



Shire of
YILGARN

“good country for hardy people”

Council Meeting Agenda

*21st November
2019*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

NOVEMBER 2019 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chambers on
Thursday, 21st November 2019
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *Kaye Bell from Wheatbelt Agcare will be in attendance to present to Council*

Peter Clarke
Chief Executive Officer

15/11/2019

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren Laura Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 17 October 2019 - (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on 17 October 2019 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Special Meeting of Council, Tuesday 22 October 2019- (Minutes Attached)

Recommendation

That the Minutes from the Special Meeting of Council held on the 22 October 2019 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.3 Yilgarn History Museum Advisory Committee Meeting, Thursday 31 October 2019- (Minutes Attached)

** Recommendation contained within the minutes.*

Recommendation

That the Minutes from the Yilgarn History Museum Advisory Committee held on the 31 October be received and the recommendation within be endorsed.

Voting Requirements: Simple Majority

6.4 Central East Aged Care Alliance (CEACA), Management Committee Meeting, Wednesday 2 October 2019-(Minutes Attached)

Wheatbelt Community Inc. meeting, 30 October 2019, Thursday 3 October 2019- (Minutes Attached)

Wheatbelt East Regional Organisation of Councils (WEROC) Meeting, Wednesday 30 October 2019-(Minutes Attached)

Recommendation

That the minutes from the CEACA meeting held on Wednesday, 2 October 2019, Wheatbelt Communities Inc. meeting and the WEROC meeting held on Wednesday, 30 October 2019 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Kaye Bell, Family Councillor, will be presenting to council on Wheatbelt Agcare and how the service works in the community.

8. DELEGATES' REPORTS

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 2019/2020 Christmas/New Year Closure

File Reference	2.4.1.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present to Council for approval, the closure of the Administration Office over the 2019/2020 Christmas and New Year holiday period.

Background

Over past years Council has closed the administration office over the Christmas and New Year period to allow staff to have time off with family and friends. This time of the year is normally quiet and the closure has little impact upon the community as it is now an accepted practice.

Comment

The recommended administration closure dates are as follows,

Monday	Tuesday	Wednesday	Thursday	Friday
16/12/19	17/12/19	18/12/19	19/12/19	20/12/19
Open	Open	Open	Open Council Meeting	Close office at 3.30pm for Xmas function
23/12/19	24/12/19	25/12/19	26/12/19	27/12/19
Closed	Closed	Closed Public Holiday	Closed Public Holiday	Closed
30/12/19	31/01/19	01/01/20	02/01/20	03/01/20
Closed	Closed	Closed Public Holiday	Open	Open

The above closure dates will be posted at the Shire Office, advertised in “Crosswords” and placed on the Shire website, to ensure the community have sufficient notice.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council approves of the Shire Administration Office being closed over the 2019/2020 Christmas/New Year period subject to staff undertaking adequate advertising to inform the community of the closure.

9.1 Reporting Officer - Chief Executive Officer

9.1.2 Council Meeting Dates and Times 2020

File Reference	2.1.2.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present to Council for determination, the time and date of Ordinary Council meetings for 2020.

Background

Council is required to determine the time and date of Council meetings for 2020 to allow public notice to be provided in accordance with the *Local Government (Administration) Regulations 1996*.

Comment

A number of years ago Council conducted one of its monthly meetings at the Mt. Hampton Hall to afford residents in the southern areas of the Shire an opportunity to attend a Council meeting. Following the meeting, Councillors and staff had the opportunity of mingling socially with residents from the Mt. Hampton community. This was when a representative from the southern area of the Shire was an Elected Member.

Now that Cr Rose has been elected on Council and is a resident of this area, it is an opportunity for Council to re-commence with this practice which will enable Councillors and staff to re-engage on a closer level with members of the Mt. Hampton community.

Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates, time and place at which

- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2020 calendar year: -

Monthly Ordinary Council meetings to commence at 4:00pm on the following dates: -

January 2020

No Meeting Scheduled

<i>Thursday, 20th</i>	<i>February 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 19th</i>	<i>March 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 16th</i>	<i>April 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 21st</i>	<i>May 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 18th</i>	<i>June 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 16th</i>	<i>July 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 20th</i>	<i>August 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 17th</i>	<i>September 2020</i>	<i>Council Chambers Southern Cross</i>
<i><u>Thursday, 15th</u></i>	<i><u>October 2020</u></i>	<i><u>(Mt. Hampton Hall)</u></i>
<i>Thursday, 19th</i>	<i>November 2020</i>	<i>Council Chambers Southern Cross</i>
<i>Thursday, 17th</i>	<i>December 2020</i>	<i>Council Chambers Southern Cross</i>

9.1 Officers Report – Chief Executive Officer

9.1.3 Department of Water and Environmental Regulation (DWER) – Licence Amendment

File Reference	1.6.26.3 & 3.2.1.24
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Additional Information from Applicant

Purpose of Report

To re-present to Council the advice received from DWER regarding the referral of a Licence Amendment under the *Environmental Protection Act 1986*.

Background

At the October 2019 Ordinary meeting of Council DWER advised that it had received an application from Tianye SXO Gold Mining Pty Ltd for an amendment to licence L4597/1988/14 under Division 3 Part V of the *Environmental Protection Act 1986* at Marvel Loch Mine, Marvel Loch WA 6426.

DWER advised that the application was in relation to the dewatering of Jaccoletti Pit and the discharge of the effluent to Marvel Loch Pit under the following category:

- Category 6 – Mine Dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.

In accordance with section 54 of the *EP Act*, the CEO of DWER considered that Council may have a direct interest in the subject matter of the application, and invited comment on the proposal.

DWER sought comments within 14 days of the date of their letter (10 October 2019).

Comment

At the October 2019 Ordinary meeting, representatives from Minjar Gold provided a presentation to Council on the above Amendment and proposed future mining of the Jacoletti deposit. In considering DWER's advice and the information provided by Minjar Gold, Council resolved the following:-

181/2019

Moved Cr Nolan/Seconded Cr Close

That Council advises DWER of the concerns that have been raised within the above report and requests DWER to grant Council additional time to consider and provide further comment on the application by Tianye SXO Gold Mining Pty Ltd for an amendment to licence L4597/1988/14 and for DWER to clarify the nature of the amendment.

The concerns raised by Council were as follows:-

1. A hydrogeological report appears not yet to be available, so it is unlikely that the applicant has properly considered the implications of allowing water levels in the Marvel Loch pits to rise to levels significantly higher than natural water table levels in the area.
2. To allow an increase in water levels to as high as 10m below 'surface' will potentially affect vegetation downslope, cause rising damp in the Marvel Loch townsite, and damage valuable agricultural land downslope.
3. The Marvel Loch Pit walls are unstable.....they have suffered numerous failures in the past, and an increase in water levels will increase the likelihood that further large failures will occur, potentially causing overtopping, which could have catastrophic consequences including endangering the public.
4. The proposal does not describe the water balance adequately, omitting critical details. The volumes are quite large, and the water balance needs a very careful assessment, and include all sources.
5. There are viable alternatives which appear not to have been considered. Alternatives would eliminate the hazards and risks described above.
6. The information provided by DWER is insufficient to allow the most basic evaluation of the merit of the proposal.
7. This proposal application is almost certainly being driven by time constraints,....the application indicates a need to commence pumping by 30 Sept 2019.....??

In response to Council's resolution 181/2019, the CEO notified DWER of its concerns in respect to the Amendment Applications and also raised the following issues:-

"Whilst Minjar Gold provided a presentation on the Jacoletti Project to Council at its meeting, Council considered that it required additional time to consider the Amendment proposal, only having received advice from DEWR on 11 October 2019 and being given 14 days in which to respond.

Council also sought clarification on the following:-

1. *Is this Amendment only for the initial pumping of water from the Jacoletti Pit to Marvel Loch Pit to access the decline?*
2. *Will there be a further Amendment submitted for continuous pumping should underground mining operations commence or does this Amendment cover both scenarios?*
3. *Should have Minjar Gold commenced a public consultation process with the community of Marvel Loch advising of the proposed Jacoletti Project before submitting the Amendment?*

4. *As the original Licence was issued in 1988 and mining operations have changed considerably in that time, should not a new application rather than an Amendment be submitted?*
5. *Why have Council not received advice from DMIRS regarding this proposal?*

On behalf of Council I look forward to DWER granting additional time in which to consider the proposal and for the above queries to be addressed before further consideration is given by Council.

On Tuesday, 22 October 2019 DWER responded to Council's submission/comments with the following:-

"The Department of Water and Environmental Regulation (DWER) has recently wrote to you, on 10 October 2019, inviting you to comment on an application from Tianye SXO Gold Mining Pty Ltd (applicant) for an amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986 (EP Act). The application is in relation to the dewatering of Jaccoletti Pit and the discharge of the effluent to Marvel Loch Pit at the Marvel Loch Mine, MARVEL LOCH WA 6426.

Thank you for your submission dated 18 October 2019. This letter is sent in acknowledgement that your submission has been received and is currently being considered in DWER's environmental assessment of the proposal.

Since seeking your comments on this proposal, DWER has received further information from the applicant. Please find enclosed this additional information provided by the applicant for your comment.

Please forward any further comments to the address below or forward via email to info@dwer.wa.gov.au within 21 days from the date of this letter and please quote L4597/1988/14 on future correspondence and enquiries".

The additional information referred to in the above correspondence from DWER is provided as an attachment to the Agenda document.

The above correspondence provided a 21 day response period from 22 October, with this period expiring on 12 November 2019. Again, this time frame did not meet Council's Ordinary meeting cycle and therefore, the CEO sought an extension to Friday, 22 November.

At the time of preparing this report no advice had been received from DWER in respect to an extension being granted.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Environment – Protecting, utilising and enhancing our beautiful natural heritage.

Shire of Yilgarn Strategic Community Plan 2018-2028 – Economic – A prosperous future for our community.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation

Based on the additional information supplied by Tianye SXO Gold Mining Pty Ltd to DWER, which addressed the majority of the issues raised by Council, DWER be advised that Council supports the initial application for an amendment to Licence L4597/1988/14.

9.1 Officers Report – Chief Executive Officer

9.1.4 Southern Cross General Practice – Pathology Services

File Reference	1.3.12.7
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To re-present to Council the issue relating to Pathology Services to the Southern Cross Clinic and the request to Council for financial assistance to maintain this service for the residents of the district.

Background

At the October 2019 Ordinary Council meeting correspondence was received from Dr Ifeanyi Nwoko explaining the current situation with the Practice's Pathology supplier, Clinipath.

Dr Nwoko advised that Clinipath has been the Practice's preferred pathology lab for a number of years and throughout this time, Clinipath has been providing financial support to the Practice for this service. The annual financial support from Clinipath was to cushion the phlebotomy (blood taking) services provided by one of Dr Nwoko's staff however, Clinipath had now advised that the annual funding will be withdrawn from 30 September 2019.

In order to keep this valuable service running, Dr Nwoko had sought financial support from the Shire of Yilgarn to that which was previously provided by Clinipath. Dr Nwoko indicated that the \$5,000 support would cover the essentials to maintain the pathology service within the community.

Dr Nwoko advised that the Shire, community and the clinic requires this necessary pathology service to remain in Southern Cross. It is a very convenient service for the health of the community and Dr Nwoko would like to retain this service for the benefit of all concerned.

Comment

At the October 2019 Ordinary meeting Council resolved the following:-

162/2019

Moved Cr Pasini/Seconded Cr Della Bosca

That this matter "lay on the table" until the November 2019 Ordinary meeting.

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Based upon information received at the meeting, Council considered that more information should be obtained to enable Council to make a balanced decision on the matter and therefore, requested the CEO to research the matter further and refer it to the November Council meeting for consideration.

The CEO met with the Health Services Manager (HSM) at the Southern Cross District Hospital to discuss the possibility of the Hospital undertaking phlebotomy (blood taking) and general pathology services should the Southern Cross General Practice discontinue this service. The HSM did indicate that the Hospital is able to carry out these services but would meet with Dr Nwoko and his Practice Manager to further discuss the future of these services for the community.

On Monday, 11 November the HSM advised that the above meeting was held and it was agreed that future blood collection services would be carried out at the Hospital and the Southern Cross General Practice would refer patients to the Hospital. The Hospital is able to provide this service Monday to Friday from 7.30am to 4.30pm however, patients have to be understanding that if there is an emergency or ED is busy, there will be a wait.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Social – An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term. Retention and upgrade of current health and education services and infrastructure – Support continued incentive funding for a quality doctor in the Shire.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council notes that the Southern Cross Hospital will provide phlebotomy (blood taking) services with the Southern Cross General Practice referring patients to the Hospital in the future.

9.1 Officers Report – Chief Executive Officer

9.1.5 2019/2020 Community Funding Program

File Reference	8.2.6.22
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the Community Funding Grant applications.

Background

The Shire of Yilgarn Community Funding Program was developed to provide a source of funding for non-profit organisations operating within the district. As part of the 2019/20 Budget Council resolved to make available \$12,500 (excluding GST) for two categories of funding - 'Essential Equipment' (\$12,000) and 'Travel & Training Assistance' (\$500).

The objective of the program is:

- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

Comment

For the 2019/20 Community Funding Program the following eligible applications were received:

1. Moorine Rock Tennis Club applied for \$1,590.35 to purchase 16 metres of tubular fencing and a lockable gate to fence around the playground area at the Moorine Rock Tennis Clubs to prevent small children from danger via a nearby car park.
2. Yilgarn History Museum applied for \$847.95 to purchase a lightweight upright stick vacuum cleaner (for aged volunteer use), small microwave oven for volunteer use, new footpath entry flags and an office shelf unit for lever arch folders (adjustable shelving).
3. Yilgarn Men's Shed applied for \$2,000.00 to purchase a plasma cutter and a linisher with accessories for current members to use, and in hopes of attracting new members to join.
4. The Yilgarn Mixed Basketball Association applied for \$779.00 to purchase an iPad for record keeping and scoring games which is a new rule they must comply with for Basketball WA.

5. The Yilgarn Motoring Enthusiasts applied for \$1,194.50 to purchase and install a split system air conditioner / heater in the club rooms which they share with the Amateur Basketball Club as there is currently no cooling/heating facilities in the building.

Copies of the applications received will be tabled at the Council meeting.

Statutory Environment

Nil

Strategic Implications

2018-2028 Strategic Community Plan

An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire - Continue to support local sport, recreation & community groups

Policy Implications

Council Policy Manual 2019 - 6.9 Community Funding Program

Financial Implications

Council has included \$12,500 in the 2019/20 Budget. The total of eligible applications received totals \$6,411.80

Officer Recommendation

That Council approves the following grants from the Community Funding Program for the 2019/2020 financial year:-

<i>Applicant</i>	<i>Equipment / item</i>	<i>Amount</i>
<i>Moorine Rock Tennis Club</i>	<i>Purchase of 16m of tubular fencing and lockable gate to fence playground area at Moorine Rock Tennis Club premises.</i>	<i>\$1,590.35</i>
<i>Yilgarn History Museum</i>	<i>Purchase of a lightweight upright stick vacuum cleaner, small microwave oven, new footpath entry flags and office shelf unit for lever arch folders (adjustable shelving)</i>	<i>\$847.95</i>
<i>Yilgarn Men's Shed</i>	<i>Purchase of a plasma cutter and a linisher with accessories.</i>	<i>\$2,000.00</i>
<i>Yilgarn Mixed Basketball Association</i>	<i>Purchase of an iPad for scoring games and record keeping</i>	<i>\$779.00</i>
<i>Yilgarn Motoring Enthusiasts</i>	<i>Purchase and installation of split system air conditioner/heater in the club room (at old netball courts – shared with Amateur Basketball Club)</i>	<i>\$1,194.50</i>

9.1 Officers Report – Chief Executive Officer

9.1.6 2019 Shire of Yilgarn Local Government Elections Report

File Reference	2.2.1.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the results of the 2019 Shire of Yilgarn Local Government Elections and the overall conduct of the Election.

Background

Council resolved the following at its December 2018 Ordinary meeting in respect to the conduct of the 2019 Local Government Elections:-

176/2018

Moved Cr Guerini/Seconded Cr Close

That Council

- 1. Declare that in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 Ordinary Elections together with any other elections or polls which may be required; and**
- 2. Determines in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a Postal Election.**

CARRIED BY ABSOLUTE MAJORITY (7/0)

Council was informed at the above meeting that the costs to engage the Western Australian Electoral Commission (WAEC) to conduct a Postal Election would be in the vicinity of \$13,000. Whilst this is considerably more than it would cost Council to conduct an In-Person Election, the benefits were that if an election was to occur, then all residents would be sent an Electoral Pack and hopefully the turn-out rate would justify such costs.

Comment

Mrs Susann Bosenberg was appointed by the WAEC as its Returning Officer for the Election. Mrs Bosenberg has undertaken this role at previous State, Federal and Local Government Elections and is very competent in the role.

The decision by Council to engage the WAEC to conduct the Postal Election was justified with a 58.70% turn out rate, one of the highest in the State, and when the overall State average voter turn out had decreased. The Shire of Yilgarn turn out rate also increased by 10% from the 2015 Council Elections.

The following tables detail the outcome of the 2019 Postal Election:-

Vacancies	(3) Councillors
Expiry of term	21 October 2023
Total Electors	644
Turnout rate	58.70%
Formal ballot papers	378
Informal ballot papers	0

RESULTS

Candidates	Votes	Percentage	Expiry of Term
NOLAN , Phil	260	26.40%	21 October 2023
COBDEN , Jodie	337	34.21%	21 October 2023
GRANT-WILLIAMS , Neil	87	8.83%	
ROSE , Linda	301	30.56%	21 October 2023
Total Valid Votes	985	100%	

Statutory Environment

Local Government Act 1995

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community – Ensure compliance whilst embracing innovation and best practice principles.

Policy Implications

Nil

Financial Implications

Approximately \$13,000 payable to WAEC for the conduct of the Postal Election.

Officer Recommendation

That Council receives the above report in relation to the 2019 Shire of Yilgarn Local Government Election.

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 31st October 2019.

- 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

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council endorse the various Financial Reports as presented for the period ending 31st October 2019

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	See attachment 9.2.2

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40836 to 40851 totalling \$46,418.13, Municipal Fund-EFT Numbers 9295 to 9460 totalling \$851,200.32, Municipal Fund – Cheque Numbers 1555 to 1564 totalling \$190,042.13, Municipal Fund Direct Debit Numbers 14055.1 to 14101.11 totalling \$39,656.66, Trust Fund 402462 to 402475 totalling \$47,215.40 and Trust Fund – Cheque Numbers 6198 to 6203 (DPI Licensing), totalling \$88,037.15 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

Strategic Implications

Nil

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation

Municipal Fund – Cheque Numbers 40836 to 40851 totalling \$46,418.13, Municipal Fund- EFT Numbers 9295 to 9460 totalling \$851,200.32, Municipal Fund – Cheque Numbers 1555 to 1564 totalling \$190,042.13, Municipal Fund Direct Debit Numbers 14055.1 to 14101.11 totalling \$39,656.66, Trust Fund 402462 to 402475 totalling \$47,215.40 and Trust Fund – Cheque Numbers 6198 to 6203 (DPI Licensing), totalling \$88,037.15 are presented for endorsement as per the submitted list.

9.2 Officers Report – Executive Manager Corporate Services

9.2.3 Write Off of Debt – Yilgarn Occasional Child Care Centre

File Reference	8.2.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence received from Yilgarn Occasional Child Care Centre Management Committee.

Purpose of Report

This report seeks Councils approval for the write off of an outstanding debt.

Background

The Management Committee of the Yilgarn Occasional Child Care Centre has written to Council requesting the write off of the following debt:

Debtor Code	Debtor Name	Description of Debt	Invoice Value
YILOCC	Yilgarn Occasional Child Care Centre.	2019/2020 Annual Facility Fees – Southern Cross Child Care Centre.	\$550 inc GST

The Committee have indicated in their correspondence that due to financial pressures while waiting for the commencement of services by Regional Early Education and Development Inc. (REED), they are unable to continue to operate and, as such, have asked for the facility hire fees for the Southern Cross Child Care Centre for the current financial year be written off.

Comment

The Southern Cross Child Care Centre has, in the past, been run by a community based not-for-profit management committee with some financial support from Council. Their request for what could be recognised as an additional financial contribution from Council, of a relatively minor nature, during a period of limited financial means could be said to be reasonable.

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

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

Policy Implications

Council Policy

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

Financial Implications

Write off of \$500 in facilities hire revenue.

The 2019/2020 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off. As of 5th November 2019, \$12,983.81 has been utilized.

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:

Debtor Code	Debtor Name	Invoice Description	Invoice No	Invoice Date	Invoice Value
YILOCC	Yilgarn Occasional Child Care Centre.	Annual Fees – 2019/2020	12487	04/10/19	\$550 inc GST



Yilgarn Occasional Child Care Centre

PO Box 139, Southern Cross

To the Shire of Yilgarn

We are writing to ask if we could please get invoice 12487 waived please. It is our annual fee for the 2019/2020 financial fee. We have only used the center from July 1st to September 23rd. On Monday September 23rd we had to hold a meeting to suspend the service as we are under financial stress and could no longer afford to run. We are currently waiting on REED to take over, so we continued to run the center, which then put us in a bad financial position. We know REED are going to take over and continue the center we just don't know when.

We would also like to take the opportunity to thank the Shire for all the help the center has received from you over the years, it is greatly appreciated and helped keep the center going for as long as it did.

The Committee
Yilgarn Occasional Childcare Center

9.2 Officers Report – Executive Manager Corporate Services

9.2.4 2019 LGIS Surplus Distribution

File Reference	8.2.7.14
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 - Email from Cr Lynne Craigie – President of WALGA. Attachment 2 – LGIS Flyer on Recent Activities.

Purpose of Report

This report seeks Council's determination on the most appropriate use of its portion of the Shire's 2019 LGIS Surplus Distribution.

Background

The Local Government Insurance Scheme (LGIS) is entirely owned and controlled by its members and is focused on ensuring the long-term protection of local government through an industry-based self-insurance scheme covering Workers Compensation, Public Liability and Property Infrastructure. This self-insurance model allows local government to cost effectively manage its exposure to these risk categories.

LGIS is a WALGA managed service in partnership with Jardine Lloyd Thompson (JLT) which is governed by a sub-board of the WALGA State Council.

Comment

LGIS has two components, the first is a brokerage function for the provision of commercial insurance coverage such as vehicles and plant, professional indemnity, bush fire and marine cargo (general freight coverage) provided on an underwritten basis by third party insurers. The second is the membership-based self-insurance component to which this surplus distribution is applicable to.

Council has been requested to choose from three options for the distribution of the Shire's portion of the surplus, being:

1. Immediate cash refund;
2. Offset against next year's contribution; or
3. Held in trust for future risk mitigation activities.

Risk mitigation activities are, as the name suggests, activities intended to minimise exposure to ongoing risk to the self-insurance scheme and includes activities such as staff skin cancer and hearing loss checks, safe materials handling training and overall operational risk

assessments. Currently Council has approximately \$10,000 held in trust by LGIS for the provision of risk mitigation activities.

With the above in mind, it will be recommended that Council endorses option two and request LGIS uses Councils surplus as an offset against next years contribution.

Statutory Environment

There are no Statutory obligations directly associated to this report.

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

This report will have an effect on the total insurance allocation included in the 2020 / 2021 financial year budget.

Officer Recommendation

That Council determine to apply its 2019 LGIS surplus share as an offset against its 2020/2021 self-insurance scheme contribution.

Subject: RE: LGIS 2019 Surplus Distribution

From: Lynne Craigie <LCraigie@walga.asn.au>

Sent: Wednesday, 23 October 2019 9:31 AM

To: Peter Clarke <ceo@yilgarn.wa.gov.au>

Subject: LGIS 2019 Surplus Distribution

Mr Peter Clarke
Chief Executive Officer
Shire of Yilgarn

LGIS 2019 Surplus Distribution

Dear Peter

Further to my previous correspondence in August, I am pleased to advise that the LGIS 2018/19 results have now been finalised and a surplus distribution is available to Member Local Governments.

For the Shire of Yilgarn, your share of the surplus is \$18,940.

Your Local Government can choose to receive its surplus distribution: as an immediate refund via electronic transfer; opt for LGIS to retain the funds to offset your contribution next year; or for LGIS to hold the amounts in trust for risk mitigation activities.

LGIS is a WALGA service, for which we partner with JLT, and which is governed by a sub-board to State Council. It was the decision of the LGIS board, endorsed by State Council, that each Local Government decide on how they wished to apply their surplus share by determination of Council to ensure that all Elected Members were involved in the process.

As such, please advise WALGA or your LGIS account manager once your Council decision has been formalised.

To revisit my previous advice, the surplus this year is a consequence of a lower than anticipated number of claims in Property and WorkCare; a better than expected performance in investments; and a reduced requirement of the capital needed to be carried by the Scheme.

As part of the surplus distribution process, LGIS representatives will meet with your executive team to further discuss the options. This meeting is also an opportunity to discuss how your Local Government can get the most out of your membership, including access to risk mitigation services.

In addition, representatives from WALGA and LGIS are also available to present to a meeting of your Council for a general briefing on your mutual scheme and how it works, which may be of particular interest to Elected Members who are new to the sector.

I would ask that you distribute this information to your newly-elected President through the appropriate channels.

In closing, I would again take the opportunity to thank you for your continued support of this WALGA service and encourage all Elected Members to seek to have an understanding of this significant investment by their Council and the benefits delivered by the mutual scheme model.

Kind regards,

Lynne

Cr Lynne Craigie OAM | President | WALGA

(p) (08) 9213 2000 | (f) (08) 9213 2077



www.walga.asn.au www.youeveryday.com.au

Our work regularly takes us across the State and as such WALGA would like to acknowledge the many traditional owners of the land on which we work throughout Western Australia. We pay our respects to their Elders, past, present and emerging.

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Health and wellbeing services

The LGIS Health and Wellbeing Program is another popular Scheme benefit; it's designed to improve the health awareness and outcomes of WA local government workers through:

- Providing education and awareness raising sessions to improve the health and wellbeing of staff and prevent or delay the onset of illness, disease and injury.
- Providing screening programs that assist to identify risk factors that may require further health management.

Healthy workers are reported to be more productive than unhealthy workers, record fewer injuries, sick days, and work-related injury claims. Improving the health and wellbeing of workers can also lead to:

- Increased worker engagement and morale
- Improved safety performance
- Decreased musculoskeletal injury
- Increased worker retention
- Decreased absenteeism and presenteeism

Making the most of your membership

2018/19 Shire of Yilgarn health and wellbeing benefits taken

Corporate massage	-
Exercise program	-
Flu vaccinations	-
Health assessment (basic/short)	-
Health assessment (long/executive)	-
Injury prevention	-
Health seminars	-
Health lifestyle challenge	-
Hearing tests	-
Online mental health tool	-
Skin screens	✓

Your 2019/20 health & wellbeing funding balance: \$3,617.60

Cover tailored to local government

LGIS membership provides the best cover which meets the needs of modern progressive local governments. In 2018/19 our members benefited from unique cover tailored to local government needs which allowed them to get on with delivering valued community services.

- Building cladding**
No exclusions in to Liability arising from your building surveyors surveyors, planning and cladding risks. This is a significant benefit in the current environment and in particular where buildings have been identified within a local government's area in the state wide cladding audit.
- Flood damage**
Assets are automatically covered for flood damage under LGIS Property, not an optional extra for additional cost. We believe protection for the community's assets against flood risk is essential for 'local government with exposure.
- Molestation**
No sexual abuse and molestation exclusion.
- Catastrophic events**
Appropriate limits of protection for local government, as modelled by actuarial consultants, that are necessary if a catastrophic events occur.
- Unique cover**
Unique local government covers such as costs to run evacuation centres, upgrade green assets and dilapidation.
- Appropriate liability**
Appropriate limits of \$600M for local government liability exposures, as modelled by actuarial consultants, that is available without sublimit on significant risks such as bushfire liability.
- Nil deductible**
Nil deductible on all public liability claims. This removes member's burden of responsibility to seek their own legal advice and defence, including legal fees and settlement amounts.
- Cover simplified**
Liability protection is provided under a broad-form policy to prevent the inevitable complications arising from competing insurers (e.g. where a claim could trigger both public liability and professional indemnity covers).
- Stable workers' comp**
Members of the Scheme are not subject to the ongoing instability and increases of the WorkCover WA gazetted rate which has increased 42% over the past two years.

What you told us

At the beginning of 2019 we asked our members – elected members, CEO's, executives and operational staff – what we were doing well and where we can improve.

What you think about us

You gave us a score out of 5 for the following:

- ★★★★★
4/5 service quality (79% of respondents)
- ★★★★★
4/5 for success achieved (71% of respondents)
- ★★★★★
4.5/5 for trust (90% of respondents)

The importance of risk services

- 91% of CEO's agreed that complimentary risk services support better practices, reducing claims, ensuring sustainability of their Scheme
- 79% were satisfied that LGIS provides the right complimentary risk services to meet their requirements
- 99% of elected members rated risk management programs and services to protect their local government organisation, its people and the community as important.

Our focus to improve in 2019/20

- Increase communication with elected members
- Focus on high quality member services
- More regular visits to smaller members
- Present at more council meetings.



Shire of Yilgarn
Local governments working together

We help our members build better communities by containing costs, providing the best cover and helping them manage risks, through a member-owned mutual insurance model

LGIS is local governments working together:

- We make sure that our members have the best cover and if disaster strikes we get the member, and their community, back on their feet as soon as possible.
- We understand local government and we're here for the long term to share knowledge and tailor services to minimise the total cost of risk for our membership.

Your surplus share 2019
\$18,940

Contact Details

Please feel free to contact us if you have any further questions about your membership.

Ben Galvin
Account Chair
LGIS
T: 08 9483 8821
ben.galvin@lgiswa.com.au

Sandra Clohessy
Account Manager
LGIS
T: 08 9483 8865
sandra.clohessy@lgiswa.com.au

2018/19 LGISWA Annual Report
Now available in the website Member Centre at lgiswa.com.au or contact your Account Manager for a hard copy.

- 2018 Surplus share (received as 2019/20 contribution credit)
\$14,295
- Your total Scheme surplus share to date
\$137,499
- Your LGIS Scheme members equity
\$89,114
excludes GST

“**100%**
of WALGA
Members are
LGIS Members”

Over the past few years a number local governments have sought to test the value of the LGIS WA Scheme. It's a testament to the enduring value of the mutual model that the City of Kalamunda, Shire of Wiluna and Shire of Coolgardie have returned, and those who went to tender have remained with the Scheme.



Returning members: City of Kalamunda, Shire of Wiluna and Shire of Coolgardie



100% of WALGA members are LGIS members

LGIS performance in 2018/19

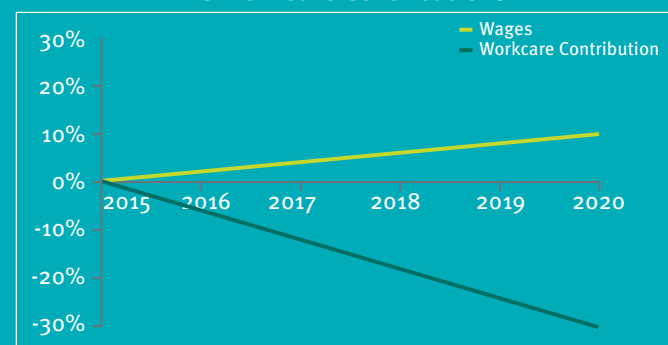
The financial performance of the Scheme remained robust this year, despite competitive pressures in the market where commercial insurers offered unsustainable, discounted premiums to achieve growth in the short term. LGIS membership was strong in 2018/19 and continues to be in 2019/20, demonstrating that WA local governments understand that the mutual Scheme remains the best option for sustainable, long term and appropriate cover for the WA sector.

The surplus for 2019 is well in excess of budget and, combined with the previous year's allocation, has allowed the Scheme Board to declare a distribution of \$6 M to members.

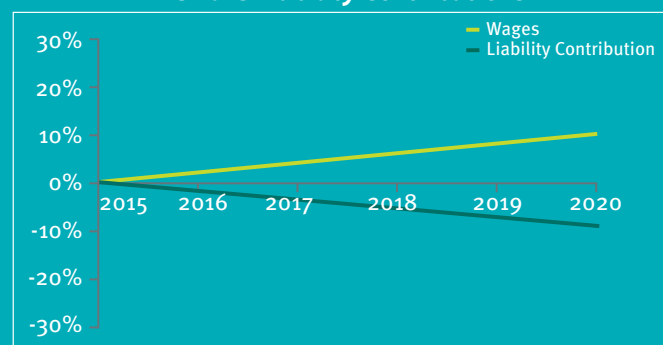
Our solid financial year performance can be attributed to a number of factors – our proactive and collaborative approach to risk management which contributed significantly to containing claims; and solid returns on our investments.

The graphs below demonstrate that member contributions have remained stable even with local government risk profiles evolving.

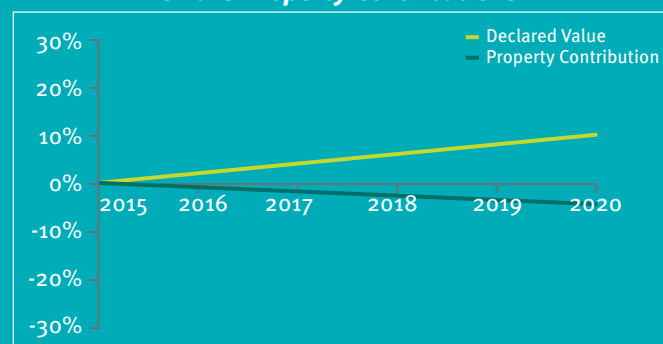
5 Year Trend – Members Declared Wages vs WorkCare Contributions



5 Year Trend – Members Declared Wages vs LGIS Liability Contributions



5 Year Trend – Members Declared Assets vs LGIS Property Contributions



LGIS WA Annual Report

The LGISWA Annual Report is now available in the members' centre of the LGISWA website for more information on the performance of your Scheme in 2018/19.

Protecting members and your community

The true value of your protection is only realised in times of adversity and we've helped our members back on their feet after some significant losses. We consider the sector when handling claims and always look to defend local government members from future issues.

The reductions in contribution enjoyed by our members in recent times are not a one year 'special'. They are the result of prudential management of the Scheme and a strategic decision by the Board to re-distribute surpluses to members.

Your Scheme by the numbers – 2018/19



1,721 New liability and property claims managed by LGIS



\$7M Property claims incurred in 2018/19



17,000 Bushfire volunteers covered (including significant expansion of benefits)



\$13.7M in Workers' Compensation claims incurred in 2018/19

Receiving your surplus share

Following last year's surplus allocation, all members were informed of a contribution credit plan, whereby members would share in credits in the order of \$4.5 M each year until 2021 to contain their membership costs. Your share of \$4.5 M was duly credited off your 2019/20 Scheme membership costs.

This year, as well as the increased surplus amount each member will be given a choice to take their share of the surplus as a credit off next years membership renewal contributions, as a dividend payment or held in trust for funding risk management initiatives.

How is my share of the surplus calculated?

Each member's share of the surplus is assessed on a formula which reflects their respective contributions and incurred claims costs over a four year time horizon.



How do I know that LGIS has 'enough in the pot' to cover claims?

The 'pot' (i.e. prudential reserves) is determined considering development factors. 'Development factors' is an insurance term for 'things that are likely to happen given previous trends'. We engage PwC actuaries to independently model and assess our reserves, which determines how much needs to be collected in contributions.

Locally managed claims

LGIS handled 2,473 claims across the property, liability, WorkCare and bushfire volunteer personal accident portfolios in 2018/19. Each claim was handled by the member's dedicated specialist claims consultant who managed the process from beginning to end.

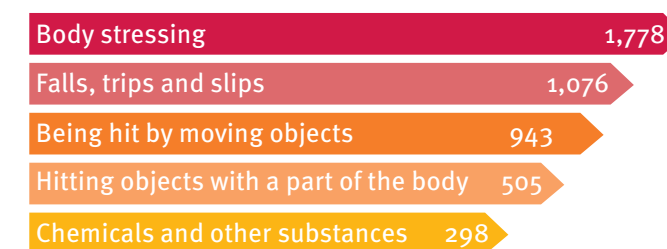
Claims hotspots



Over the past five years we've seen some consistent trends in claims from our local government members.

WorkCare

Causation hotspots last 5 years (all members)



Mental stress catching up



Although not in the top five claims areas mental stress isn't far behind. Claims costs for mental stress are increasing, making it an area to watch for the WA local government sector.

Proactive on workers' compensation

Looking for ways to reduce the number of workers' compensation claims for your local government? Claims analysis highlights four key areas which need focus across LGIS members:



Fit for purpose. Employ people who are right for the role, ensure that employees are physically capable of fulfilling the responsibilities of the job.



HR Process. Review your HR practices and make sure that managers are trained and supported.



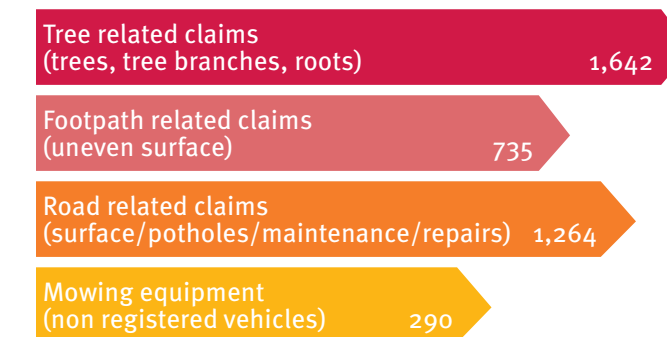
Aging workforce. Over 50% of claims are from the 40-60 age group of local government workers. Review tasks and physical requirements; make sure the individual is able to work within their capacity.



Manual handling and job dictionaries. Job dictionaries document the physical requirements of a role; coupled with manual handling training and guidelines they help to match an individual to a role and work within their capacity to reduce injury.

Liability

Causation hotspots past 5 years (all members)



Proactive on liability

Looking for ways to reduce local government's liability exposure? Claims analysis highlights four key areas which need focus across LGIS members:



Trees. Review lists of recommended trees for verges and public places selecting breeds with non-invasive roots. Review complaint handling process to make sure appropriate action is taken.



Footpaths. Audit/review and action to footpaths and areas which attract large amount of footfall to be repaired or section of area replaced. Lack of lighting is also an issue and planning around this is paramount.



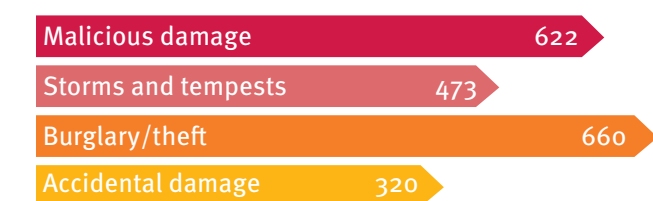
Roadworks. Make sure that pre and post inspections are carried out and documented ensuring that there is evidence that the inspection has occurred. Also make sure that correct signage is used.



Mowing equipment. Make sure signage is clear and the area is free of pedestrians.

Property

Causation hotspots past 5 years (all members)



Simple steps on property protection



Controls. Investigate the benefits of passive controls such as CCTV, vegetation management, lighting which would increase the risk of an offender being sighted.



Maintenance. Improved housekeeping within and around buildings and ensure preventative maintenance is completed on schedule – simple things such as ensuring bins are secured/ gutters are regularly cleaned, no dense foliage encroaching on property.



Contractors. Ensure contractors are appropriately managed and apply your local governments hot works arrangements.



Windows. Consider the value of using window treatments such as plastic microfilm to reinforce glass.

Unique member benefits – managing local government risk together

As the protection partner of choice for WA local governments, we understand the complexity of the sector like no other – we know that cover is only the beginning.

That's why membership of LGIS delivers more than 'insurance' to your local government.

Scheme membership provides an abundance of risk services which align with the priorities of local governments.

In 2018/19 LGIS members received a range of risk and governance services as part of their membership which reduced the number of claims and contained the costs of cover. Of the services offered the '3 Steps to Safety' program (22%) which supports members in creating safe workplaces was the most utilised, closely followed by the general risk program (20%) which assists members in anticipating, identifying and managing their liability and property risk exposures.

Risk services delivered directly to members in 2018/19



Making the most of your membership

2018/19 Shire of Yilgarn benefits taken

Injury management program	-	General risk management	✓
HR Risk and preventative stress management	-	Injury prevention training	-
Emergency risk management	-	OSH '3 steps to Safety' and advisory program	-

9.2 Officers Report – Executive Manager Corporate Services

9.2.5 Establishment of Museum, Medical Centre - Operations & Yilgarn Bowls & Tennis Club Sinking Fund Reserve

File Reference	8.2.4.7
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

This report seeks Councils endorsement of the creation of a Museum Reserve and a Medical Centre - Operations Reserve.

Background

During the most recent audit exit meeting with the senior on-site auditor, it was again raised that the Office of the Auditor General (OAG) holds a very restricted view of what monies should and should not be held within Councils Trust Funds.

The two main inclusions in the trust fund that prompted comments are:

1. An amount of \$27,695.84 held on behalf of the Shire of Yilgarn Museum Advisory Committee; and
2. An amount of \$107,092.97 held on behalf of the Shire of Yilgarn - Medical Services Provision.

During the exit meeting it was recommended that these funds be transferred out of the trust fund and held in either the Municipal fund or Reserve fund.

Subsequent to the exit meeting, it has been identified that at least two other amounts held in Trust can be cleared either via the creation of a Reserve fund or by return to the relevant body. These amounts relate to various "Sinking Funds" held on behalf of two sporting clubs with an intended use at a future date, when facility upgrades are required. These are:

1. An amount of \$39,997.00 held on behalf of the Yilgarn Bowls & Tennis Club intended as a contribution (accumulating at \$6,666 per year) to the future replacement of the various playing surfaces.
2. An amount of \$4,000 held on behalf of the Southern Cross Football Club intended as a contribution (accumulating at \$1,000 per year) to the future replacement of the electronic score board at the Southern Cross Sports Complex.

Comment

At this time, it will not be recommended that these amounts be transferred to Councils Municipal fund as the recognition and retention of the individual funds purpose going into the future will be problematic. It will be recommended that a reserve be created for each.

1. Funds held on behalf of the Shire of Yilgarn Museum Advisory Committee.

Up until the adoption of the 2016/2017 Budget these funds (then \$15,813.06) were held in a Reserve with a purpose of *"monies held on behalf of the Yilgarn Historical Museum for their purpose and use as required."*

Council supports the activities of the Museum Advisory Committee by making an allowance in each year's budget for the operations of the museum to be used at the discretion of the Advisory Committee (currently \$7,500) with any overspend being deducted from either that years entry takings or trust funds held or both if required. Any remaining entry fees and any donations received have then been transferred to the Committee's trust fund.

It will be proposed to transfer the currently held trust funds (total of \$27,695.84) to a new Museum Reserve with the same purpose as the previously closed reserve.

It should be noted that this may limit Councils ability to recoup any overspend on the Committee's budgeted operational funding if that year's entry takings are less than the overspend, however historically, the Committee has seldom exceeded their budgeted allowance. Any larger projects that the Committee intends to undertake can, on approval of the Committee, be recouped from the Reserve.

2. Funds held on behalf of the Shire of Yilgarn - Medical Services Provision.

This trust fund was created with the signing of a Medical Services Agreement in 2013 with the then Medical Practitioner. A clause in the agreement required Council to deposit \$50,000 annually into a trust fund for the use, with the agreement of Council, of the Medical Practitioner for operations of the Practice and for any necessary medical equipment. Over the term the Medical Services Agreement was in place, a total of \$150,000 was paid in to the trust fund with outgoings of \$42,907.03.

Currently Council maintains a *"Health Services Reserve"* with a purpose of *"To be used to maintain the GP practice and associated assets"*, this reserve currently contains a cash balance of \$235,052.89.

It will be proposed to rename the current *"Health Services Reserve"* to *"Health Services – Capital Reserve"* and retain the current reserve purpose description and create a new reserve called *"Health Services – Operations Reserve"* with a reserve purpose of *"To be use when the Shire of Yilgarn is required to take operational control of the Southern Cross GP practice"* and transfer the amount of \$107,092.97 from trust to this new reserve.

The intent of this new reserve is to ensure adequate available funds if Council was, on short notice, required to assume responsibility for the provision of medical services to Southern Cross or seek and appoint a new medical practitioner. Under normal circumstances it would be expected that the incumbent medical practitioner would be responsible for the provision of medical services at their own cost if they were to be unable to provide them themselves and wanted to retain the agreement in place, however a scenario may be that the incumbent Doctor has to terminate the service agreement for a legitimate reason and on short notice.

In this instance Council may need to appoint a Locum Doctor to ensure medical services continue to be provided to the community. Council would certainly need to source and appoint a new Doctor with all the costs associated with the process. Having access to this reserve fund would go some way to mitigating these costs.

It should be noted that as the amount of \$107,092.97 is held in the name of the Shire of Yilgarn, if Council was so inclined, this money could be transferred to Council's Municipal fund and utilised for the general operations of the Shire.

3. Funds held on behalf of the Yilgarn Bowls & Tennis Club Sinking Fund.

This trust fund was created in 2013 with the completion of the Southern Cross Bowls Tennis facilities. The playing surfaces of this facility have an estimated useful life of up to 15 years, this sinking fund is intended as a way for the bowls and tennis clubs to accumulate sufficient funds, over time, to contribute one third of the cost of replacement. In 2013 this cost was estimated at \$300,000.

As the amount held in trust is significant and growing, it will be recommended that a Reserve be created and for all future contributions by the Yilgarn Bowls & Tennis Club. It will be further recommended that this Reserve be called "*Yilgarn Bowls & Tennis Club Sinking Fund*" with a reserve purpose of "*To recognise the Yilgarn Bowls & tennis Clubs contribution to future playing surface upgrades*" and transfer the amount of \$39,997.00 from trust to this new reserve.

4. Funds held on behalf of the Southern Cross Football Club Sinking Fund.

This trust fund was created in 2015 with the installation of a new electronic scoreboard at the Southern Cross Sports Complex. The electronic scoreboard has an estimated useful life of up to 20 years, this sinking fund is intended as a way for the Southern Cross Football club to, with interest, accumulate sufficient resources to fully fund the cost of replacement. In 2015 this was estimated at \$25,000.

As the amount of \$4,000 held in trust is not significant and is retained by Council, in essence, purely as a way for the Southern Cross Football Club to manage their finances, it will be recommended that these funds be returned to the Southern Cross Football Club for their own management.

Statutory Environment

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

17. Reserve accounts, title of etc.

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
 - (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.

[Regulation 17 amended: Gazette 20 Jun 1997 p. 2839.]

Strategic Implications

Social Goal: An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term.

Social Outcome: Retention and upgrade of current health and education services and infrastructure (Shire and State responsibility).

Social Strategies: Continue to provide quality infrastructure for health providers (medical centre, housing).
Support continued incentive funding for a quality doctor in the Shire including the provision of a car.

Policy Implications

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

Financial Implications

This report involves the creation of two new Reserve funds but will have no effect on cash.

Officer Recommendation

That Council

- 1. Approves the renaming of the "Health Services Reserve" to "Health Services – Capital Reserve".**
- 2. Endorse the creation of the following three Reserve funds:**
 - a) Museum Reserve with the purpose of "monies held on behalf of the Yilgarn Historical Museum for their purpose and use as required."; and**
 - b) Health Services – Operations Reserve with the purpose of "To be use when the Shire of Yilgarn is required to take operational control of the Southern Cross GP practice".**
 - c) Yilgarn Bowls & Tennis Club Sinking Fund Reserve with the purpose of "To recognise the Yilgarn Bowls & tennis Clubs contribution to future playing surface upgrades".**
- 3. Authorise the transfer of the following funds held in trust to the indicated reserve:**
 - a) \$27,695.84 from Trust Account T1110 to the Museum Reserve; and**
 - b) \$107,092.97 from Trust Account T70 to the Health Services – Operations Reserve.**
 - c) \$39,997.00 from Trust Account T73 to the Yilgarn Bowls & Tennis Club Sinking Fund Reserve.**
- 4. Authorise the return of the amount of \$4,000 held in Trust Account T73.1 to the Southern Cross Football Club.**

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Works Approval Amendment – Habrok (Battler Pit) Pty Ltd – Battler Gold Project

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Correspondence from Department of Water and Environmental Regulation

Purpose of Report

To consider a response to the Department of Water and Environmental Regulation, regarding a works approval amendment for the Battler Gold Project.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission by Habrok (Battler Pit) Pty Ltd, for an amendment to a current works approval for the Battler Gold Project.

The current works approval is applicable to mining tenement M77/1285, with the proposed amendment seeking:

An extended evaporation pond with a new design has been proposed to enable Habrok (Battler Pit) Pty Ltd to adequately store mine dewater while minimising the amount of material required to be cut out of the natural terrain.

The description of works summary in the application to DWER states (unedited):

Habrok (Battler Pit) Pty Ltd (Habrok) requires an amendment to the existing Works Approval, W5995/2016/1, Category number 6 only. An extended evaporation pond with a new design has been proposed to enable Habrok to adequately store mine dewater while minimising the amount of material required to be cut out of the natural terrain. The evaporation pond area for cells 1 and 2, as approved in W5995/2016/1, does not change however a third cell will be added to the north-west. The new design will result in less material cut out of the natural landscape while still minimising the risk of lateral seepage. The total area is now 12.3 ha and new capacity is 102,000 kL. An increase to the approved amount of mine dewater discharged to the evaporation pond is required to be up to 145,000 kL. Habrok request time limited operations be approved for Category 6 to allow mine dewatering to the evaporation ponds to begin as soon as the construction compliance report has been completed. See attachment 6A for environmental monitoring controls proposed to ensure risk of lateral seepage is minimised.

Whilst the deadline for comments is prior to the Council meeting, an extension has been sought.

Comment

The request for comment was provided to Cr Phil Nolan, due to his expertise in the mining area, with his comments forming the basis of the recommended response.

It is recommended that Council provide the following response to DWER:

In relation to the proposed works approval amendment application by Habrok in relation to the Battler Gold Project on Mining Tenement M77/1285, the Shire of Yilgarn seek the following from the Department of Water and Environmental Regulation:

- 1. That DWER require assumptions made within the desk top analysis, undertaken to form the submission, to be confirmed by suitable site investigations;*
- 2. That DWER require the proponent to minimise visual impacts from Marvel Loch Road, through a vegetation buffer, and indiscriminate tracks are not to be used for site access;*
- 3. That DWER confirm the risk classification given to the storage facility from a public hazard viewpoint, given the possible effects on Marvel Loch Road in the event of dam failure;*
- 4. That DWER ensure the recommendation from the design engineer to have the construction supervised by a geo-technical engineer is required in the approval;*
- 5. That DWER ensure the recommendation from the design engineer for various monitoring requirements, is required in the approval; &*
- 6. DWER seek from the proponent a closure plan or include criteria for post closure.*

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

Officer Recommendation

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

In regards to the proposed works approval amendment application by Habrok, relating to the Battler Gold Project on Mining Tenement M77/1285, the Shire of Yilgarn seek the following from the Department of Water and Environmental Regulation:

- 1. That DWER require assumptions made within the desk top analysis, undertaken to form the submission, to be confirmed by suitable site investigations;***
- 2. That DWER require the proponent to minimise visual impacts from Marvel Loch Road, through a vegetation buffer, and indiscriminate tracks are not to be used for site access;***
- 3. That DWER confirm the risk classification given to the storage facility from a public hazard viewpoint, given the possible effects on Marvel Loch Road in the event of dam failure;***
- 4. That DWER ensure the recommendation from the design engineer to have the construction supervised by a geo-technical engineer is required in the approval;***
- 5. That DWER ensure the recommendation from the design engineer for various monitoring requirements, is required in the approval; &***
- 6. DWER seek from the proponent a closure plan or include criteria for post closure.***



Mr Peter Clarke
Chief Executive Officer
Shire of Yilgarn

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

Dear Mr Clarke,

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

The Department of Water and Environmental Regulation (DWER) has recently received an application from Habrok (Battler Pit) Pty Ltd for an amendment to works approval W5995/2016/1 under Division 3 Part V of the *Environmental Protection Act 1986* (EP Act) at Battler Gold Project, part of Mining Tenement M77/1285, Shire of Yilgarn. The application is in relation to:

- Category 6 - An extended evaporation pond with a new design has been proposed to enable Habrok (Battler Pit) Pty Ltd to adequately store mine dewater while minimising the amount of material required to be cut out of the natural terrain.

In accordance with section 54 of the EP Act, the Chief Executive Officer (CEO) of DWER considers that you may have a direct interest in the subject matter of the application, and invites your comment on the proposal.

The CEO will, after having taken into account any comments received and subject to section 60 of the EP Act, either amend the works approval or refuse the amendment.

Please forward any comments to the address below or forward via email to info@dwer.wa.gov.au within 21 days from the date of this letter and please quote W5995/2016/1 on future correspondence and enquiries.

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

Yours sincerely

Tim Gentle
MANAGER, RESOURCE INDUSTRIES
REGULATORY SERVICES

*Officer delegated under section 20
of the Environmental Protection Act 1986*

28 October 2019

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Clearing Permit Amendment – Marda Operations Pty Ltd – Marda Gold Project

File Reference	7.2.1.21
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Correspondence from Department of Mines, Industry Regulation and Safety - Photomap - Natmap

Purpose of Report

To endorse comments to the Department of Mines, Industry Regulation and Safety, regarding a proposed amendment to an existing clearing permit for Marda Operations Pty Ltd at the Marda Gold Project.

Background

The Shire is in receipt of correspondence from the Department of Mines, Industry Regulation and Safety (DMIRS), relating to an amendment to an existing clearing permit sought by Marda Operations Pty Ltd at the Marda Gold Project, located on Mining Leases 77/394, 77/646, 77/931, 77/962 and Miscellaneous Licences 77/239, 77/240.

The applicants are seeking to amend the permit boundary; the attached plans indicate the proposed boundary location.

The land to be cleared is located approximately 115 kilometres North of the Southern Cross townsite, in the vicinity of the intersection of the Bullfinch Evanston Road and the Mount Jackson Road.

Whilst the deadline for comments is prior to the Council meeting, the DWER have advised should comments be received prior to a determination being made, they will be considered.

Comment

Council considered the original clearing permit at the July 2019 meeting, with the following decision made:

111/2019

Moved Cr Nolan Seconded Cr Close

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

The Shire of Yilgarn holds no objections to the issuing of clearing permit CPS 6197/5 to Marda Operations Pty Ltd for the Marda Gold Project on Mining Leases 77/394, 77/646, 77/931, 77/962 and Miscellaneous Licences 77/239, 77/240.

CARRIED (6/1)

Cr Guerini voted against the decision

DMIRS have not provided any further information indicating there are issues with threatened ecological species, and as such, it is the reporting officer's opinion, Council should advise DMIRS, there are no objections from the Shire of Yilgarn to the issuing of the amended 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

Officer Recommendation

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

The Shire of Yilgarn holds no objections to the issuing of the amended clearing permit CPS 6197/6 to Marda Operations Pty Ltd for the Marda Gold Project on Mining Leases 77/394, 77/646, 77/931, 77/962 and Miscellaneous Licences 77/239, 77/240, for amending the permit boundary



Our Ref:
Enquiries
Fax
Email

A1506/201401 - CPS 6197/6
Alicia Dudzinska – Ph: 08 9222 3231
08 9222 3860
nvab@dmirs.wa.gov.au

Chief Executive Officer
Shire of Yilgarn

ceo@yilgarn.wa.gov.au

Dear Sir/Madam

Application to amend a previously granted Clearing Permit under the *Environmental Protection Act 1986*

The Department of Mines, Industry Regulation and Safety has received the following application to amend a previously granted clearing permit under the *Environmental Protection Act 1986* (the Act):

Permit Holder:	Marda Operations Pty Ltd – Marda Gold Project
Permit Type:	Purpose Permit
Tenements:	Mining Leases 77/394, 77/646, 77/931, 77/962; Miscellaneous Licences 77/239, 77/240
Purpose:	Mineral Production
Area (ha):	165 ha
Shire:	Shire of Yilgarn
Clearing Permit System (CPS) No:	6197/6
Amendment requested:	To amend the permit boundary

In accordance with sub-section 51E(4) of the Act, on behalf of the General Manager Environmental Compliance, Resource and Environmental Compliance Division, I consider that you may have a direct interest in the subject matter of the application and invite your comment on the proposal. The General Manager Environmental Compliance, Resource and Environmental Compliance Division, will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant the amended clearing permit (including any specified conditions) or refuse to grant the amendment.

Enclosed are maps indicating the amended application area. Please forward your submission to the above address within 21 days from the **Monday, 28 October 2019** quoting CPS 6197/6.

If you have any queries regarding this matter, please contact Heather Johnson in the Department's Resource and Environmental Compliance Division, as above, for further information.

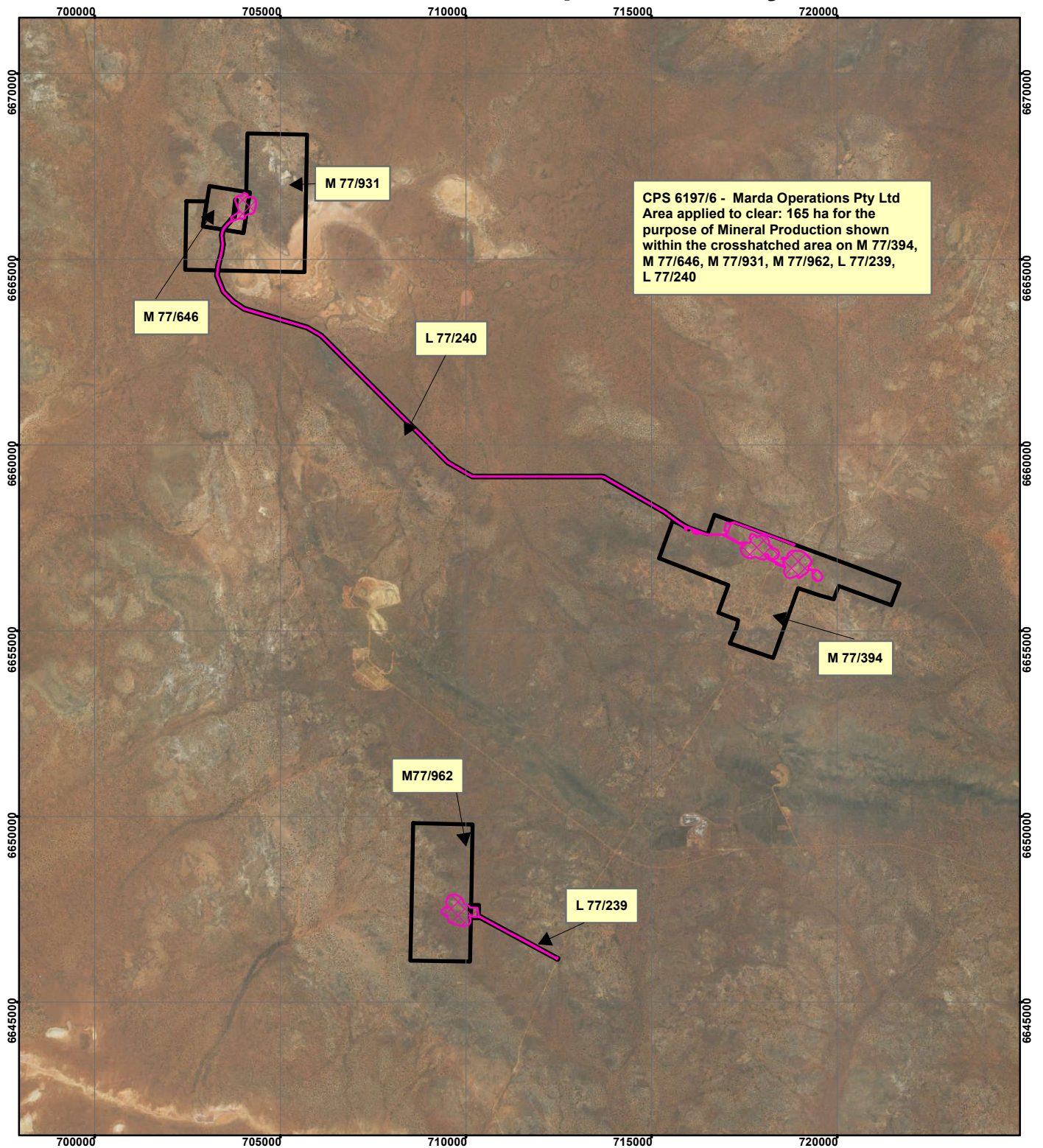
Yours sincerely

Daniel Endacott

Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

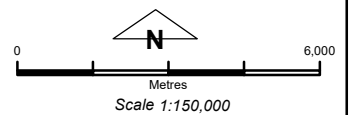
25 October 2019

CPS 6197/6 - Marda Operations Pty Ltd



Legend

-  Clearing Instruments
-  Mining Tenements



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

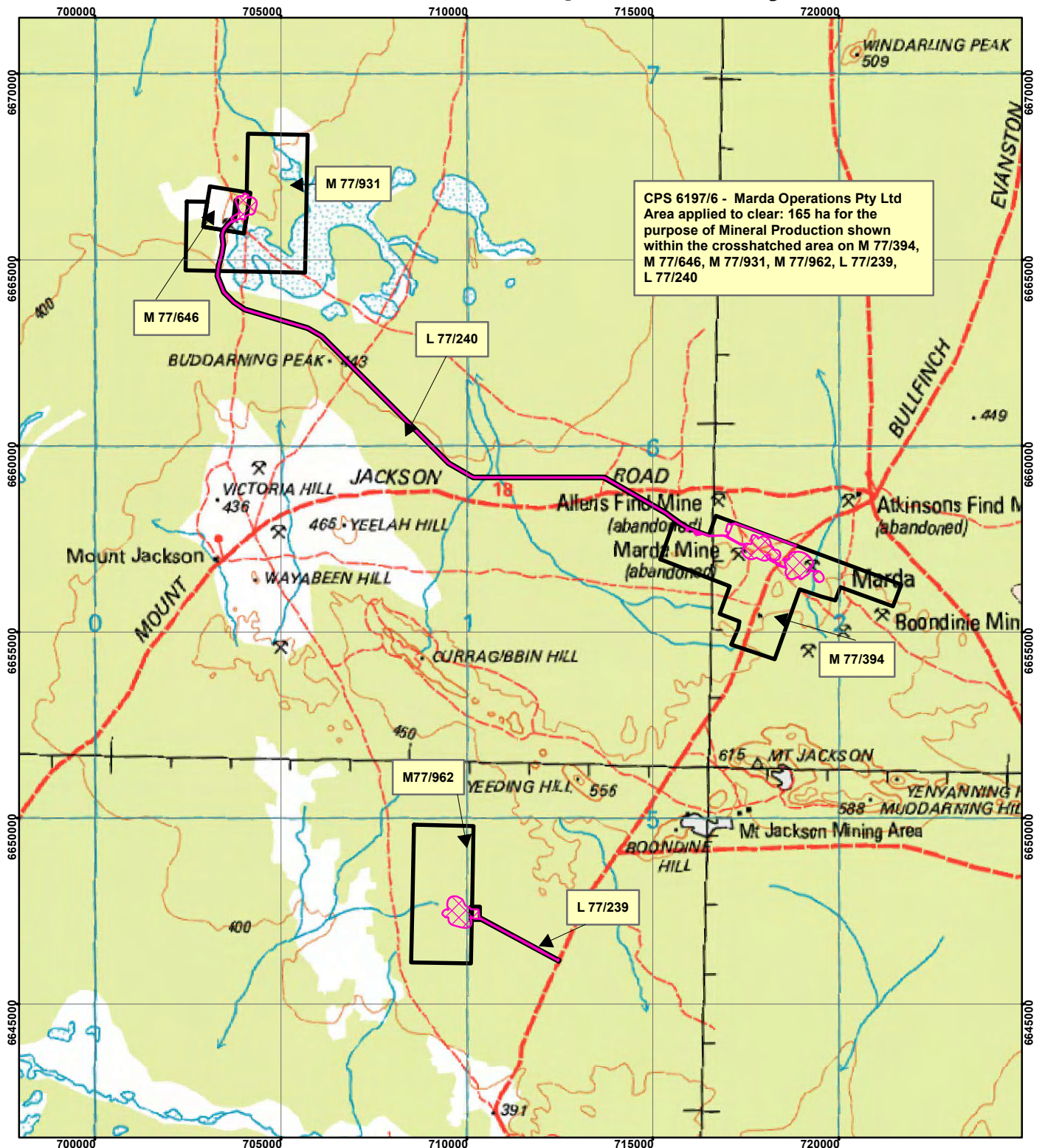
..... Date

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

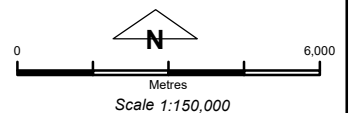


CPS 6197/6 - Marda Operations Pty Ltd



Legend

-  Clearing Instruments
-  Mining Tenements



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

..... Date

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Water Corporation – Standpipe Water Supply Agreements

File Reference	2.4.2.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Confidential-Standpipe Water Supply Agreement

Purpose of Report

To endorse proposed actions in relation to Standpipe Water Supply Agreements, drafted by Water Corporation.

Background

Councillors may be aware that in 2018/2019, the Water Corporation (WC) advised that in 2019/2020, they were implementing changes to the way they would charge for water accessed from Shire operated standpipes.

In brief, water accessed from standpipes that were available to the public, and had a supply meter of more than 25mm were to be charged at a commercial rate, which would see an increase in the WC rate per kilolitre from \$2.534 up to a range between \$5.011 to \$8.353.

As a result, Council at their October 2018 meeting resolved the following:

144/2018

Moved Cr Guerini/Seconded Cr Della Bosca

RECOMMENDATION 1:

THAT COUNCIL:

Endorse keeping existing water meters servicing current Shire standpipes at the same size and acknowledge the increase in service and usage charges, of which will be passed onto the consumer.

RECOMMENDATION 2:

THAT COUNCIL:

Endorse applying to Water Corporation, to reduce the size of the Castor Street standpipe meter to 25mm at Water Corporations cost, therefore making it a "Community Use" standpipe with subsidised water charges.

RECOMMENDATION 3:

THAT COUNCIL:

Endorse applying to Water Corporation for the installation of two (2) 25mm meters for the creation of new "Community Use" standpipes with subsidised water charges under the Water Corporations offer to install two (2) 25mm meters free of charge, pending works approval, with the Shire to install standpipe equipment including manifold and swipe controller at its own cost;

**RECOMMENDATION 4:
THAT COUNCIL**

Endorse applying to Water Corporation for the installation of two (2) additional 25mm meters, for the creation of new "Community Use" standpipes with subsidised water charges, at the Shires own cost. Pending Water Corporation approval, the Shire would also install standpipe equipment including manifold and swipe controller at it's own cost;

**RECOMMENDATION 5:
THAT COUNCIL:**

Endorse the location of the proposed new "Community Use" standpipes to be in the vicinity of (pending Water Corporation Approval):

- ***Bodallin;***
- ***Moorine Rock;***
- ***Bullfinch; &***
- ***Noongar.***

**RECOMMENDATION 6:
THAT COUNCIL:**

Endorse the inclusion of funds, for the installation of new standpipes and controllers in the 2018/2019 budget review, should the funds be available, or alternatively, include in the 2019/2020 annual budget.

CARRIED (6/0)

WC have commenced installation on the new 25mm meters, as per Councils decision, with three of the four new meters already installed. Bullfinch is still awaiting installation.

On the 29th October 2019, the Shire received Standpipe Water Supply Agreements, for the four new meters, and were advised that agreements would be provided for all existing standpipe meters in due course.

It was also advised that the Bullfinch meter would not be installed until such time as the agreement for that meter was signed.

A copy of one of the agreements (of which all are standard and the same), is attached, Councillors are directed to Section 5, whereby the quality of water provided is to be agreed to by the Shire.

On all of the Shire's standpipes, it is proposed by WC to deem the water quality as "Option 2 – Water Quality with Conditions", which details the following:

Option 2 –Water Quality with Conditions

- (a) ***The Corporation will provide Water at the Delivery Point for the purposes of this Agreement that may not comply with the microbiological provisions of the Australian Drinking Water Guidelines.***
- (b) ***The Local Government Authority acknowledges and agrees that:***

- (i) *the Water may not be potable at the Delivery Point and may not comply with the microbiological provision of the Australian Drinking Water Guidelines;*
- (ii) *the Water must be disinfected if it is to be used for domestic purposes, including drinking, making beverages, ice or food preparation, bathing, showering or for any other purpose which may result in the potential for the water to be consumed or inhaled;*
- (iii) *the Local Government Authority must inform any third party taking Water from the Delivery Point of the Department of Health Guidelines for the Bulk Cartage of Drinking Water if the carted water is to be used for any potable purposes; and*
- (iv) *the Corporation will not be liable under any circumstances whatsoever or howsoever arising for any loss or claim which the Local Government Authority may suffer or incur, and the Local Government Authority will have no right to make any Claim for any Loss or inconvenience caused to, or sustained by it, on account of any of the matters set out above for any reason whatsoever.*

The Executive Manager Regulatory Services (EMRS) queried the proposed classification of water by WC; seeking to understand if the water coming from the mains pipe was potable. A WC representative stated that whilst the water from the pipe was deemed potable, once collected, they had no control over the water and as such, this is the reasoning behind the classification.

The EMRS advised WC that the classification did not read in that manner, and the way the classification was written, indicated the water coming from the pipe may not be potable, and that it was the Shire's responsibility to inform users and seemingly take on all liability.

The EMRS sought to have the classification changed to the following (changes highlighted):

- (a) The Corporation will provide Water at the Delivery Point for the purposes of this Agreement that complies with the quality requirements for drinking water as specified in the Operating Licence. However post collection, the water may not comply with the microbiological provisions of the Australian Drinking Water Guidelines.
- (b) The Local Government Authority acknowledges and agrees that:
 - (i) the Water may not be potable **once collected** at the Delivery Point and may not comply with the microbiological provision of the Australian Drinking Water Guidelines;
 - (ii) **once collected**, the Water must be disinfected if it is to be used for domestic purposes, including drinking, making beverages, ice or food preparation, bathing, showering or for any other purpose which may result in the potential for the water to be consumed or inhaled;
 - (iii) the Local Government Authority must inform any third party taking Water from the Delivery Point of the Department of Health Guidelines for the Bulk Cartage of Drinking Water if the carted water is to be used for any potable purposes; and
 - (iv) the Corporation will not be liable under any circumstances whatsoever or howsoever arising for any loss or claim which the Local Government

Authority may suffer or incur, and the Local Government Authority will have no right to make any Claim for any Loss or inconvenience caused to, or sustained by it, on account of any of the matters set out above for any reason whatsoever.

WC responded as follows to the above request:

The water quality clauses in the agreement cannot be amended as they have been approved by Water Quality branch and the Department of Health.

Comment

It is the opinion of the EMRS that the Shire should not be signing these agreements, as it is misleading around the quality of the water being provided through the meter, and places liability onto the Shire for matters out of its control.

Having raised Shire concerns with the Water Corporation without result, the EMRS is seeking Council's endorsement to:

- Withhold signing of the agreements; and
- Raise the matter with the Minister for Water.

Statutory Environment

Water Corporations Act 1995

Strategic Implications

Goal

A prosperous future for our community

Outcome

Businesses in the Shire remain competitive and viable

Strategy

Continue to provide access to Shire standpipes

Policy Implications

6.2 Council Operated Standpipes/ Mt Hampton Dam and Dulyalbin Tank Facility

Financial Implications

Nil

Officer Recommendation

THAT COUNCIL endorse withholding the signing of Standpipe Water Supply Agreements, provided by Water Corporation, for the Shire of Yilgarn operated standpipes until such time as the water classifications are satisfactory to the Shire of Yilgarn; and

Council endorse writing to the Minister for Water, raising the Shire of Yilgarn's concerns on the Standpipe Water Supply Agreements, citing the misleading nature of the water quality classification applied to Shire standpipes and the liability placed onto the Shire of Yilgarn over water quality issues out of the pipe.

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

CONFIDENTIAL ITEM

Recommendation

That the meeting be closed to members of the public in accordance with section 5.23 (2)(b) of the Local Government Act 1995

13 Officers Report – Chief Executive Officer

13.1 Premier's Australia Day Active Citizenship Awards

File Reference	1.3.6.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	CONFIDENTIAL

Purpose of Report

To consider Premier's Australia Day Active Citizenship Award nominations.

Background

Nominations for the following categories in the Premier's Australia Day Active Citizenship Awards closed on Friday, 1 November 2019 in the following categories:

- a) Premier's Australia Day Active Citizenship Award
- b) Premier's Australia Day Active Citizenship Award for a person under 25 years
- c) Premier's Australia Day Active Citizenship Award for a community group or event

Comment

Copies of the confidential nominations have been provided to Councillors for their consideration and to choose a worthy recipient/s, which will allow staff to request the Australia Day Council to prepare the certificate/s prior to the presentation on Sunday, 26 January 2020.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That considers the nomination/s received for the Premier's Australia Day Awards.

14 CLOSURE