

Nil

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	Nil	Nil	Nil
Service Interruption	Damage to road infrastructure	Low (3)	Requirement to remediate
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Clearing of native vegetation	Moderate (6)	Requirement to seek relevant approvals

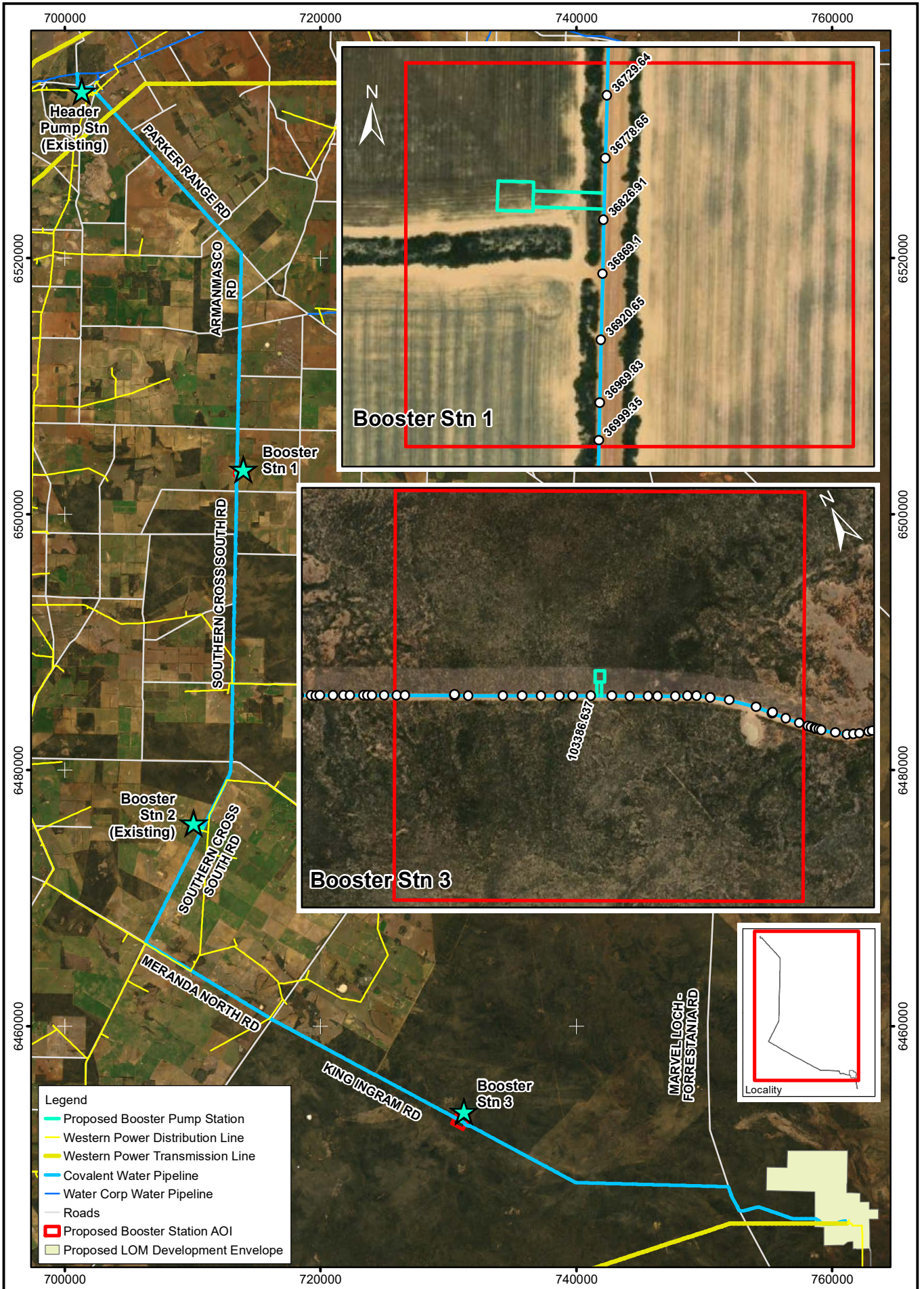
Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
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 support Covalent Lithium seeking a Miscellaneous Licence for the installation of two additional booster pumps on their water pipeline as per provided plans, on the following conditions:

- *Approval to clear native vegetation must be sought by Covalent Lithium;*
- *Any damage to roads or road infrastructure as a result of the installation is to be remediated; and*
- *Covalent Lithium are to remediate the area upon completion of works.*

If required, a traffic management plan is to be approved by the Shire's Executive Manager Infrastructure prior to commencing works.



- Legend**
- Proposed Booster Pump Station
 - Western Power Distribution Line
 - Western Power Transmission Line
 - Covalent Water Pipeline
 - Water Corp Water Pipeline
 - Roads
 - Proposed Booster Station AOI
 - Proposed LOM Development Envelope

0 6,750 m N
 Scale: 1:400,000
 MGA94 (Zone 50)

Author: E. Stone
 Date: November 2023

covalent
 LITHIUM

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 Perth WA 6000
 Head Office: +61 8 9230 5400
 ACN 623 090 139

CAD Ref: a2765_Infra_54_01
 Drawn: CAD Resources ~ www.cadresources.com.au
 Tel: (08) 9246 3242 ~ Fax (08) 9246 3202

Earl Grey Lithium Project
Water Pipeline
Proposed Booster Pump Stations

Source: Aerial photography: Maxar

9.1 Officers Report – Chief Executive Officer

9.1.2 Proposal to Install Sealed Parking Bay – Emu Fence Road

File Reference	6.1.1.046 & 3.2.1.29
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider a request from Mineral Resources to install a sealed parking bay along Emu Fence Road near the Marvel Loch Forresteronia Road intersection.

Background

Mineral Resources have approached the Shire, seeking approval to seal a parking bay along a section of Emu Fence Road, being SLK 63.81 to 64.13, being 320 metres in length.

Mineral Resources haulage trucks have been utilising a space on the side of the road as a parking bay, however the area continually breaks up and creates dust issues, as such, they are proposing to seal the section of road.

Comment

The proposed parking bay sits within the road reserve, and will not require clearing permissions.

A layout plan is currently being amended by MRL, and will be attached to the agenda once received.

The Executive Manager Infrastructure has provided Mineral Resources with recommendations regarding signage.

Council are asked if they approve of the proposed sealing of the parking bay.

Statutory Environment

Road Traffic Act 1974

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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damage to road drainage and verges	Moderate (6)	Sealed parking bay ensures verge remains in good condition.
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 Mineral Resources undertake to construct and seal a 320 metre parking bay along Emu Fence Road from SLK 63.81 to 64.13, as per the provided layout plan.

9.1 Officers Report – Chief Executive Officer

9.1.3 Request to Place Items in Thoroughfare – Club Hotel

File Reference	6.1.1.290
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Outdoor Seating Plan

Purpose of Report

For Council to consider a request from the Southern Cross Club Hotel proprietor to place items in a thoroughfare, being tables, chairs and translucent Café blinds, to cater for alfresco dining, along the Antares Street footpath frontage.

Background

The Shire is in receipt of a request from the Southern Cross Club Hotel proprietors. Seeking approval to place five (5) tables, 19 chairs and six (6) operable translucent café blinds upon the footpath adjacent to their premises, along Antares Street.

A seating plan has been provided by the proprietor, which is attached for Council's reference.

The seating plans details a 1 metre walkway will remain between the chairs/tables and the café blinds/balcony support posts. There is also approximately 1.8 metres of footpath between the posts and Antares Street.

Comment

As per the Local Government Act 1995 and the Local Government (Uniform Local Provisions) Regulations 1996, Council may approve the placing of items within the thoroughfare, with whatever conditions they deem necessary, as well as conditions required by the Regulations. See Statutory Environment section of this report for legislative requirements.

It is proposed to endorse the placing of items in the thoroughfare as request by the Club Hotel, along the Antares Street frontage of 21 Antares Street, on the following conditions:

- (1) Placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps, or are removed from the thoroughfare after each use;
- (2) Placed things are kept and maintained in good condition, to the satisfaction of the CEO of the Shire of Yilgarn, during such time as the CEO thinks necessary for the public safety and convenience; and
- (3) Placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and
- (4) Damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a

- reasonable time after the person granted the permission is required in writing to do so by the local government; and
- (5) The person/s granted permission to place things in the thoroughfare are to ensure any existing structures utilised for installation of the placed things, are of sound quality such that the installation will not result in the integrity of the existing structures being diminished; and
 - (6) The person/s granted permission to place things in the thoroughfare are responsible for keeping the area maintained in a clean and tidy manner at all times; and
 - (7) The person/s granted permission to place things in the thoroughfare, in accepting the permissions, indemnifies the Shire of Yilgarn from any liabilities that arise as a result of the placed things; and
 - (8) The person/s granted permission to place things in the thoroughfare must maintain adequate public liability insurance, of which covers the placement of items within the thoroughfare; and
 - (9) The Shire may review the permission granted at any time, and may amend or revoke permission at any time, and for any reason.

Statutory Environment

Local Government Act 1995

Schedule 9.1 Certain matters for which Governor may make regulations

3. Obstructing or encroaching on public thoroughfare

- (1) *Regulations may be made about the obstruction of public thoroughfares by things that-*
 - a. have been placed on the thoroughfare; or*
 - b. have fallen from land or fallen from anything on land.*
- (2) *Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare.*

Local Government (Uniform Local Provisions) Regulations 1996

6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)

- (1) *A person must not, without lawful authority, place on a public thoroughfare anything that obstructs it.*

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the obstruction continues.

- (2) *A person may apply to the local government for permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare*
- (3) *Permission granted by the local government under this regulation —*
 - a. must be in writing; and*
 - b. must specify the period for which it is granted; and*
 - c. must specify each condition imposed under subregulation (4); and*
 - d. may be renewed from time to time; and*

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030:

Outcome 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

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	Non-compliance with LG Act	Low (3)	Council decision in keeping with legislative requirements.
Reputational	Shire seen not to support development of businesses in town	Moderate (6)	Conditional approval allows businesses to develop.
Property	Damage to Shire property	Moderate (6)	Conditions relating to maintenance and removal.
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)

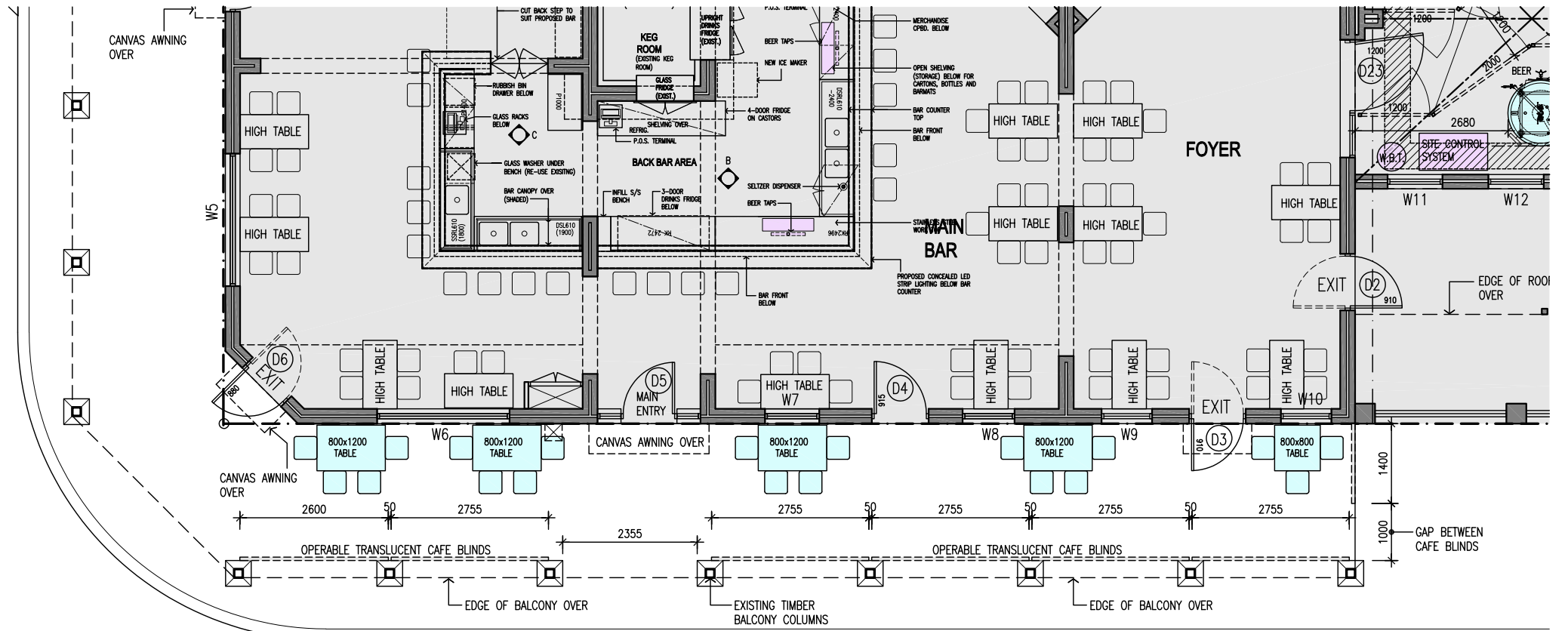
Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council, grant permission to the proprietor of the Club Hotel, being Hub Inn (SX) Pty Ltd, located at 19/21 Antares Street, Southern Cross, to place tables, chairs and café blinds upon the Antares Street thoroughfare, adjacent to the premises located upon 21 Antares Street, Southern Cross, as per layout plan presented, on the following conditions:

- (1) Placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps, or are removed from the thoroughfare after each use;*
- (2) Placed things are kept and maintained in good condition, to the satisfaction of the CEO of the Shire of Yilgarn, during such time as the CEO thinks necessary for the public safety and convenience; and*
- (3) Placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and*
- (4) Damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government; and*
- (5) The person/s granted permission to place things in the thoroughfare are to ensure any existing structures utilised for installation of the placed things, are of sound quality such that the installation will not result in the integrity of the existing structures being diminished; and*
- (6) The person/s granted permission to place things in the thoroughfare are responsible for keeping the area maintained in a clean and tidy manner at all times; and*
- (7) The person/s granted permission to place things in the thoroughfare, in accepting the permissions, indemnifies the Shire of Yilgarn from any liabilities that arise as a result of the placed things; and*

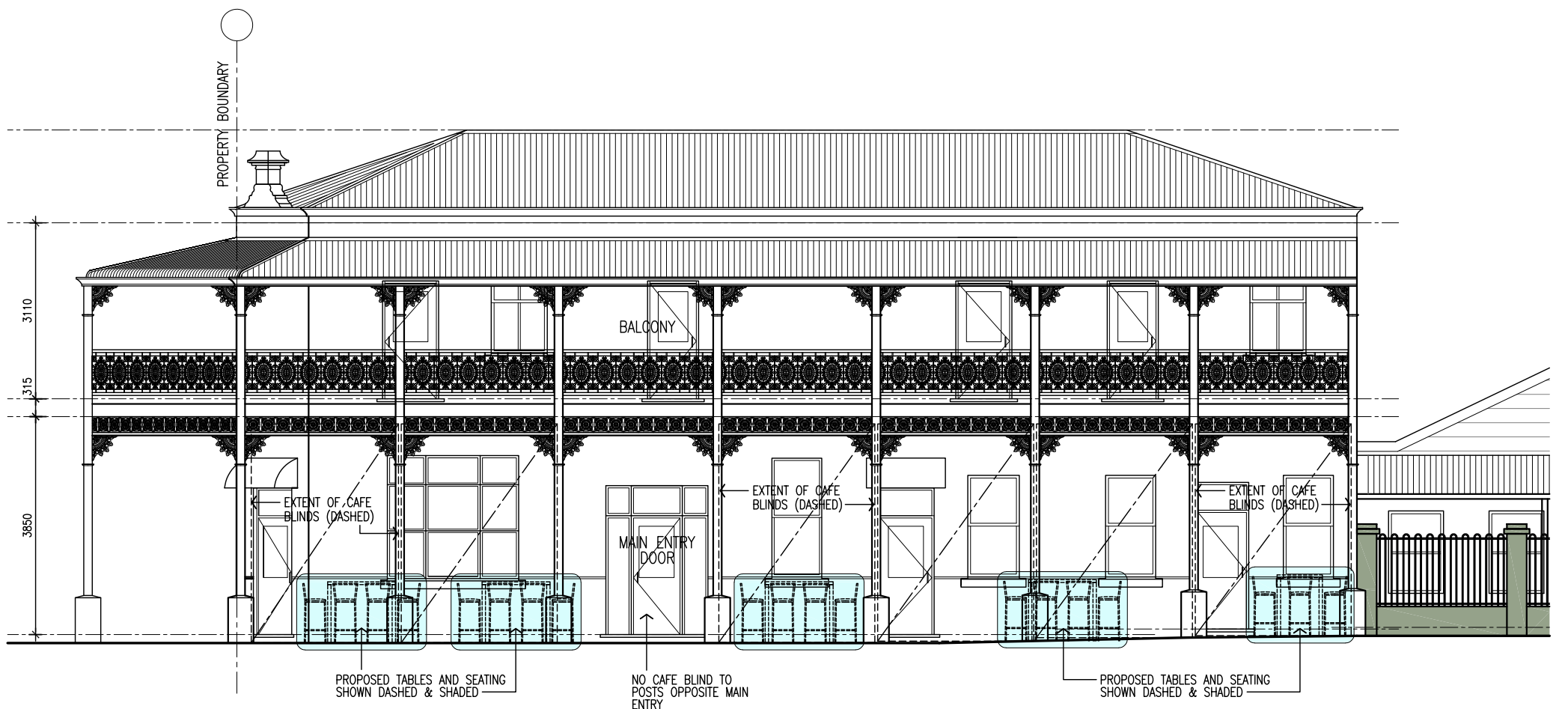
- (8) *The person/s granted permission to place things in the thoroughfare must maintain adequate public liability insurance, of which covers the placement of items within the thoroughfare; and***
- (9) *The Shire may review the permission granted at any time, and may amend or revoke permission at any time, and for any reason.***



GROUND FLOOR PLAN

1:100 @ A3

ANTARES STREET



SOUTH-WEST ELEVATION

ANTARES STREET

1:100 @ A3

PROPOSED OUTDOOR SEATING
CLUB HOTEL, SOUTHERN CROSS

AMENDMENTS		PROJECT:	PROJECT NO.	DWG NO.
DATE	COMMENT			
1	11/12/23	ALFRSECO SEATING SHOWN. ISSUED FOR CLIENT REVIEW.	21-13	A-01
		PROPOSED CLUB HOTEL RENOVATION AT 21 ANTARES STREET, SOUTHERN CROSS WA 6426		
		CLIENT: MR. P HANNA	SCALE: 1:100 @ A3	DRAWN: Y.O.
				REVISION: 1



e: yammieo@kpyprojects.com.au
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PH: 04.13-129-791

9.1 Officers Report – Chief Executive Officer

9.1.4 CEACA Constitution Change

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	1 – Amendments to Constitution 2 – Explanatory Memorandum

Purpose of Report

For Council to consider a proposed change to the Central East Accommodation & Care Alliance (CEACA) constitution.

Background

CEACA was established to conduct research in conjunction with the Wheatbelt Development Commission and Regional Development Australia (RDA) Wheatbelt, which found there was significant under-resourcing of housing, health care beds and other age-appropriate related resources across the region. Formed in 2012, CEACA's current membership includes the Shires of Bruce Rock, Kellerberrin, Merredin, Mt Marshall, Mukinbudin, Westonia, Wyalkatchem and Yilgarn.

Royalties for Regions grants ensured funding for the construction of 71 two-bedroom units across 11 shires in the Central East Wheatbelt Region. All 71 CEACA units were designed in accordance with the Liveable Housing Guidelines, which have been developed by industry leaders in consultation with community members and provide assurance that a home is easier to access, navigate and live in, as well more cost effective to adapt when life's circumstances change.

The first occupants moved into the units in October 2019 and the last of the sites, Bruce Rock, saw their first tenants enter the units in July 2020.

In January 2020, CEACA became a registered charity and as such, not only provide benefits to the elderly and disabled population in the Wheatbelt, but also to others who are experiencing hardship, are on low incomes or are otherwise struggling to find suitable, affordable accommodation in the region to remain living close to family and contribute to their local community.

With the 71 units completed and tenanted, CEACA's focus will move to investigating and developing partnerships and models to provide better care services across the region.

CEACA is currently exploring further funding opportunities, as well as looking at the possibility of managing accommodation owned by certain Member Shires.

At the August 2023 Ordinary Council meeting the following recommendation was carried:

128/2023

Moved Cr Close/Seconded Cr Guerini

That Council endorse the proposed amendments to the Central East Accommodation & Care Alliance Inc constitution, as presented.

And

That Council note the proposed constitution amendments will require the Shire of Yilgarn to commit funding for a minimum period of three years for each term. Currently annual fees are \$15,000.

CARRIED BY ABSOLUTE MAJORITY (7/0)

The Executive Officer for CEACA emailed on the 11 December 2023, advising that based on further discussions with the Registrar for Community Housing Providers (CHP) and Jackson McDonald, solicitors for CEACA, further changes to the constitution are required in order for CEACA to become a Community Housing Provider.

Comment

CEACA's Executive Officer has provided a further amended constitution, as well as explanatory notes, of which both are attached.

The CEACA Executive Officer's explanatory notes summarises as follows:

The following proposed changes (1 to 11) to the Constitution were approved by the CEACA Management Committee on 29 May 2023.

These changes (1 to 11) were proposed after consultation with Jackson McDonald, Solicitors.

The proposed changes are as follows:

1. *Vision of the Association (Paragraph 1.2)*
"ageing population" changed to "current and future population".
This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.
2. *Objects and Purpose of Association (Paragraph 1.3)*
"aged" changed to "people in need including disadvantaged, aged and individuals with disabilities".
This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.
3. *Definitions (Paragraph 2.1)*
Various changes to bring the Constitution in line with the current standard clauses of charitable entities in respect of ACNC and Taxation related matters.
4. *Applying for Membership (Paragraph 5.4)*
Applicants to apply for a 3-year term.

5. *Becoming a Member (Paragraph 5.6)*
“and terms of Membership” added to the paragraph heading.
Membership terms to be 3-year terms.
6. *Resigning as a Member (Paragraph 7.2)*
A Member which resigns is liable to pay the remaining Membership fees, if any, related to a 3-year term.
7. *Annual Membership Levy (Paragraph 9.2)*
Annual membership levy to be paid annually or as otherwise determined by the Management Committee.
A Member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.
8. *Secretary and Treasurer (Paragraphs 11.5 and 11.6)*
With the approval of the Management Committee, the Secretary and Treasurer may delegate their duties to the Executive Officer of the Association.
9. *Special Resolutions (Paragraph 19.1)*
“sell transfer or otherwise dispose of any land owned by the Association” is added to the list of items requiring a special resolution (at least 75% approval of Members).
10. *Cancellation and Distribution of Surplus Property (Paragraph 29)*
Changes to the wording to comply with the requirements of ACNC and ATO requirements.
11. *Generally*
Proposed wording changes where appropriate to comply with the requirements of ACNC and ATO.

Recent changes identified as a part of the proposed application to become a Community Housing Provider (CHP):

12. *Definition of “Community Housing Assets”, “Community Housing Provider” and “Registered” included in the list of definitions.*
13. *Provision for Community Housing Assets on a wind-up of CEACA to be transferred to the Housing Authority or to another CHP in Western Australia (Definitions in conjunction with Paragraph 29).*
14. *The Management Committee to meet at least six times per year (currently four times per year) (Paragraph 14.1).*
15. *A maximum term of nine (9) years for Management Committee Members from the date of the 2023 AGM, to mandate new members to the Management Committee after a reasonable amount of time (Paragraph 12.5).*

16. Details of the Management Committee's role in relation to oversight of the organisation and its operations (Paragraph 11.2(i)).

The reporting officer supports the proposed amendments, and recommends Council's endorsement, however it should be noted as per proposed Clause 5.6(c), membership will transition to three year terms (commencing on the 1 July 2023 for Shire of Yilgarn), with the Shire required to pay any membership fees owing if resigning within the term.

The current annual membership fee is \$15,000 but this has been reduced from \$20,000. Estimated costs over the three years from 1 July 2023 is between \$45,000 to \$60,000. The 2023/2024 budget already has provision for annual membership fee.

Whilst Council have previously made a determination on this matter, a motion to revoke the previous decision is not deemed necessary as the original changes to the Constitution agreed to by Council in August 2023 remain the same.

Statutory Environment

Nil

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Commitment of annual fees for three year terms. Current annual fee is \$15,000, which has been reduced from \$20,000.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Lack of housing options are support services for in-need community members	High (15)	Council's ongoing involvement with CEACA helps to assist with providing housing options and support services in the district.
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)

Officer Recommendation

That Council, by absolute majority, endorse the proposed amendments to the Central East Accommodation & Care Alliance Inc constitution, as presented.

And

That Council note the proposed constitution amendments will require the Shire of Yilgarn to commit funding for a minimum period of three years for each term. Currently annual fees are \$15,000.

9.1 Officers Report – Chief Executive Officer

9.1.5 Local Roads & Community Infrastructure Program – Round 4

File Reference	8.2.6.13
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Discretionary Capital Expenditure Business Case

Purpose of Report

For Council to endorse the proposed allocation of the Australian Governments Phase 4 funding of the Local Roads and Community Infrastructure (LRCI) Funding Program.

Background

In May 2022 Council endorsed the Southern Cross Sports Complex Upgrade as part of Phase 3 of the LRCI funding, allocating \$1,237,044 towards this project.

As detailed to Council at the time, the full project would likely not be fully funded by the LRCI Phase 3 funding, and as such, additional funding streams would need to be found.

Phase 4 of the LRCI program has been announced and the Shire offered an additional \$943,522 for local road and community infrastructure projects.

Given the high priority provided to this sports complex project through the phase 3 consultation process, and the foreseen shortfall in Phase 3 funding, it seems appropriate to seek to allocate the additional phase 4 funding to this project.

Comment

As per *Council Policy 3.13 - Discretionary Capital Expenditure – Business Case Requirement*, a business case is required for capital purchases over \$100,000. As this project has already been committed to the previous business case is attached for Councillors reference.

Council are asked to endorse the allocation of Phase 4 funds to the Sports Complex upgrade project.

Statutory Environment

Australian Government Guidelines in respect to COVID-19 Local Roads and Community Infrastructure Program.

Strategic Implications

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

Policy Implications

Policy 3.13 - Discretionary Capital Expenditure – Business Case Requirement

Financial Implications

Nil impact upon Council’s Budget as projects fully funded by the Australian Government under the LRCI Program.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Lack of suitable recreational facilities	Moderate (6)	Upgrade will ensure suitability of facility
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Australian Government’s LRCI Funding Program	Low (4)	Requirement to provide Progress Reports to Funding Provider
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

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

Officer Recommendation

That Council endorses allocation of \$943,522 of Phase 4 funding for local roads and community infrastructure projects from the Federal Governments Local Roads and Community Infrastructure program to the Southern Cross Sports Complex Upgrade project.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports–November 2023

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Fadzai Mudau- Finance Manager
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 30 November 2023

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council’s current Financial Position as at the end of each month.

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

- (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 30 November 2023.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – November 2023

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Wes Furney-Finance Officer
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41250 to 41253 totalling \$2,605.26
- Municipal Fund - EFT 14574 to 14629 and 14631 to 14689 totalling \$888,710.45
- Municipal Fund – Cheques 2271 to 2289 totalling \$301,799.11
- Municipal Fund - Direct Debit Numbers:
 - 18349.1 to 18349.14 totalling \$25,827.64
 - 18378.1 to 18378.14 totalling \$25,872.71
- Trust Fund – Cheques 402694 and 402696 totalling \$400.00
- Trust Fund – EFT 14630 totalling \$118.30

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

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

Officer Recommendation

- *Municipal Fund – Cheques 41250 to 41253 totalling \$2,605.26*
- *Municipal Fund - EFT 14574 to 14629 and 14631 to 14689 totalling \$888,710.45*
- *Municipal Fund – Cheques 2271 to 2289 totalling \$301,799.11*
- *Municipal Fund - Direct Debit Numbers:*
 - *18349.1 to 18349.14 totalling \$25,827.64*
 - *18378.1 to 18378.14 totalling \$25,872.71*
- *Trust Fund – Cheques 402694 and 402696 totalling \$400.00*
- *Trust Fund – EFT 14630 totalling \$118.30*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write Off of Uncollectable Debt

File Reference	8.2.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of an outstanding but uncollectable standard debtors' debt.

Background

In late January 2022 a residential premises located in Polaris St Southern Cross was destroyed by fire. The owners of the property contracted with Aska Demolition & Salvage to remove asbestos contamination, the remains of the building and to generally clean up the site.

The clean up was completed during the period 18th to the 28th February 2022 with 5 cubic metres of asbestos and 85 cubic metres of building waste being deposited at the Southern Cross Waste Facility. The charge incurred for this waste was \$3,300 inc GST and was invoiced on the 11th March 2022 via invoice number 14238.

Comment

After initial requests for payment were ignored by Aska Demolition & Salvage, collection action was instigated in October 2022 by referral of the outstanding debt to AMPAC, Councils appointed debt collection consultants.

Apart from one telephone conversation with the debtor between AMPAC and then the Shire, all attempts to collect the debt failed. A skip trace was carried out in February 2023 with the result being forwarded to the Shire on the 13th of that month. On the 16th of February 2023, instructions to seek legal action was provided to AMPAC as there had been no communication from the debtor since the previous November.

In July 2023, the debtor attended the Shire Administration and discussed a repayment plan with the Chief Executive Officer (CEO). The repayment plan included an up-front payment of \$400 and an on-going monthly payment of \$100, payable until the debt was cleared. The CEO agreed to this arrangement and an agreement was signed. Subsequently the debtor defaulted on the agreement and made none of the agreed payments.

In September 2023, a previously issued Property Seizure and Sale Order (PSSO) was enforced by Court Officers. The resultant report indicated that the Debtor had insufficient assets to adequately cover the outstanding debt. It was at this time that it was decided that the cost of

further recovery action was not cost effective and that the debt should be presented to Council for approval to be written off.

Statutory Environment

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.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Nil

Policy Implications

Council Policy

3.6 - Recovery of Fines and Costs from Sundry Debtors.

Where fines and costs have been awarded by the Courts, or via Council's designated Recovery Agents from time to time, Solicitors shall continue to act on behalf of Council until satisfaction has been obtained.

All costs associated with the debt recovery effort shall be a charge against the defaulting debtor account.

Recovery Actions include:

- Referral of Fines to the Fines Enforcement Registry if unpaid after the due date,
- Summons for any account with an outstanding balance greater than \$200.00,
- In the event that a Summons remains unsatisfied, a Judgement Summons or Warrant of Execution will be applied to the Debtor,

- In the event that legal action is exhausted, with the debtor being unable to satisfy the Warrant of Execution (i.e. the Bailiff cannot seize goods to dispose of, to meet the value of the debt), then the account will be referred back to Council for consideration.

Financial Implications

Write-off of \$3,000 ex GST in uncollectable Landfill Usage Charges.

The 2023/2024 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which \$4,160.95 has been utilised.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Rate Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure rate write-offs are endorsed by Council.
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, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the following debt:

*Invoice No.: 14238
Dated: 11/03/2022
Debtor: ASKDEM – Aska Demolitions & Salvage
Being: Landfill Usage Charges
Value: \$3,000 ex GST*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Revoke Previous Decisions – Seizures to Return to the Crown - Bullfinch

File Reference	A11320, A11380, A11400 & 8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Nil

Purpose of Report

This report seeks Councils approval to revoke previous resolutions relating to the seizure of land located in Bullfinch and for their return to the Crown.

Background

At the December 2018 full meeting of Council, three recommendations were presented for the seizure and return to the Crown for non-payment of rates of the following assessments, all located in Bullfinch:

A11400 - 31 Riley Crescent

179/2018

Moved Cr Nolan/Seconded Cr Pasini

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 31 Riley Crescent, Bullfinch to be transferred to the Crown;**
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$1,881.45 in unpaid rates and charges; and**
- 3. endorse the marking of assessment A11400 as Non-Rateable until such time as the land's transfer to the Crown has been completed.**

CARRIED (7/0)

A11320 - 35 Dorothy Street

180/2018

Moved Cr Pasini/Seconded Cr Close

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 35 Dorothy Street, Bullfinch to be transferred to the Crown;**
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$2,827.24 in unpaid rates and charges; and**
- 3. endorse the marking of assessment A11320 as Non-Rateable until such time as the land's transfer to the Crown has been completed.**

CARRIED (7/0)

A11380 - 35 Jones Street

181/2018

Moved Cr Close/Seconded Cr Nolan

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 35 Jones Street, Bullfinch to be transferred to the Crown;**
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$8,048.63 in unpaid rates and charges; and**
- 3. endorse the marking of assessment A11380 as non-rateable until such time as the land's transfer to the Crown has been completed.**

CARRIED (7/0)

Comment

Enquires were made with the Department of Local Government, Sport and Cultural Industries (DLGSC) as to the procedures required to accomplish the transfer to the Crown. The following was received in response:

In summary, the Shire will have to provide the following:

- 1. Documentation obtained from the Department of Planning, Lands and Heritage regarding its position on revestment of the land;*
- 2. Completed Form 6 (Regulation 78(1)) making an application to the Minister;*
- 3. Copy of Form 2 (Regulation 72) which was sent to the registered proprietor;*
- 4. Statutory declaration providing that Form 3 was affixed to the land (Regulation 73);*
- 5. Copy of the Council minutes confirming that Council has resolved to seek revestment of the land and make an application;*
- 6. Proof that attempts have been made to contact the landowners (e.g. any copies of unanswered/returned letters to the landowner, details regarding attempts made, etc.);*
- 7. Copy of the notice of intent published in the Government Gazette;*
- 8. Photos of the property which demonstrate that the land is vacant;*
- 9. A copy of the Record Certificate of Title for the land;*
- 10. A signed Landgate Form B3 Statutory Declaration confirming that the land is clean and tidy within the meaning of the Contaminated Sites Act 2003.*
- 11. Note: The Form B3 will need to be posted to the department as the original must be provided to Landgate. A separate form is required for each property to be revested; and*
- 12. If the registered proprietor is deceased, the date of death.*

It should be noted that all three assessments have a building or structures located on the title which would need to be removed and all three buildings are of an age where asbestos was commonly used in building construction. Additionally, 35 Jones Street has several abandoned vehicles that likely have dropped motor oils causing further contamination.

The two highlighted requirements were the main sticking points in get the title transferred to the Crown. While both are not impossible to rectify, the expense involved would be quite prohibitive.

Additionally, two of the three assessments have either had the outstanding rates paid in one lump sum or via regular annual receipts.

The required advertising relating to 31 Riley Crescent had an effect as repayments commenced in February 2019 and have continued resulting in the outstanding and subsequent years rates being paid. A significant one-off payment of \$4,135.88 for 35 Dorothy Street was received in Feb 2023 that predominantly cleared the outstanding rates. The only assessment that remains with three plus years of outstanding rates is 35 Jones Street.

It will be recommended that Councils decisions relating to 31 Riley Crescent and 35 Dorothy Street be revoked in their entirety with no further action to be taken. It will also be proposed that the Council decision relating 35 Jones Street be revoked in its entirety. The assessment will be subsequently listed in the next tranche of seizure for sale recommendations that will be presented for Council endorsement in early 2024.

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (a) the matters to be dealt with at ordinary or at special meetings of councils; and
 - (b) the functions of committees or types of committee; and
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and
 - (c) the procedure to be followed at, and in respect of, council or committee meetings; and
 - (d) methods of voting at council or committee meetings; and
 - (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
 - (g) the giving of public notice of the date and agenda for council or committee meetings; and
 - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
 - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
 - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or

- (ii) produced by the local government or a committee for presentation at a council or committee meeting,
are to be made available for inspection by members of the public.
- (2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended: No. 64 of 1998 s. 28.]

Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
- inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 16.]

The recommendation that follows is consistent with the legislative requirements.

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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure motion to revoke complies with the LG Act 1995
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 1

That Council, by absolute majority, revokes in its entirety the previous decision of Council, minute number 179/2018, made at the Council Meeting held on the 20th December 2018, which reads as follows:

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 35 Jones Street, Bullfinch to be transferred to the Crown;*
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$8,048.63 in unpaid rates and charges; and*
- 3. endorse the marking of assessment A11380 as non-rateable until such time as the land's transfer to the Crown has been completed.*

Officer Recommendation 2

That Council, by absolute majority, revokes in its entirety the previous decision of Council, minute number 180/2018, made at the Council Meeting held on the 20th December 2018, which reads as follows:

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 35 Dorothy Street, Bullfinch to be transferred to the Crown;*
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$2,827.24 in unpaid rates and charges; and*
- 3. endorse the marking of assessment A11320 as Non-Rateable until such time as the land's transfer to the Crown has been completed.*

Officer Recommendation 3

That Council, by absolute majority, revokes in its entirety the previous decision of Council, minute number 181/2018, made at the Council Meeting held on the 20th December 2018, which reads as follows:

That Council

- 1. pursuant to Section 6.64 (1) (c) of the Local Government Act 1995, cause the land located at 35 Jones Street, Bullfinch to be transferred to the Crown;*
- 2. pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of \$8,048.63 in unpaid rates and charges; and*
- 3. endorse the marking of assessment A11380 as non-rateable until such time as the land's transfer to the Crown has been completed.*

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 2022/2023 Audit & Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Fadzai Mudau- Finance Manager
Attachments	Attachment 1 – 2022/2023 Annual Report including the Annual Financial Report incorporating the Independent Auditor’s Report.

Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor’s Report for the year ending 2022/2023.

Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

Comment

The Annual Report for the financial year ending 30 June 2023 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, a minimum of 14 days local public notice of this meeting is to be given.

Statutory Environment

Local Government Act 1995 –

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and

- (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

[Section 5.55A inserted by No. 5 of 2017 s. 8.]

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

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

Financial Implications

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

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the relevant section of the Local Government Act 1995 and associated Regulations.	Moderate (9)	Where ever possible and within the control of Council, ensure compliance with the Local Government Act and associated Regulations.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

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

Committee Recommendation

That Council:

- 1. Accept the Annual Report for 2022/2023 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2023; and*
- 2. Conducts the 2022/2023 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on Thursday 15th February 2024 commencing at 6.00 pm.*

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 Designs for Parker Range Road and Marvel Loch Forresteria Road

File Reference

Disclosure of Interest

Nil

Voting Requirements

Simple Majority

Attachments

Nil

Purpose of Report

For Council to consider amended road designs from Covalent Lithium Pty Ltd in relation to Parker Range Road and Marvel Loch Forresteria Road upgrades, resulting from unconfirmed clearing applications and Aurenne Mining not providing access agreements.

Background

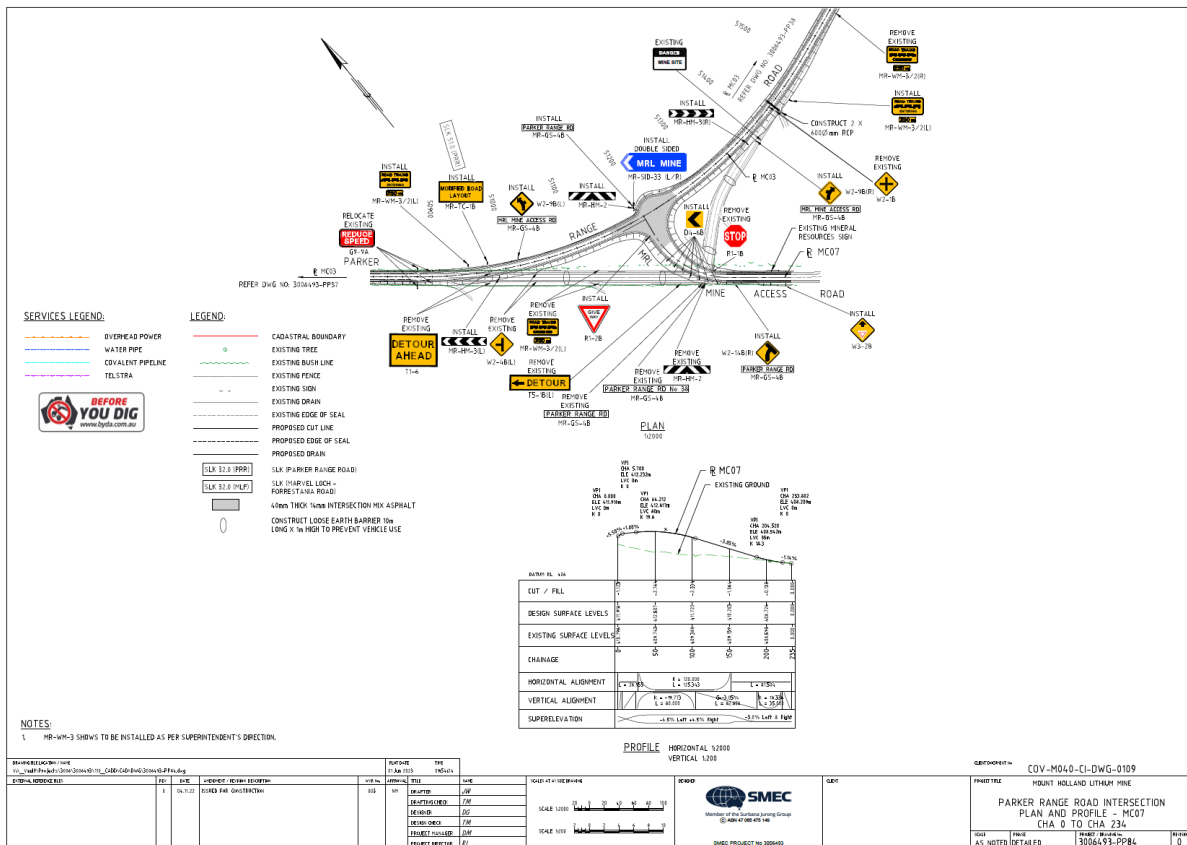
To support the refinery operations Covalent Lithium is required to transport approximately 435,000 tonnes of lithium hydroxide per annum from the Mt Holland mine site to Kwinana, and residual ore returned to the Mt Holland mine site.

Through a detailed evaluation process conducted in close consultation with the Shire of Yilgarn the route utilising Marvel Loch – Forresteria Road and Parkers Range Road was selected as the preferred route.

Key selection criteria used in the evaluation included the safety of all road users (geometry, number of users, proportion of the route through farmland etc), total distance and the quality of the existing road.

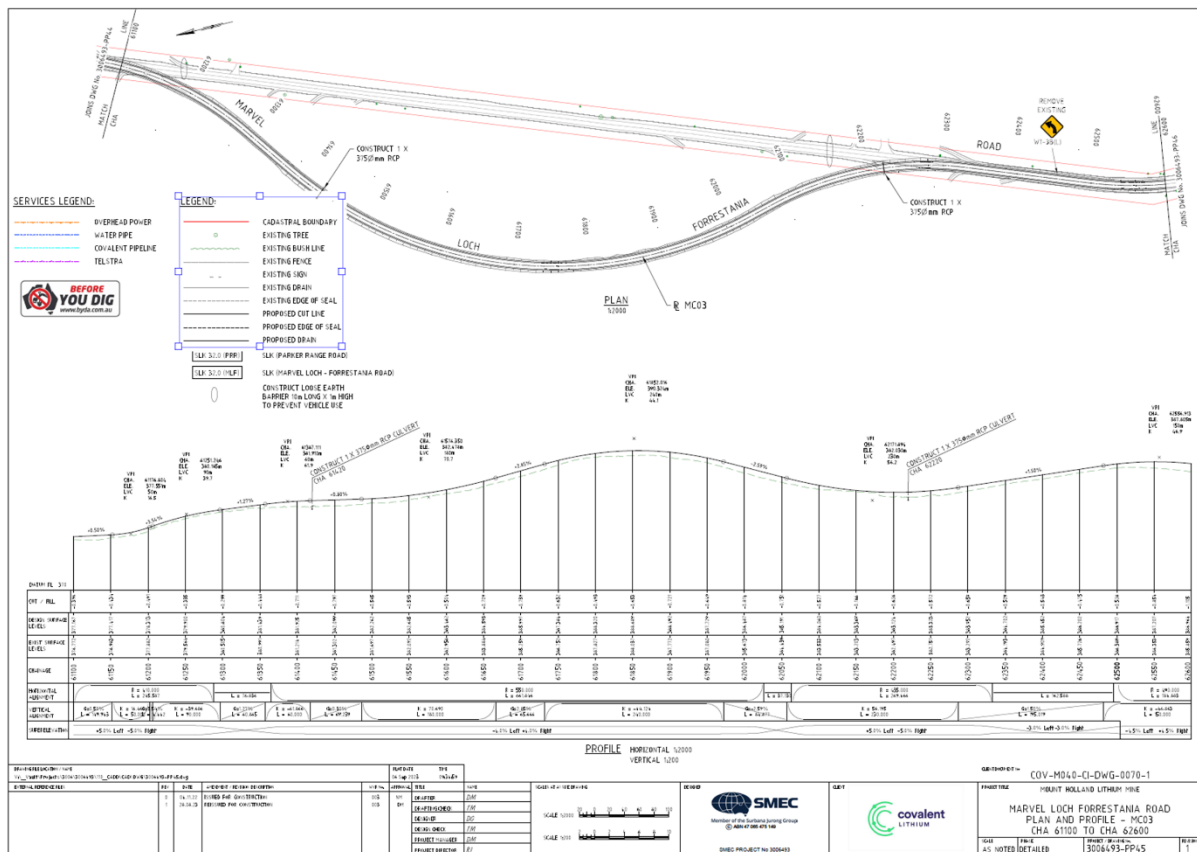
Due to issues with DWER clearing applications and no agreement with Aurenne Mining to access the land around the Buffalo and Centenary mines, Covalent were required to redesign section of the route.

First design (image overpage) is the sweeping bend where Parker Range Mine access road, intersects with Parker Range Road. There were some concerns this intersection would not support the use of RAV 10.3 (quad trailers) entering from Parker Ranger Mine onto Parker Range Road. Staff engaged Rod Munns to check swept paths on the intersection. The design meets the swept path requirements for use of RAV 10.3 configurations.

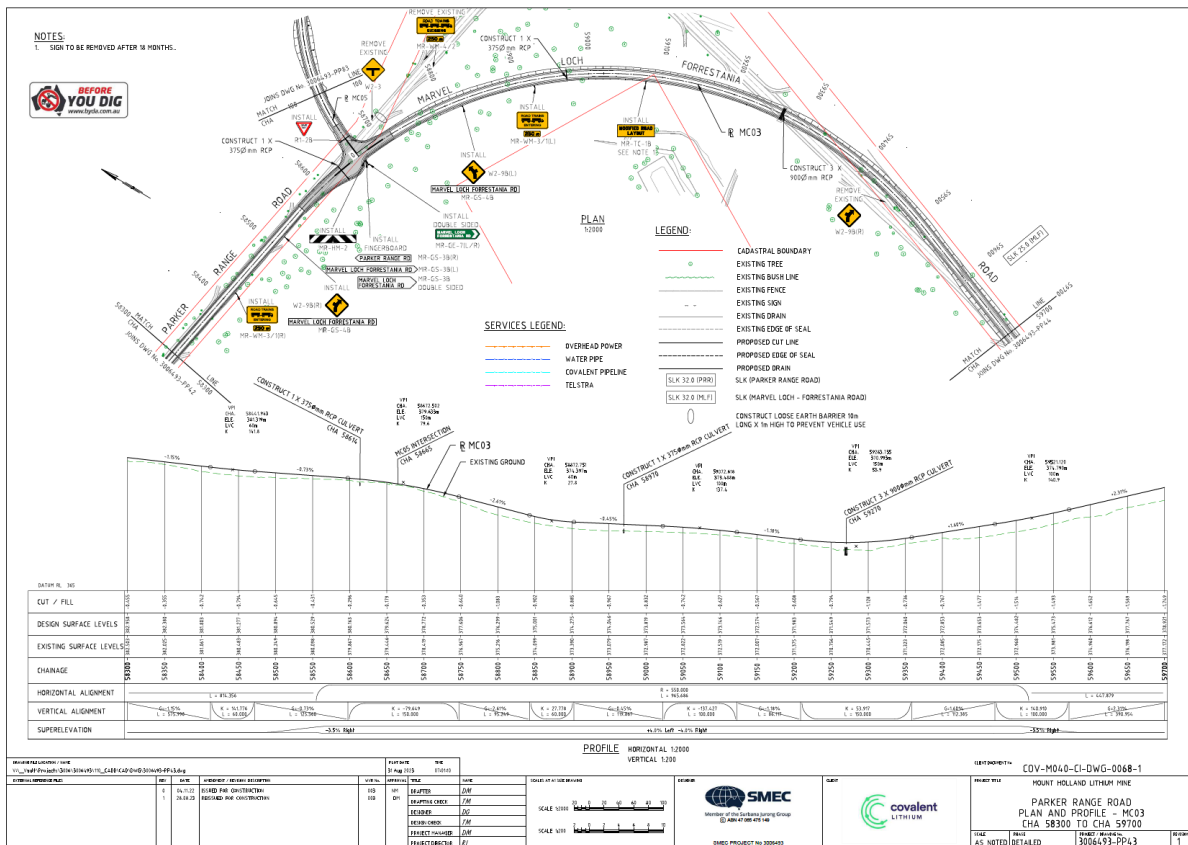


The second section (image overpage), has a Restricted Access Vehicle (RAV) Network 7.3 applied. When applying the swept paths and negotiating the 3 curves with varying Radii of 410, 550 and 435 through the section around the Buffalo Minesite, there were 4 swept path analysis (SPAs) applied. It was noted, that the Swept width of the RAV 7 configuration at 60 kph (the highest speed that the Invarion Model will permit) and is around 2.9 – 3.1m width, inside a 4m traffic lane width.

There is no unsealed shoulder, however, there is some wriggle room for 2 of these RAVs meeting through any point on these curves. At SLK 62.23, where the curve radii is 435m radius, the measured swept width is 3.1m width, which is greater than the 2.9m width on the 410m radii curved section around SLK 61.15. This was due to the way it progressed in the direction of the RAV when running the swept path through this curve. It didn't quite stay on track just prior to this, and when measured the swept width has been corrected for RAV to get back onto the centre of the lane. This would be no different to representing how a RAV Operator negotiates these curves in real life.



The intersection of Marvel Loch Forrestania Road and Parker Range Road was supported by council in a previous council workshop. However, clearing permit applications continue impact the project, as such, an adjustment to the design was required.



Comment

The Shire of Yilgarn Councillors are responsible for making important decisions about the Shire on behalf of the community. The Shire of Yilgarn is responsible for the maintenance of all sealed and unsealed roads within the shire, which includes approximately 383 kilometres of sealed roads and 2272 kilometres of gravel roads which is under its management.

The designated haul road should be designed in conjunction with the trucks using the road to deliver a specific level of performance, operation and long-term maintenance requirements. If not, the critical production asset will become a significant operating liability.

A designated haul route is one of many critical components within the mining production process. Roads in poor condition whether due to lack of maintenance or lack of construction quality, impacts on productivity and the safety road of users.

A good designated haul route design is done with integrated design approach of sizing, construction quality and future maintenance to ensure safety and quality in the field. The design requires an analysis of several components that meet, a set of criteria where the absence or the deficiency of one, can harm others.

Key design considerations are as follows:

- Project objectives
- Transport and community needs
- Road hierarchies based on different speed and functional requirements
- Level of service, project reliability, pavement design life, structural capacity, and level of maintenance and rehabilitation
- Required levels of usage, including traffic volume, traffic loading, future trends and functional road classification
- Planning regulations, use of recycled materials, air, noise, water pollution, erosion and sediment control
- Levels of service required including skid resistance, ride quality, road geometry and visibility in wet and dry conditions
- Required functional and structural performance, pavement type, composition and future maintenance practices
- Land use and zoning areas

Covalent Lithium are seeking support from the Shire of Yilgarn on these designs so Covalent can include these sections in their construction program.

Main Roads Wheatbelt Region is responsible for installation, inspection and maintenance of regulatory signs and lines on all roads in the Wheatbelt Region including Local Government roads. The Executive Manager of Infrastructure entered discussions with Main Roads Northam on the speed restrictions needed for existing road around the Buffalo Mine Site realignment.

The Executive Manager of Infrastructure discussed the Buffalo Mine bypass explaining the tight corners on the design. MRWA response was, the bypass road doesn't meet any of the guidelines for a reduced speed limit. MRWA will advise what advisory signage will be required to warn drivers of any risks ahead.

Council needs to consider current levels of RAV access and any future route determinations.

RAV route determination guidelines

2.4.1 Sight Distance

Considerations at Curves and Tight Bends When the hauling unit of a RAV travels around a curve or tight bend, the trailing units pull across the curve or tight bend and as such, require additional road width. This is defined as "swept width" and depends on several factors, including:

- Radius of the curve or tight bend;
- Length of vehicle combination;
- Number and type of articulation points; and
- Road surface and geometry.

In instances where it is identified the RAV would be required to utilise additional road width when travelling around a curve or tight bend, potentially encroaching into oncoming traffic, the assessor must ensure there is sufficient visibility on the approach to the curve or tight bend to observe oncoming vehicles, and react or stop if necessary.

It will be necessary for the assessor to conduct swept path assessments on curves to determine if the RAV is likely to encroach into oncoming traffic.

Note: Access should be declined if the RAV crosses a solid white line when traversing a curve or tight bend, unless there is sufficient sight distance.

Statutory Environment

The Land Administration Act 1997 Section 55 and Local Government Act 1995 Section 3.53(2) gives the Shire of Yilgarn management responsibility for roads within its boundaries.

Strategic Implications

Strategic Community Plan

Policy Implications

5.2 Heavy Haulage on Local Roads. (This policy is under review).

Financial Implications

There are no immediate financial implications and the Shire of Yilgarn is currently working through the road user agreement with Covalent Lithium

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Road will be subject to increased deterioration if not fit for purpose	High (12)	Applicant accepts responsibility to carry out all road upgrades, vegetation pruning necessary to qualify the road for the RAV network level required.
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, by Simple Majority, pursuant to Section 3.53 (2) of the Local Government Act 1995 supports Covalent Lithium's designs for the purpose of upgrading Parker Range and Marvel Loch Forrestania Roads provided that,

- 1. Covalent Lithium constructs these sections in accordance with the correct design specifications and methodologies.*
- 2. The road design around Buffalo Mine doesn't impact on the current Restricted Access Vehicle of Network 7.3 for Parker Range and Marvel Loch Forrestania Roads.*
- 3. That the road design doesn't impact the current Restricted Access Vehicle Network 10.3 rating from the intersection of Parker Range Mine Access to Emu Fence Road intersection.*

10 APPLICATIONS 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

Recommendation

That the Council meeting be close to the public under section 5.23(2) (a) (c) of the Local Government Act 1995

CONFIDENTIAL

13 Confidential Items

13.1 Officers Report – Chief Executive Officer

13.1.1 CEO Annual Performance Appraisal

File Reference	1.1.1.1
Disclosure of Interest	CEO – In relation to Contract of Employment
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Confidential - Annual Performance Review Confidential - CEO Performance and Remuneration Review Report Confidential - Shire of Yilgarn CEO Performance Criteria 2023-2024 (Provided Separately by CEO)

Purpose of Report

For Council to endorse the CEO Performance and Remuneration Review Report, provided by Jane Nicholson of Price Consulting Group and endorse Performance Criteria for 2023/2024

Background

As per section 4 of the Chief Executive Officers contract of employment it states:

4.1 Performance Criteria

- (1) *The Performance Criteria is included at Appendix 1*
- (2) *The Performance Criteria must be reasonably achievable by You.*

- (3) *You must use every reasonable endeavour to comply with the Performance Criteria.*
- (4) *The Performance Criteria –*
- (a) *must be reviewed annually by the parties; and*
- (b) *may be amended, from time to time, by agreement in writing between the parties.*
- 4.2 *Performance Criteria and performance review*
Your performance under this Contract, must be reviewed and determined by the Reviewer –
- (a) *by reference to the Performance Criteria;*
- (b) *at least annually; and*
- (c) *more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*
- 4.3 *Selection of Reviewer*
- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -*
- (a) *who the Reviewer is to be; and*
- (b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
- (a) *the Council;*
- (b) *a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or*
- (c) *a person who is a HR professional who is agreed to by the Council to conduct the performance review.*
- (3) *For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in subclauses 4.3(1)(a), the Council is to make the relevant determination.*

Comment

At the September 2023 Ordinary Council meeting, the following resolutions were carried:

156/2023

Moved Cr Cobden/Seconded Cr Rose That Council, in consultation with the CEO, endorse an independent consultant to be engaged to facilitate the 2023 CEO annual performance review;

CARRIED (7/0)

157/2023

Moved Cr Rose/Seconded Cr Close

That Council engage Price Consulting Group Pty Ltd to undertake the 2023 CEO annual performance review.

CARRIED (7/0)

Jane Nicholson from Price Consulting Group undertook the review process, which included ex-Councillors who served during the year in review.

The following documentation is provided for Councillors:

- CEO Annual Performance Review 2022/2023
- CEO Performance and Remuneration Review 2023/2024 Report
- Shire of Yilgarn CEO Performance Criteria 2023-2024

Councillors are asked to endorse the CEO Performance and Remuneration Review 2023/2024 Report and the CEO Performance Criteria for 2023-2024.

Statutory Environment

CEO Contract of Employment

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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Contract of Employment and	Moderate (6)	Setting of annual review process in accordance with contract
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council:

- *Endorses the CEO Performance and Remuneration Review 2023/2024 Report as presented, including the remuneration recommendation.*
- *Endorses the Shire of Yilgarn CEO Performance Criteria 2023-2024 as presented, noting this will form the basis for the next CEO review.*

13.1 Officers Report – Chief Executive Officer

13.1.2 CEO Contract

File Reference	1.1.1.1
Disclosure of Interest	CEO – In relation to Contract of Employment
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider the written notice from the CEO to seek an extension to his current contract.

Background

As per section 2.3 of the Chief Executive Officers contract of employment it states:

2.3 Extension of Term

- (1) *In accordance with Section 5.39(4) of the Act, this contract is renewable and the Term may be extended, by agreement between the parties.*
- (2) *Neither the Local Government no You has any obligation to agree to this Contract being renewed, or to the Term being extended.*
- (3) *You must, no later than 9 months before the expiry of the Term, notify the Council in writing whether or not You seek a renewal of the Contract and, if so, on what terms.*
- (4) *Within 2 months of the Council receiving that notification, the Council must advise You in writing of the Local Governments intention to either advertise the Position or to offer You a renewal of this Contract and, if so, on what terms.*
- (5) *If the Council and You agree to an extension of the Term, then, subject to that agreement –*
 - a. This Contract will continue to apply unless amended in writing by the parties; and*
 - b. Clause 2.1 is to be read as though it refers to the extended Term.*

Section 2.1 of the Contract relates to the commencement date of the original Contract.

Comment

The CEO has advised Council in writing of his intention to seek an extension to the current contract, on the same terms, which would take effect on the 6th September 2024 if agreed to.

The current contract is a three-year term.
Council have the following options:

1. Agree to the extension of contract with the CEO, on the same terms, with the contract commencing on the 6th September 2024;

or

2. Agree to the extension of contract, but seek an alteration to the terms of the Contract;

or

3. Advertise the position of CEO, allowing the CEO to re-apply if they so choose.

Statutory Environment

CEO Contract of Employment

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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Contract of Employment and	Moderate (6)	Setting of annual review process in accordance with contract
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

Option 1

That Council note the written correspondence from the CEO, seeking an extension to the current Contract of Employment on the same terms; and

That Council agree to the extension of contract on the same terms as current contract, with the contract commencing on the 6th September 2024 for a period of three years;

Option 2

That Council note the written correspondence from the CEO, seeking an extension to the current Contract of Employment on the same terms; and

That Council agree to the extension of contract, but seek an alteration to the terms of the Contract;

Council to provide proposed alterations.

Option 3

That Council note the written correspondence from the CEO, seeking an extension to the current Contract of Employment on the same terms; and

That Council will advertise the position of CEO, allowing the CEO to re-apply if they so choose.

13.1 Officers Report – Chief Executive Officer

13.1.3 Confidential – Amendment to Road Use Agreement – Mineral Resources

File Reference	3.2.1.29 & 10.2.5.22
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	CONFIDENTIAL

Purpose of Report

For Council to consider a deed of agreement and subsequent alteration to the Road Use Agreement with Mineral Resources, relating to the carting of Lithium Hydroxide by-product from Kemerton to the Koolyanobbing mine site.

Officer Recommendation

That Council by absolute majority:

- 1. Endorse the Deed of Agreement between Mineral Resources Limited and the Shire of Yilgarn as presented, of which details the resolution of haulage costs associated with the Kemerton lithium by-product haulage by David Campbell Transport Pty Ltd via Polaris Street and Koolyanobbing Road;*

and

- 2. Endorse the amended Road Use Agreement between Mineral Resources Limited and the Shire of Yilgarn as presented, noting the removal of references to the Kemerton by-product haulage, with all other clauses remaining the same.*

and

- 3. Endorse the Shire President and Chief Executive Officer to execute both the deed of agreement and amended Road Use Agreement as presented, and apply the Shire of Yilgarn Common Seal.*

Council are to note haulage of the Kemerton by-product to Koolyanobbing is to continue, with a third party seeking access permits from the Shire. The Shire will charge the applicable Heavy Vehicle Contribution for access.

Recommendation

That the Council meeting be re-opened to the public.

14 CLOSURE