



Minutes

Ordinary Meeting of Council

21 May

2020

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Shire President advised that together with the Deputy Shire President and CEO, he had attended a number of WALGA Webinar Updates on the COVID-19 Pandemic throughout the course of the month. The Shire President indicated that these Webinars, which are regularly attended by the Minister for Local Government and other Ministers, provided the Shire with ongoing information pertaining to COVID-19 and its impacts on the State.

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 G Hindmarsh Laura Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker
Apologies:	Nil	
Observers:	Mrs Kay Crafter	
Leave of Absence:	Nil	

4. DECLARATION OF INTEREST

Cr Nolan declared a Financial Interest in Agenda Item 9.4.1 - Clearing Permit- Richard Read Associates Pty Ltd and Highscore Pty Ltd, pursuant of Section 5.60A of the Local Government Act 1995 as Cr Nolan is an Owner/Director of Highscore Pty Ltd.

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 16 April 2020

53/2020

Moved Cr Cobden/Seconded Cr Nolan

That the minutes from the Ordinary Council Meeting held on 16 April 2020 be confirmed as a true record of proceedings.

CARRIED (7/0)

6.2 Westonia/Yilgarn Local Emergency Management Committee (LEMC), Thursday 30 April 2020

54/2020

Moved Cr Close/Seconded Cr Cobden

That the minutes from the Westonia/Yilgarn LEMC meeting held on the 30 April 2020 be received.

CARRIED (7/0)

6.3 Great Eastern Country Zone Meeting (GECZ), Thursday, 30 April 2020

6.4 Wheatbelt East Regional Organisation of Councils Board Meeting (WEROC), Thursday 30 April

55/2020

Moved Cr Rose/Seconded Cr Cobden

That the minutes from the GECZ meeting the WEROC Board meeting held on the 30 April 2020 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr Luke Sibon, Environmental Manager, for Minjar Gold provided a paper presentation for Council detailing additional information on the Marvel Loch West Underground (Jaccoletti) Project. The CEO advised that due to physical distancing issues associated with COVID-19 and the size of the Chamber, it was considered preferable for Minjar to present in this format and if Council had any issues in relation to the paper presented, the CEO would relay these to Mr Luke Sibon for his consideration and response.

Cr Nolan indicated that he appreciated the additional information provided on the Marvel Loch West Underground (Jaccoletti) Project and the fact that Minjar Gold had undertaken a public consultation process with the Marvel Loch community however, Cr Nolan indicated Minjar Gold needed to be more transparent in other aspects of their operations, particularly relating to a recent saline spill that had affected private land.

The CEO indicated that he would pass on these matters to Mr Sibon for his response.

8. DELEGATES' REPORTS

The Shire President announced the following;

- Attended the Great Eastern Country Zone Webinar in the Council Chambers on the 30th April 2020 with Cr Close and EMCS.
- Attended the Wheatbelt East Regional Organisation of Councils Webinar in the Council Chambers on the 30th April 2020 with Cr Close and EMCS - The Shire President expanded upon a Bush Fire Management process relating to mitigation works.
- Attended the Westonia/Yilgarn Local Emergency Management Committee meeting on the 30th April 2020 with Cr Close and EMCS, EMRS and EMI.

Cr Close announced the following;

- Attended the Great Eastern Country Zone Webinar in the Council Chambers on the 30th April 2020
- Attended the Wheatbelt East Regional Organisation of Councils Webinar in the Council Chambers on the 30th April 2020
- Attended the Westonia/Yilgarn Local Emergency Management Committee meeting on the 30th April 2020
- Attended the Sub Regional Road Group meeting on 6th May 2020

Cr Nolan announced the following;

- Although no AgCare meetings have been held due to COVID-19, members have been kept up to date through telephone conferences and correspondence.

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 National Redress Scheme

File Reference	1.6.26.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Local Government Information Paper (December 2019)

Purpose of Report

This item is for the Council to inform Council of the following in respect to the National Redress Scheme:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Yilgarn to participate in the National Redress Scheme;
- Formally endorse the Shires of Yilgarn's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Yilgarn) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

¹ Section 111(1)(b).

Comment

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;

2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Yilgarn's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Yilgarn formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Yilgarn will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Yilgarn to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Yilgarn formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Yilgarn include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Yilgarn having full responsibility and liability for any potential claim.

- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Yilgarn.

Considerations for the Shire of Yilgarn

Detailed below is a list of considerations for the Shire of Yilgarn to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Yilgarn will receive a Redress application. A Service Agreement will only be executed if the Shire of Yilgarn receives a Redress application.

Shire of Yilgarn needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Yilgarn will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Yilgarn's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part

thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Yilgarn should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Yilgarn do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;

- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020. The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Statutory Environment

The Shire of Yilgarn in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership Strategy – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

Nil

Financial Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Officer Recommendation

That Council:

- 1) ***Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;***
- 2) ***Notes that the Shire of Yilgarn will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Yilgarn makes a specific and formal decision to the be included;***
- 3) ***Endorses the participation of the Shire of Yilgarn in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;***
- 4) ***Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;***
- 5) ***Notes that a confidential report will be provided if a Redress application is received by the Shire of Yilgarn.***

Council Decision

56/2020

Moved Cr Shaw Seconded Cr Close

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;***
- 2) Endorses the participation of the Shire of Yilgarn in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;***
- 3) Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;***
- 4) Notes that a confidential report will be provided if a Redress application is received by the Shire of Yilgarn.***

CARRIED (7/0)

REASON FOR CHANGE TO THE RECOMMENDATION

If Council supported being included in the National Redress Scheme, it was advised by the Department of Local Government, Sport and Cultural Industries Director of Strategic Coordination, that point 2 of the recommendation was required to be omitted from the final resolution.

9.1 Officers Report – Chief Executive Officer

9.1.2 Lot 931, 6 Libra Place, Southern Cross

File Reference	10.4.1.27 & 2.4.1.7
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Residential Tenancy Agreement

Purpose of Report

To inform Council of the negotiations with the Department of Communities (Government Regional Officers Housing (GROH)) regarding the ongoing tenancy of Council owned property, 6 Libra Place, Southern Cross.

Background

For a number of years now Council has leased 6 Libra Place, Southern Cross to the Department of Communities under the GROH Residential Tenancy arrangement, with the house being occupied by a member of the Western Australian Police Force.

The Department of Communities contacted with the CEO on Wednesday, 15 April 2020 advising that the Lease was due to expire on 30 May 2020 and requesting that a new Lease for a term of three (3) years with a one (1) year option be re-negotiated.

Comment

The CEO contacted the Department of Communities to indicate that the Shire of Yilgarn would only be interested in negotiating a one (1) year lease Agreement, with no options for renewal.

This decision was undertaken in consultation with the Shire President based on the fact that Council would require the use of 6 Libra Place beyond 30 May 2021. With the impending retirement of the Executive Manager Infrastructure in August 2021, a Council residence would be required for the incoming Manager, with remedial works being undertaken on the house following GROH vacating and the new employee taking up residence.

Upon explanation of Council's predicament in respect to housing availability for its Executive staff in 2021, the Department of Communities liaised with the WA Police Department, who then accepted the one (1) Tenancy Agreement.

Following the above negotiations, the CEO as Council's representative, signed the new Tenancy Agreement based on the above negotiations.

Statutory Environment

Residential Tenancies Regulations 1989.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – A prosperous future for our community - Quality and affordable housing is available.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Decision

57/2020

Moved Cr Nolan/Seconded Cr Guerini

That Council endorses the actions of the CEO, in consultation with the Shire President, in signing a Lease Agreement with the Department of Communities (GROH) for a one (1) year tenancy arrangement for 6 Libra Place, Southern Cross.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Telstra Corporation Ltd – Licence 34 Fitzgerald Street, Koolyanobbing

File Reference	9.1.1.3 & 10.2.2.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Licence Agreement

Purpose of Report

To seek Council approval for the Signing and Sealing of a Licence Agreement between Telstra Corporation Ltd and the Shire of Yilgarn for the occupation of 34 Fitzgerald Street (Reserve 29763, Lot 55 on Deposited Plan 209513), Koolyanobbing.

Background

In September 2019, Cornwalls Law, on behalf of Telstra Corporation Ltd, commenced discussions with Council's then Executive Manager Regulatory Services, regarding the renewal of a Licence Agreement to occupy 34 Fitzgerald Street, Koolyanobbing. Since that time Council staff have been liaising with Cornwalls Law and the Department of Planning, Lands and Heritage in granting Ministers Consent for the Licence Agreement to be approved.

On 12 March 2020, Council received advice from the Department that a Section 18 Ministers Consent to the Licence had been granted by the Minister for Lands.

Comment

Following receipt of the Ministerial Consent in accordance with Section 18 of the *Land Administration Act 1997*, Council staff informed Cornwalls Law that the Licence Agreement could be prepared for Signing and Sealing by both parties.

The Licence Agreement is provided as an attachment to the Agenda documentation for Councils information. The Term of the Licence is 10 years commencing on 1 January 2021 with an option for a further term of 10 years.

Statutory Environment

Land Administration Act 1997

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-20286 – Economic – A prosperous future for our community - Improved telecommunications infrastructure.

Financial Implications

A Licence fee of \$500/annum, payable yearly in advance is made by Telstra Corporation Ltd to the Shire of Yilgarn.

Policy Implications

Nil

Officer Recommendation and Council Decision

58/2020

Moved Cr Nolan/Seconded Cr Rose

That Council authorises the Shire President and CEO to sign and place the Shire of Yilgarn Common Seal on the Licence Agreement between the Shire of Yilgarn and Telstra Corporation Ltd., for occupation of Reserve 29763, Lot 55 Fitzgerald Street, Koolyanobbing as per the terms and conditions as outlined in the Licence Agreement.

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Shire of Yilgarn Workforce Plan 2020-2030

File Reference	1.1.12.2
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Workforce Plan 2020-2030

Purpose of Report

To present to Council for adoption the Shire of Yilgarn Workforce Plan 2020-2030 in accordance with the *Local Government (Administration) Regulations 1996*.

Background

At the February 2020 Ordinary Council meeting, staff presented the 2019 Annual Compliance Audit Return (CAR) for adoption and it was advised that Council was non-compliant in two areas, one being the provision of a Workforce Plan in accordance with Section 19DA of the above *Regulations*. At the above meeting, the following was resolved:-

6/2020

Moved Cr Nolan/Seconded Cr Close

That Council adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2019 to 31 December 2019 noting the two areas of non-compliance in respect to the Integrated Planning and Reporting section of the CAR. In accepting the CAR and noting the proposed actions to meet compliance, Council authorises the Shire President and CEO to sign and submit the CAR to the Department of Local Government, Sport and Cultural Industries as required.

CARRIED BY ABSOLUTE MAJORITY (7/0)

In resolving the above, the CEO did advise Council that there is mention of Council's workforce within the Corporate Plan however, in his opinion it did not meet the necessary requirements and therefore, a new Workforce Plan will be developed for presentation to Council in the near future.

Comment

A 10 year Workforce Plan has now been developed for Council's consideration in order that it complies with the specific Section of the *Local Government (Administration) Regulations 1996* listed below.

Statutory Environment

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) **develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.**

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A Community that respects and values Council staff and Elected Members.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

59/2020

Moved Cr Shaw/Seconded Cr Rose

That Council adopts the Shire of Yilgarn Workforce Plan 2020-2030 in accordance with the Integrated Planning process and section 19DA(c) of the Local Government (Administration) Regulations 1996.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.5 Department of Water and Environmental Regulation (DWER) – Proposed Licence Amendment L5850/1993/11 – Yilgarn Iron Pty Ltd

File Reference	1.6.26.3
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Council Submission/Comments forwarded to DWER

Purpose of Report

To inform Council of the actions of the CEO in respect to the referral by DWER of the above Licence Amendment submitted by Yilgarn Iron Pty Ltd for the establishment of a tailings storage facility to store lithium refinery tailings from the Kemerton Lithium Refinery at Yilgarn Iron Pty Ltd's Koolyanobbing Operations.

Background

The CEO received emailed correspondence from DWER on Friday, 17 April advising that it had recently received an application from Yilgarn Iron Pty Ltd for an amendment to Licence L5850/1993/11 for the above purpose.

DWER invited Council comment on the proposal within 14 days from the date of the letter, being 15 April 2020, two (2) days before the letter was received by the CEO via email. This timeframe allowed for a submission to be submitted by Council prior to Wednesday, 29 April 2020.

As the DWER's submission timeframe does not meet the Shire of Yilgarn's normal Ordinary meeting cycle, it was as previously agreed by Council that should a situation such as this arise, the matter be circulated to Councillors for comment with the CEO being authorised to prepare a submission in line with Councillors responses.

Comment

In line with the above direction from Council, the CEO circulated the following email to Councillors on Friday, 17 April 2020:-

Dear Councillors

Please find attached letter from DWER inviting Council to comment on the above Licence Amendment Application. This notification is forwarded to Councillors as DWER requests comments within 14 days from the date of the letter, being 15 April 2020 and which was

received by the CEO via email on Friday, 17 April. DWER require a response by Wednesday, 29 April, 2020

Please Note: The Application relates to the establishment of a Tailings Storage Facility at Koolyanobbing to store refinery tailings from the Kemerton Lithium Refinery.

As per the attached documentation, it is proposed to road transport the tailings from Kemerton, which will no doubt add significant traffic on the Koolyanobbing Road and Great Eastern Highway for that fact.

This is a rather unique Application as MRL's operations at Koolyanobbing would become a storage facility of waste from Kemerton in the South West.

Councillors, please provide feedback as soon as possible in order that a submission expressing the Shire of Yilgarn's views can be forwarded to DWER within the required time frame.

*Thank you
Peter*

*Regards
Peter Clarke
Chief Executive Officer*

Following the distribution of the above email to Councillors, responses were received from the Shire President and Cr Nolan, who both indicated that the Licence Amendment should be opposed at this stage and a submission be forwarded to DWER based on their comments. The submission to DWER is provided as an attachment to the Agenda document.

The following email was received from DWER on Tuesday, 28 April 2020 acknowledging receipt of Council's submission:-

Dear Mr Clarke

Thank you for the response you provided to the invitation for comment.

Your comments will be considered and addressed where relevant as part of the works approval process.

Regards
Fiona Westcott
Environmental Officer
Resource Industries
Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace, JOONDALUP WA 6027
Locked Bag 10, Joondalup DC, WA 6919
T: (08) 6364 7431 | F: (08) 6364 5562
E: fiona.westcott@dwer.wa.gov.au | www.dwer.wa.gov.au
Twitter: [@DWER_WA](https://twitter.com/DWER_WA)

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Environment – A valued natural environment where community members in all industries and government invest in land care initiatives.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Decision

60/2020

Moved Cr Close/Seconded Cr Shaw

That Council endorses the submission forwarded to Department of Water and Environmental Regulation opposing the Licence Amendment submitted by Yilgarn Iron Pty Ltd for the establishment of a tailings storage facility to store lithium refinery tailings from the Kemerton Lithium Refinery at Yilgarn Iron Pty Ltd's Koolyanobbing Operations.

CARRIED BY ABSOLUTE MAJORITY (7/0)

L5850/1993/11

Attention: Lauren Westcott

23 April 2020

Lauren Fox
A/Manager – Resource Industries
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919

Dear Ms Fox

**LICENCE AMENDMENT UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*
– REFERENCE L5850/1993/11**

I refer to your letter dated 15 April 2020 which was received at this office via email on Friday, 17 April 2020 regarding the application received from Yilgarn Iron Pty Ltd for an Amendment to the above Licence and seeking submissions in response to the Amendment within 14 days from the date of your correspondence. As indicated, the matter is in relation to the establishment of a tailings storage facility to store lithium refinery tailings from the Kemerton Lithium Refinery at Yilgarn Iron's Koolyanobbing Operations.

I wish to advise that Council opposes the Amendment based on the following matters/issues and will maintain this opposition until the following have been addressed by the proponent and DWER:-

1. There has been no consultation by Yilgarn Iron Pty Ltd with the Shire of Yilgarn regarding the proposal, despite it being apparent that the project is at an advanced stage;
2. Based on the information that the chemistry of the tailings is benign, then on that basis, should tailings be not stored at Kemerton, or the mine from which they are produced (Greenbushes), which is considerably closer than the Yilgarn Iron Pty Ltd's Koolyanobbing operations;

3. Transportation of tailings will adversely impact on all communities between Kemerton and Southern Cross/Koolyanobbing. Wear and tear on roads, noise, dust and traffic hazards will increase unless there are deliberate measures taken to reduce these impacts. There is very limited commentary on these issues within the Amendment documentation;
4. Yilgarn Iron Pty Ltd be instructed to liaise with the Shire of Yilgarn regarding proposed transportation routes/upgrades within the Shire of Yilgarn as Council controlled roads will be adversely affected due to increased heavy haulage usage;
5. Council considers that a higher level of assessment needs to be undertaken on the activity/project i.e., Public Environmental Review, before Council would consider supporting the project. The PER process would expose the project to a higher level of environmental, social and economic scrutiny than the current level of assessment being undertaken by DWER.

Other Issues/Queries

1. At the time of the Kemerton Refinery being granted works approval to operate, what measures/processes were given for the storage of the tailings generated by the Refinery?
2. If the Licence Amendment is proposed to be a temporary measure until alternative sites can be investigated, what is the timeframe for the temporary period proposed?
3. What measures are proposed to monitor windblown dust to surrounding flora at the Koolyanobbing Operations if the tailings are dumped?

I trust that Council's issues will be addressed in DWER's consideration of the Licence Amendment and that the Shire of Yilgarn will be adequately consulted in the areas raised above.

Yours sincerely

Peter Clarke

CHIEF EXECUTIVE OFFICER

9.1 Officers Report – Chief Executive Officer

9.1.6 Council Policy Manual – Amendments to Purchasing Policy

File Reference	2.3.3.2
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Amended Purchasing Policy No.3.5

Purpose of Report

To inform Council of Amendments to the *Local Government (Functions and General) Regulations 1996* and the requirement for Council Policy No.3.5 to be amended accordingly.

Background

As part of the COVID-19 stimulus response by the State Government, the Minister for Local Government announced that the tender threshold limit contained with the *Local Government (Functions and General) Regulations 1996* had been increased from \$150,000 to \$250,000 effective from 8 May 2020.

Comment

In accordance with Regulation 11A(1), local governments must prepare, adopt and implement a Purchasing Policy in relation to contracts for other persons to supply goods and services under \$250,000.

Therefore, staff have attached a Draft Purchasing Policy in consideration of the above amendments for Council's consideration.

Statutory Environment

Local Government (Functions and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).

- (3) A purchasing policy must make provision in respect of —
- (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – Ensure compliance whilst embracing innovation and best practice principles and implement the Integrated Planning Framework, including the Long Term Financial Plan, Workforce Plan, Asset Management Plan, Corporate Business Plan and Annual Budget.

Policy Implications

Amended Policy No.35 in relation to Purchasing of Goods and Services.

Financial Implications

Nil.

Officer Recommendation and Council Decision

61/2020

Moved Cr Guerini/Seconded Cr Close

That Council adopts the amended Shire of Yilgarn Purchasing and Tendering Policy in accordance with section 11A(1) of the Local Government (Functions and General) Regulations 1996.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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 30 April 2020.

- 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 and Council Decision

62/2020

Moved Cr Cobden/Seconded Cr Shaw

That Council endorse the various Financial Reports as presented for the period ending 30 April 2020

CARRIED (7/0)

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 40897 to 40908 totalling \$134,321.18, Municipal Fund– EFT Numbers 9941 to 10078 totalling \$2,236,811.29, Municipal Fund – Cheque Numbers 1607 to 1615 totalling \$175,425.73, Municipal Fund Direct Debit Numbers 14595.1 to 14595.11 totalling \$19,492.10, Municipal Fund Direct Debit Numbers 14635.1 to 14635.11 totalling \$19,716.54 Trust Fund 402502 to 402507 totalling \$6,404.19 and Trust Fund – Cheque Numbers 6224 to 6230 (DPI Licensing) totalling \$30,114.30 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 another Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation and

63/2020

Moved Cr Close/Seconded Cr Nolan

Municipal Fund – Cheque Numbers 40897 to 40908 totalling \$134,321.18, Municipal Fund-EFT Numbers 9941 to 10078 totalling \$2,236,811.29 Municipal Fund – Cheque Numbers 1607 to 1615 totalling \$175,425.73, Municipal Fund Direct Debit Numbers 14595.1 to 14595.11 totalling \$19,492.10, Municipal Fund Direct Debit Numbers 14635.1 to 14635.11 totalling \$19,716.54 Trust Fund 402502 to 402507 totalling \$6,404.19 and Trust Fund – Cheque Numbers 6224 to 6230 (DPI Licensing) totalling \$30,114.30. are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2020/21 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Proposed 2020/2120 Schedule of Fees & Charges.

Purpose of Report

To consider the fees & charges to be applied in 2020/21.

Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year to be adopted with the annual Budget.

As the Budget will not be adopted until after 1st July 2020, Council is requested to consider the schedule of fees and charges prior to the Budget adoption so that the agreed fees & charges can be taken into consideration when preparing the Budget and to allow the fees & charges to be applied from 1st July 2020.

Comment

A copy of the current fees & charges and proposed changes are included in the attachments. The items in **Red** are proposed to be deleted and the items in **Green** are proposed to be included or have been amended.

It is intended that the proposed fees and charges remain predominantly unchanged from those imposed in 2019/2020, however a summary of the recommended changes follows:

- Page 2 – Removal of the Drovers Dog discount as this has been removed from the Dog Act 1976 and associated Regulations.
- Page 7 – Addition of an hourly Cleaning fee to long and short term Housing Rentals.
- Page 8 – Removal of the Search Request fee for cemetery information and addition of explanatory descriptions for Niche Wall placements.
- Page 9 – Removal of both the Southern Cross Play Group and Southern Cross Occasional Care annual facility use fees.
- Page 14 – Inclusion of Annual Rental fees for the Council Owned shop front located at 11 Antares Street.

Statutory Environment

Local Government Act 1995 –

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

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 however the adopted Schedule of Fees & Charges will influence the level of 2020/2021 Budgeted income.

Officer Recommendation and Council Decision

64/2020

Moved Cr Nolan/Seconded Cr Guerini

That Council adopts the 2020/2021 Schedule of Fees and Charges as presented.

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2020/21 Rates in the Dollar and Rates Instalment Interest & Charges

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To consider the level of rates in the dollar, instalment interest & administration fees and penalty interest to be applied in 2020/21 financial year.

Background

As part of the April 2020 Briefing Session, Councils direction was sought in regard to the implementation of a zero percent increase rating strategy and the potential for zero interest and administrative fees being charged when a ratepayer elects to pay by instalments in the 2020/2021 financial year.

Comment

On the 8th of May, the Minister issued his first order under the *Local Government Amendment (COV/0-19 Response) Act 2020*. This order included several significant concessions relating to the implementation of Differential Rates for the forthcoming year, however these concessions are contingent on Council having a Hardship Policy in place and having resolved to impose the same rates in the dollar as in the 2019/2020 financial year, i.e. a NIL rate in the dollar increase. Council adopted a COVID-19 hardship policy at their April 2020 meeting.

Additionally, the order contained reductions relating to Instalment Interest (from 5.5% to 3% if Council does not have a Hardship Policy) and the maximum Penalty Interest rate has been reduced from 11% to 8%. Council has previously indicated that it is agreeable to imposing a 0% Rate instalment interest rate and a \$0 Rate instalment administration fee.

Statutory Environment

Local Government Amendment (COV10-19 Response) Act 2020

Ministerial Order (in part).

Clause 9: Section 6.33 modified - Differential general rates

Local governments that resolve to freeze their rates in the dollar at or below those imposed in 2019/20 recognising the economic impacts of the pandemic, are being

released from the requirement to obtain Ministerial approval if they obtained Ministerial approval under this section in that year. This reduces the regulatory burden on those local governments that are assisting ratepayers by not increasing the rate in the dollar.

Clause 12: Section 6.36 modified - Local government to give notice of certain rates

Local governments that resolve to set differential general rates and minimum payments at a level no higher than that imposed in 2019/20 will not have to comply with the provisions of section 6.36.

Local governments will be required to publish the differential general rates and minimum payments on their website within ten days of the resolution or of this notice coming into effect whichever is later.

Clause 13: Section 6.45 modified - Options for payment of rates or service charges

If a local government does not have in place a financial hardship policy, the interest rate that they can charge other ratepayers for payment by instalments will be capped at 3%.

Local governments that have a policy in place that addresses the manner in which the local government will deal with financial hardship that may be suffered by ratepayers and other persons who are required to make payments to the local government will be able to charge a maximum of 5.5%. This recognises that the local government will be able to distinguish those that are in hardship and make appropriate provisions regarding their payments.

Clause 14: Section 6.51 modified - Accrual of interest on overdue rates or service charges

The interest that can be charged on amounts owing by others will be capped at 8% - the interest rate used by the Australian Taxation Office on overdue amounts.

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 immediate financial implications as a result of this report however if adopted will influence the level of 2020/2021 Budgeted income.

Officer Recommendation

65/2020

Moved Cr Close/Seconded Cr Guerini

That Council request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;

- 1) Zero percent (0%) rate increase on all rates and minimums;***
- 2) No Instalment administration fees on all instalment options for 2020/2021;***
- 3) Zero percent (0%) instalment interest on all instalment options for 2020/2021;***
- 4) Eight percent (8%) penalty interest rate; and***
- 5) All other budget rates and requirements to be decided during budget deliberations.***

CARRIED BY ABSOLUTE MAJORITY (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 2019/2020 Plant Replacement Program – Quotation Request Purchase of a New Skid Steer Loader and Tender N° 11/2019-2020 Disposal of Caterpillar 226B Skid Steer Loader

File Reference	5.1.6.11 & 6.6.7.10 & 6.6.5.11
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Council's existing 2008 Caterpillar 226B Skid Steer Loader and to a purchase new replacement Skid Steer Loader

Background

In accordance with Council's 2019/2020 Plant Replacement Program, tenders were invited for the outright purchase of council's current 2008 Caterpillar 226B Skid Steer Loader.

Quotation request were also invited for the replacement of the 2008 Caterpillar 226B Skid Steer Loader. Companies quoting for a replacement vehicle were also invited to offer a monetary trade value amount for councils current Caterpillar 226B Skid Steer Loader

When the Caterpillar 226B Skid Steer Loader was purchased in 2008 a range of caterpillar badged tool attachments was also purchased, i.e. broom, bitumen planer, post hole auger and trencher. It is Council's intention to retain this equipment and use on the replacement vehicle, therefore the replacement vehicle must be must be compatible to these attachments. This was specified in the specification document for the replacement Skid Steer Loader.

In 2010 a trailer was also purchased for the purpose of transporting the skid steer loader to and from worksites when required.

The Caterpillar 226B Skid Steer Loader offered for trade or outright purchase is currently being utilised in Council's parks and gardens, road maintenance and construction crews to assist with work activities carried out on worksites i.e. trenching, culvert installation, street sweeping, signage installation and bitumen repair works.

Comment

In accordance to Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 11/2019-2020 for the outright sale of council's 2008 Caterpillar 226B Skid Steer Loader was advertised for a period of not less

than fourteen days in the Kalgoorlie Miner with the closing date been 5th May 2020. It was also advertised in the local Crosswords.

Three quotes for the trade of councils current Caterpillar 226B Skid Steer Loader and for the purchase of a replacement Skid Steer Loader were also obtained in accordance to Council's Finance Policy 3.5 Purchasing and Tendering. The quotes were sourced from Clark Equipment, Westrac and McIntosh and Son.

Council received several enquiries for the outright purchase of 2008 Caterpillar 226B Skid Steer Loader, with only one formal response being received this was from Smith Broughton:

Smith Broughton	\$12,000 (<i>GST inclusive</i>)
------------------------	-----------------------------------

The following quotes were received for the trade of Council's current 2008 Caterpillar 226B Skid Steer Loader and for a replacement Skid Steer Loader *GST inclusive*:

Westrac

2020 Caterpillar 262D3 Skid Steer Loader	\$103,652.00
Less trade-in 2008 Caterpillar 226B Skid Steer Loader	\$ 12,650.00
Net change-over	\$ 90,992.00

The Caterpillar 262D3 Skid Steer Loader quoted on by Westrac is compatible to councils existing tool attachments. Width measurements of this vehicle indicate that it will fit on councils existing trailer utilised for transporting.

Clark Equipment

2020 Bobcat S590 Skid Steer Loader	\$84,260.00
Less trade-in 2008 Caterpillar 226B Skid Steer Loader	\$16,500.00
Net change-over	\$67,760.00

Comments received from Clark Equipment has indicated that there is some uncertainty that councils existing tool attachments will be compatible to the Bobcat S590 Skid Steer Loader they have quoted on.

Upgrades to the hydraulics on council's existing caterpillar "badged" attachments (broom, auger, post hole digger and trencher), along with changes to the electronic system on the caterpillar bitumen planer are required to bring this in line with the Bobcat S590 Skid Steer Loader.

Specification for the new skid steer loader stated that the replacement vehicle must be compatible to councils existing tool attachments. It has also been indicated that the hydraulic flow rate of Bobcat S590 is too low to drive a bitumen planer.

MacIntosh and Son

2020 Case SR250 Skid Steer Loader	\$97,350.00
Less trade-in 2008 Caterpillar 226B Skid Steer Loader	\$17,600.00
Net change-over	\$79,750.00

MacIntosh has advised that the Case SR250 is compatible to council's caterpillar badge tool attachments (broom, auger, post hole digger and trencher), but there is some uncertainty with the bitumen planer attachment relating to the joystick controls. There is one other issue with the Case Skid Steer loader as it is too wide for the trailer that is utilised to transport Councils existing skid steer loader around. Council purchased this trailer in 2010 at a cost of \$13,000. If council was to purchase the Case Skid Steer Loader then a new trailer will have to be purchased at council's cost.

It is proposed to recommend to council that although there is \$11,300 difference between the Caterpillar 262D3 Skid Steer Loader and Case SR250 Skid Steer Loader (with Case being the cheapest), that due to the uncertainty as to whether council's existing Skid Steer Loader bitumen planer tool attachment will be compatible to Case SR250 and along with the issue of this vehicle being too wide to fit on Council's trailer, that Council accept the quote submitted by Westrac.

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Council's Ten Year, Plant Replacement Program

Policy Implications

Finance Policy 3.5 Purchasing and Tendering - 1.4 Purchasing Thresholds and Practices

Financial Implications

A monetary allocation of \$115,000 (GST inclusive) has been allowed for the purchase of a new Skid Steer Loader in Council's 2019-2020 Financial Year Budget

Officer Recommendation and Council Decision

66/2020

Moved Cr Close/Seconded Cr Guerini

That Council accepts the quote submitted by Westrac for the 2020 Caterpillar 262D3 Skid Steer Loader for quoted purchase cost \$103,652.00 (GST Inclusive) and trade Council's existing 2008 Caterpillar 226B Skid Steer Loader for the quoted trade price of \$12,650.00 (GST inclusive), resulting in a change-over cost of \$90,992.00 (GST inclusive).

CARRIED (7/0)

Cr Nolan declared a Financial Interest in Agenda Item 9.4.1 pursuant to Section 5.60A of the Local Government Act 1995 and signed the appropriate declaration relating to a Clearing Permit Application - Richard Read Associates Pty Ltd and Highscore Pty Ltd.

Cr Nolan advised his Interest was that he was the Owner/Director of Highscore Pty Ltd.

Cr Nolan vacated the Chamber at 4.35pm.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Clearing Permit – Richard Read Associates Pty Ltd & Highscore Pty Ltd

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

Purpose of Report

To forward and ratify comments to the Department of Mines, Industry Regulation and Safety, regarding the issuing of a clearing permit for 36 hectares for mining purposes south of Marvel Loch.

Background

The proponents Richard Read and Associates Pty Ltd & Highscore Pty Ltd wish to clear land that is within the confines of the mining tenement as depicted in the Natmap attachment.

The correspondence from the Department of Mines, Industry Regulation and Safety (DMIRS), is inviting comment from the Shire pursuant to Section 51E(4) of the *Environmental Protection Act 1986*. The proposed clearing is located on Mining Leases 77/581, 77/1246 and 77/1250.

As stated in the correspondence, the General Manager of Environmental Compliance, Resource and Environmental Compliance Division will either grant a clearing permit including any conditions or refuse to grant a permit. This decision will be made after taking into account any comments received from those determined by DMIRS.

Comment

DMIRS has not provided any accompanying information indicating there are issues with threatened ecological species. It is the EMRS opinion, Council should advise DMIRS, there are no objections from the Shire of Yilgarn to the issuing of the 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 and Council Decision

67/2020

Moved Cr Close/Seconded Cr Guerini

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

The Shire of Yilgarn has no objections to the issuing of clearing permit CPS 8867/1 to Richard Read and Associates Pty Ltd & Highscore Pty Ltd for Mining Leases 77/581, 77/1246 and 77/1250.

CARRIED (6/0)

Cr Nolan re-joined the meeting at 4.37pm



Shire of Yilgarn
PO Box 86
SOUTHERN CROSS WA 6426
ceo@yilgarn.wa.gov.au

Dear Sir

Application to Clear Native Vegetation under the *Environmental Protection Act 1986*

The Department of Mines, Industry, Regulation and Safety has received the following application for permit to clear native vegetation under the *Environmental Protection Act 1986* (the Act):

Applicant Name:	Richard Read and Associates Pty Ltd & Highscore Pty Ltd
Permit Type:	Purpose Permit
Tenement:	Mineral Leases 77/581, 77/1246, 77/1250, Miscellaneous Licence 77/226
Purpose:	Mineral Leases 77/581, 77/1246, 77/1250, Miscellaneous Licence 77/226
Area (ha):	36 ha
Shire:	Shire of Yilgarn
Clearing Permit System (CPS) No:	8867/1

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 a clearing permit (including any specified conditions) or refuse to grant a permit.

Enclosed are maps indicating the area proposed to clear. Please forward your submission to the above address within 21 days from **Monday, 04 May 2020**, quoting CPS 8867/1.

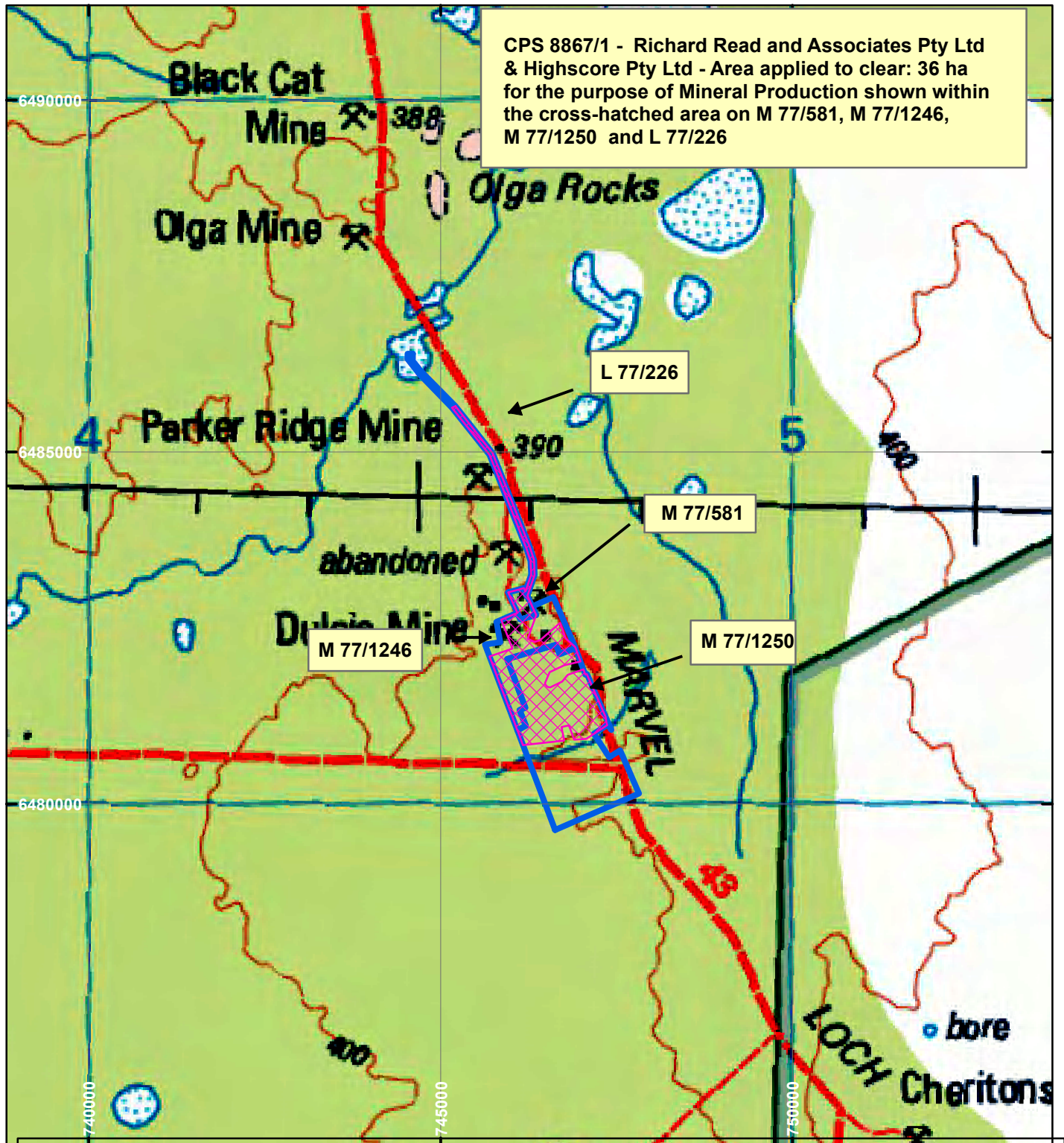
If you have any queries regarding this matter, please contact Stephanie Lea in the Department's Resource and Environmental Division at the address above, for further information.

Yours sincerely

Daniel Endacott

Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

01/05/2020



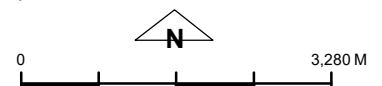
LEGEND



Clearing Instruments



Mining Tenements



Scale 1:80,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

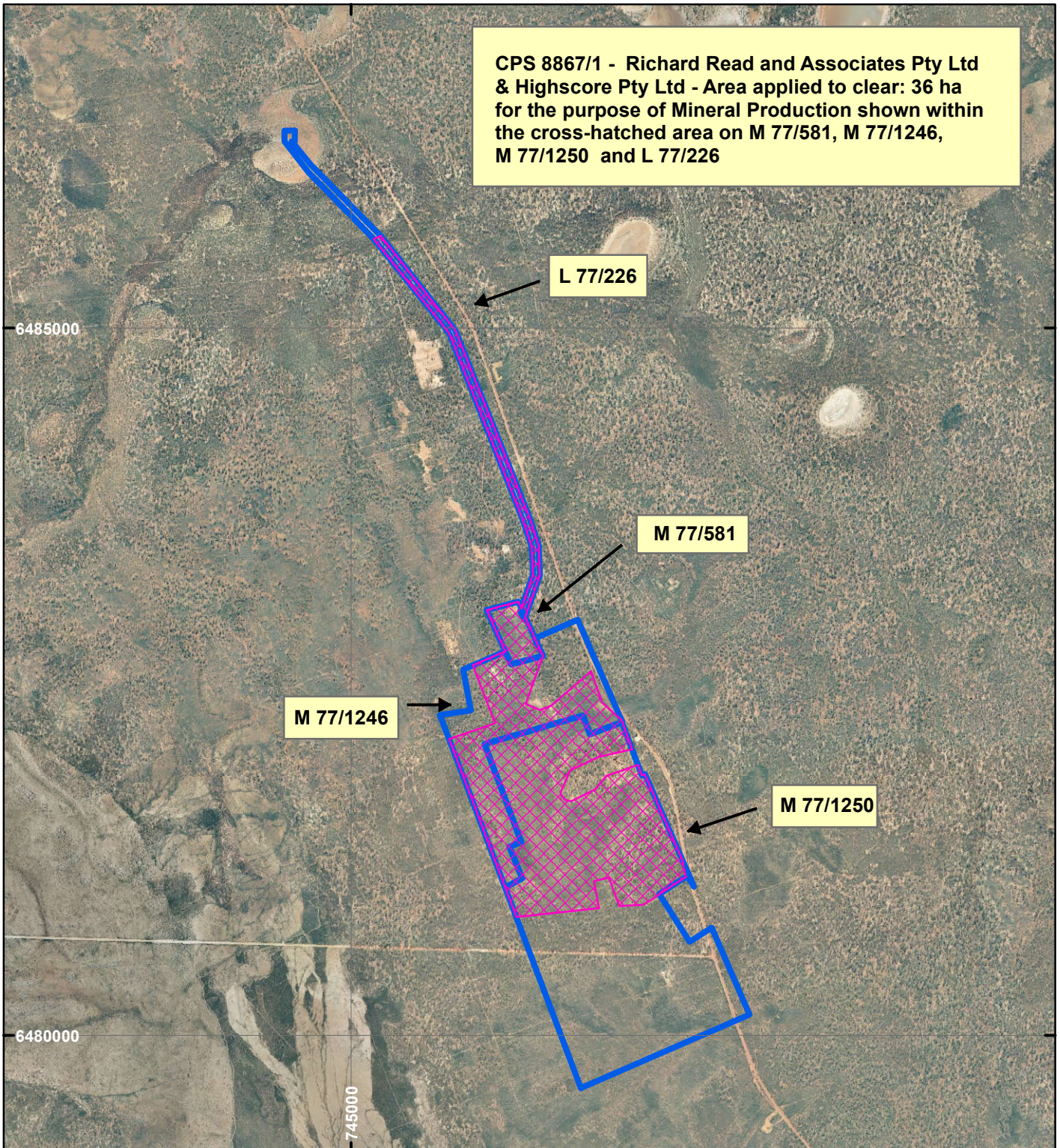
..... Date

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

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



WA Crown Copyright 2002



LEGEND

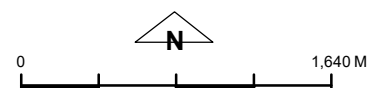


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:40,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

..... Date

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

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



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10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

CONFIDENTIAL ITEM

INTO COMMITTEE

68/2020

Moved Cr Guerini/Seconded Cr Shaw

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

CARRIED (7/0)

Mrs Kay Crafter left the meeting at 4.40pm

13.1 Officers Report – Chief Executive Officer

13.1 Proposal to Acquire Land – 25 Procyon Street, Southern Cross

File Reference	2.4.1.11
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Valuation Report

OUT OF COMMITTEE

69/2020

Moved Cr Nolan/Seconded Cr Shaw

That the meeting be reopened to members of the public

CARRIED (7/0)

13.1 Officers Report – Chief Executive Officer

13.1 Proposal to Acquire Land – 25 Procyon Street, Southern Cross

File Reference	2.4.1.11
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Valuation Report

Officer Recommendation and Council Decision

70/2020

Moved Cr Rose/Seconded Cr Guerini

That Council makes a formal offer to Ramelius Resources for the purchase of 25 (Lot 956) Procyon Street, Southern Cross at the Valuation price of \$70,000 for the land and improvements on the above property in order that Council can incorporate the land within the Shire of Yilgarn's Depot operations.

CARRIED BY ABSOLUTE MAJORITY (7/0)

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.45pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 21 May 2020, are confirmed on Thursday, 18 June 2020 as a true and correct record of the May Ordinary Meeting of Council.

Wayne Della Bosca
SHIRE PRESIDENT