



"good country for hardy people"

Minutes

Ordinary Meeting of Council

15 October

2020

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm and indicated that it was a pleasure for Council to be conducting its October Ordinary Meeting at Mt. Hampton and welcomed Mt. Hampton community members in attendance.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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 G Hindmarsh L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Regulatory Services Minute Taker
Apologies:	R Bosenberg	Executive Manager Infrastructure
Observers:	Mrs. Kay Crafter, Mr. Ron Burro, Mr. Tim Pope, Mrs. Jo Pope, Mrs. Val Brennand, Mr. Mark Brennand, Mr. Steve Rose, Mr. George Irving, Mrs. Sonia Irving, Mr. Andrew Zweck, Mrs. Melissa Zweck,	
Leave of Absence:	Nil	

* Mr. Bruce Harvey, Mrs. Juliette Harvey, Mrs. Amanda Eiffler, Mrs. Peta Oetiker, Mrs. Lara Kent and Mrs. Robyn Steel arrived at 4.05pm

4. DECLARATION OF INTEREST

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Shire President advised that the following question was taken on notice at the Ordinary Meeting of Council of 17 September 2020.

Mrs. Truran was provided with a written response from the CEO on the 18 September 2020. The response from the Shire is recorded accordingly:

Question *Is Council aware of the spread of the gazania plant/flower? Although the flower is attractive, and many tourists stop to admire and take photos, it is invasive and the concern is that it is spreading towards the Polaris lake system and farms on the outskirts of town.*

Response *You are correct that the flowers of the Gazania plant do provide quite a spectacular display and that tourists are quite often seen parking on Antares Street taking pictures. Whilst the plant has taken hold in the areas you identified, Council does believe that the plant can be controlled by appropriate chemical spray applications. Should the plant become too invasive, you can be assured that action will be taken by Council and farmers to eradicate the plant.*

5.1 PUBLIC QUESTION TIME

The Shire President invited questions from community members in attendance:-

Mr. George Irving posed the following question:

Question: *Having noted the extension of the bitumen on the Bodallin South Road, are there any plans to extend it further as there are still areas of issue on the road.*

Response: *The Chief Executive Officer responded that the upgrade of the road was funded through Commodity Route Funding, which the Shire of Yilgarn will apply for again with the intention to extend the bitumen section.*

Mr. Tim Pope attended public question time and posed the following question:

Question: *Have there been any further developments in relation to the demolition of the old Mt Hampton School?*

Response: *The Chief Executive Officer responded that the Department's for Planning, Lands and Heritage (DPLH) and Education are the responsible Authorities for the demolition of the building but they have not progressed any further with this work.*

The Executive Manager Regulatory Services indicated that he had met with representatives from the DPLH and is trying to progress the work but ultimately the building and land is not Shire owned nor controlled.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 17 September 2020

150/2020

Moved Cr Nolan/Seconded Cr Guerini

That the minutes from the Ordinary Council Meeting held on 17 September 2020 be confirmed as a true record of proceedings subject to the following change:-

Council Decision for Item 9.3.2 - Minute number 145/2020 point (2) should read:-

"That Councils accepts the tender from Yutong Bus Centre WA & WA Hino for the outright purchase cost of \$44,850 (GST inclusive) for councils current 2015 Isuzu 4x4 personnel carrier (GST inclusive)."

Note

A typographical error was discovered when the Executive Manager Infrastructure was dealing with the Tenders following the Council meeting. The error revealed was that the outright purchase should have read \$44,850 (GST inclusive) as opposed to \$48,850 (GST inclusive). This error in no way adversely affected the Tender process as the same recommendation to accept the Tender from Yutong Bus Centre WA and WA Hino would have been presented to Council.

CARRIED (7/0)

6.2 Bush Fire Advisory Committee meeting (BFAC), Thursday 8 October 2020 (Minutes to be distributed prior to the meeting)

Recommendation

That the minutes from the BFAC meeting held on the 8 October 2020 be received.

** Minutes not presented due to them not being prepared in time for Council and will be presented at the November 2020 Ordinary Meeting.*

6.3 Shire of Yilgarn Tourism Committee meeting, Tuesday 13 October 2020 (Minutes to be distributed prior to the meeting)

Recommendation

That the minutes from the Shire of Yilgarn Tourism meeting held on the 13 October 2020 be received.

** Minutes not presented due to them not being prepared in time for Council and will be presented at the November 2020 Ordinary Meeting.*

- 6.4 Wheatbelt East Regional Organisation of Councils (WEROC) Special General meeting, Thursday 1 October 2020-(Minutes Attached)

151/2020

Moved Cr Shaw/Seconded Cr Rose

That the minutes from the WEROC meetings held on 1 October 2020 be received.

CARRIED (7/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr Ron Burro, Chief Bush Fire Control Officer presented to Council regarding the Bush Fire Brigade.

Mr Burro raised the issue of West Rail's fire breaks, every year West Rail is in breach of the Bushfires Act 1954 - Requirements to Clear Firebreaks. Fines have been issued to West Rail regarding non-compliance in the past but Mr Burro feels that with the fine being so low it has no effect and requested that Council look into this issue to find a solution to the non-compliance.

Mr Burro also raised the issue of camping and lighting of fires in Prohibited Burning times. It is noted that under the Act, fires can be lit unless it is a total fire ban or in "catastrophic", "extreme", "severe" or "very high" risk weather conditions. Mr Burro regards this as a serious issue that needs to be tackled with solutions that could include providing a place for a fire to be lit and contained (fire rings) with the exception being in very high risk weather conditions or regulate under the Bushfire Act 1954 to stop fire lighting in prohibited times completely within the Shire of Yilgarn.

Mr Burro thanked Council for their time.

The President thanked Mr Burro for the presentation and handed over to the CEO for comment.

The CEO responded to Mr Burro, suggesting that as the Fire Break Notice for 2020/2021 has already been issued this year, prior to next year's Fire Break Notice being prepared, the above-mentioned problems be investigated by Councils Executive staff and the Bush Fire Advisory Committee in order to effect change where permitted. It was also noted that at the recent meeting of the Bush Fire Advisory Committee meeting the majority of committee members did no support fire rings being installed and the lighting of camp fires during the Prohibited burning periods should be banned.

* Mr. James Steel, Mrs Linda Warren and Brodie Eiffler arrived at 4.25pm

8. DELEGATES' REPORTS

Cr Della Bosca announced the following:

- Attended the WA Local Government Association Political Forum and AGM on 25 September 2020
- Attended the Wheatbelt East Regional Organisation of Councils Special meeting on the 1 October 2020
- Attended the Bush Fire Advisory Committee meeting on the 8 November 2020
- Attended the Wheatbelt North East Sub Regional Road Group meeting on the 2 October 2020

Cr Close announced the following:

- Attended the WA Local Government Association Political Forum and AGM on 25 September 2020
- Attended the Mt. Walton Intractable Waste Disposal Facility Community Liaison Committee meeting on the 1 October 2020
- Attended the Wheatbelt North East Sub Regional Road Group meeting on the 2 October 2020

Cr Guerini announced the following:

- Eastern Wheatbelt Biosecurity Group Annual General Meeting on the 1 October 2020
- Attended the Bush Fire Advisory Committee meeting on the 8 November 2020

Cr Rose announced the following:

- Attended the Yilgarn History Museum Advisory Committee meeting on the 2 September 2020
- Attended the Shire of Yilgarn's Tourism Advisory Committee Meeting on the 2 September 2020
- Attended the Local Action Group Meeting on the 16 September 2020
- Attended the Bush Fire Advisory Committee meeting on the 8 November 2020
- Attended the Shire of Yilgarn's Tourism Advisory Committee Meeting on the 13 October 2020

Cr Nolan announced the following:

- Attended the Mt. Walton Intractable Waste Disposal Facility Community Liaison Committee meeting on the 1 October 2020

Cr Cobden announced the following:

- Attended the Yilgarn Community Support Group meeting on the 6 October 2020
- Attended the Shire of Yilgarn's Tourism Advisory Committee Meeting on the 13 October 2020
- Attended the District Health Advisory Committee Meeting

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Mr John Hall – Proposal to Purchase Council Residence

File Reference	10.4.1.13
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To submit to Council for consideration, the proposal by Mr John Hall to purchase the Council residence at 80 Spica Street, Southern Cross.

Background

Mr Hall has written to Council to advise that he is interested in purchasing Council's residence at 80 Spica Street, Southern Cross.

Mr Hall advises that he has resided in the residence for in excess of 20 years and that as he is starting to plan for a future beyond his current profession, the house would complement his future planning.

Comment

In discussions with the CEO regarding the above proposal, Mr Hall was informed that Council was required to undertake certain requirements of the *Local Government Act 1995* in relation to the disposal of its assets which is listed in the Statutory Environment requirements below.

Whilst Council had allocated 80 Spica Street to Mr Hall as an incentive in attracting/retaining a Pharmacist in Southern Cross, it is considered that the residence would not have such an attraction to a new Pharmacist at it is rather outdated. The Southern Cross townsite boasts a number of more modern type homes for rent and it is considered that rental assistance could be offered as an incentive to a new Pharmacist rather than a designated Council residence.

Statutory Environment

3.58. Disposing of property

- (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Strategic Implications

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

Policy Implications

Nil

Financial Implications

Dependent upon the sale price, funds will be deposited into Council's Municipal Funds.

Officer Recommendation and Council Decision

152/2020

Moved Cr Close/Seconded Cr Nolan

That Council authorises the CEO to undertake the following in respect to the proposed disposition of 80 Spica Street, Southern Cross:-

- 1. engage a qualified Valuer to provide a valuation on the above property in accordance with Section 3.58(4)(c)(i) of the Local Government Act;***
- 2. upon receipt of the Valuation commence negotiations with Mr Hall for a fair purchase price in accordance with the valuation provided; and***
- 3. give local public notice of the proposed disposition of the property in accordance with Section 3.58(3)(a) and (b) of the Act.***

CARRIED (7/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Parkers Range Road – Proposed Deviation

File Reference	3.2.1.29
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	

Purpose of Report

To inform Council of the actions taken by staff in relation to the proposed deviation of Parkers Range Road to accommodate Yilgarn Iron Pty Ltd's (YIPL) (Mineral Resources Ltd) Parkers Range Iron Ore Project.

Background

The proposed deviation around the above mine site has been endorsed by Council on two previous occasions, once in 2010 when Council was dealing with Cazaly Resources regarding the potential for the mine to commence operations, and secondly in 2019 when YIPL/MRL took possession of the Tenement and re-commenced negotiations with Council regarding ore haulage routes etc., associated with the mining operations.

The purpose of the Parkers Range Road deviation was to by-pass the mining operations which will dissect the existing Parkers Range Road.

Comment

In August 2020 the CEO informed affected Tenement Holders, that the proposed deviation would traverse their tenement holdings, and that YIPL/MRL would be commencing works on the proposed deviation. One of the Tenement Holders immediately contacted the CEO to advise that they objected to the proposal and that there had been a lack of consultation from both the Shire of Yilgarn and YIPL/MRL in regards to same.

Based on the above objection, both YIPL/MRL and the Shire of Yilgarn sought legal advice, with Council's lawyers informing the CEO that the Shire of Yilgarn had failed to provide adequate notice to the affected Tenement Holders in accordance with Section 3.51 of the *Local Government Act 1995*.

Based on the above legal advice, the CEO informed YIPL/MRL to halt works on the deviation outside of their own Tenement area and re-issued the notice to the Tenement Holders advising that a 21-day submission period would be afforded to them in accordance with the *Act* with submissions closing with the Shire of Yilgarn on Monday, 12 October 2020.

A proposed plan of the deviation was supplied to the Tenement Holders and the matter was also advertised by way of public notice in the *Kalgoorlie Miner Newspaper*, local *Crosswords* Newsletter and Council's webpage and Notice Boards.

As the Submission period closes after the distribution of the Agenda document to Councillors, the CEO will be providing a Late Report as an addendum to this report detailing any submissions received for consideration by Council.

Statutory Environment

3.51. Affected owners to be notified of certain proposals

- (1) In this section —
person having an interest, in relation to doing anything, means a person who —
 - (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
 - (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
 - (c) is prescribed for the purposes of this section.
- (2) This section applies to —
 - (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.
- (3) Before doing anything to which this section applies, a local government is to —
 - (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
 - (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (4) The notice is to be given —
 - (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives – Continue to maintain and upgrade our road network.

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

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

For Councillors information and consideration upon receipt of an addendum Late Report detailing any submissions received.

ADDENDUM TO ITEM 9.1.2

9.1 Officers Report – Chief Executive Officer

9.1.2 Parkers Range Road – Proposed Deviation

File Reference	3.2.1.29
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> Mineral Resources Ltd Datum Peg Mining Title Solutions

Purpose of Report

To inform Council of the actions taken by staff in relation to the proposed deviation of Parkers Range Road to accommodate Yilgarn Iron Pty Ltd's (YIPL) (Mineral Resources Ltd) Parkers Range Iron Ore Project and to consider submissions received in relation to the proposed deviation.

Background

The proposed deviation around the above mine site has been endorsed by Council on two previous occasions, once in 2010 when Council was dealing with Cazaly Resources regarding the potential for the mine to commence operations, and secondly in 2019 when YIPL/MRL took possession of the Tenement and re-commenced negotiations with Council regarding ore haulage routes etc., associated with the mining operations.

The purpose of the Parkers Range Road deviation was to by-pass the mining operations which will dissect the existing Parkers Range Road.

In August 2020 the CEO informed affected Tenement Holders, that the proposed deviation would traverse their tenement holdings, and that YIPL/MRL would be commencing works on the proposed deviation. One of the Tenement Holders immediately contacted the CEO to advise that they objected to the proposal and that there had been a lack of consultation from both the Shire of Yilgarn and YIPL/MRL in regards to same.

Based on the above objection, both YIPL/MRL and the Shire of Yilgarn sought legal advice, with Council's lawyers informing the CEO that the Shire of Yilgarn had failed to provide adequate notice to the affected Tenement Holders in accordance with Section 3.51 of the *Local Government Act 1995*.

Based on the above legal advice, the CEO informed YIPL/MRL to halt works on the deviation outside of their own Tenement area and re-issued the notice to the Tenement Holders advising

that a 21-day submission period would be afforded to them in accordance with the *Act* with submissions closing with the Shire of Yilgarn on Monday, 12 October 2020.

A proposed plan of the deviation was supplied to the Tenement Holders and the matter was also advertised by way of public notice in the *Kalgoorlie Miner Newspaper*, local *Crosswords* Newsletter and Council's webpage and Notice Boards.

Submissions Received

At the close of the submission period on Monday, 12 October at 4.00pm, two (2) submissions were received in respect to the proposed deviation which are summarised below (the full content of the submissions are provided as an attachment to this Report):-

Mineral Resources Limited (MRL)

We refer to the notice from the Shire of Yilgarn (**Shire**) dated 21 September 2020 regarding works required to construct a deviation of the Parker Range Road to the north of the existing road alignment to accommodate Mineral Resources Limited's (**MRL**) Parker Range Iron Ore Project (**Project**).

This submission is in support of the proposed road deviation.

Background

The Project was acquired by MRL from Cazaly Iron Pty Ltd (**Cazaly**) in August 2019. MRL is developing the Project on the following mining tenements, comprising 2297 ha within the Southern Cross greenstone belt in the Shire of Yilgarn:

- M77/741
- M77/742
- M77/764
- P77/4162
- E77/2601
- L77/220

The Yilgarn iron ore province has a history of large-scale iron ore production, with the first iron ore exported from Western Australia coming from the Koolyanobbing deposit in the Yilgarn during the mid-1960's. The Project will be developed as a satellite operation to MRL's Koolyanobbing Iron Ore Project, currently the only iron ore operation in the Yilgarn region (see map at Annexure A). MRL is proposing to increase its Koolyanobbing export volume in FY 2021 from 12 to 12.7 MT.

The focus of the Project is a 4 km strike length identified on Mt Caudan. The Mt Caudan deposit contains an estimated 15 million tonnes of iron ore with an expected mine life of 4-6 years at a production rate of 3-5MT per annum. Mining is scheduled to commence in 2021.

Parker Range Road deviation

The existing Parker Range Road crosses through the proposed area of disturbance for the Project (see map at Annexure B). The Project is significantly dependent on deviating the public road around this development area.

In 2010, Cazaly received consent from the Shire (attached at Annexure C) to construct a dedicated mine bypass road diverting Parker Range Road to the north of the Project (**Deviation Road**) on the route shown in green on the map at Annexure B. The route for the diversion provides a direct path around the proposed minesite area and ensures minimum impact on environmental factors including geographical features and surface water flows.

The Project, including the Deviation Road, was formally assessed by the Environmental Protection Authority (**EPA**) as a Public Environmental Review due to its location in an area comprising a high level of biological diversity. The EPA approved the proposal for the Project and the Deviation Road in 2012 under Ministerial Statement 892. Subsequently, the EPA issued Ministerial Statement 1060 to extend the time limit of the authorisation. The EPA approval was given subject to conditions that ensure no adverse impact on key environmental factors.

Given the significant assessments and approvals already secured for the Deviation Road, and with confidence that the route selected by Cazaly was logical and fit for purpose, MRL has continued planning for the Parker Range Road diversion on this route.

Stakeholder engagement

MRL has engaged extensively with stakeholders on the Project, including Local and State Government bodies, and third parties holding mining tenements in the area of the Project. MRL understands that the Deviation Road does not impact on any current proven resources of a commercial nature in existing mining tenements.

MRL applications for miscellaneous licences L77/315 and L77/316 were lodged on 19 November 2019 for the portion of the Deviation Road outside of existing MRL tenements (refer to Annexure D). An objection to application L77/315 was received from Vernon Wesley Strange (**Mr Strange**) on the basis of his existing tenements E77/2584, P77/4414 and P77/4415. An objection to application L77/316 was received from Aurenne Parker Range Pty Ltd (**Aurenne**) on the basis of their existing tenement M77/762.

MRL understands that the Shire has received verbal notice of concern for the Deviation Road from Mr Strange. In the period after 15 November 2019, MRL has engaged substantively with Mr Strange in relation to any potential impact of MRL's miscellaneous licences on mineralisation the subject of his tenements. After a number of meetings, conversations and attempts to negotiate an access agreement with Mr Strange, MRL has yet to receive a substantive response to the latest draft agreement provided in June 2020.

As far as MRL is aware, there are no high or medium gold or other mineral anomalies on Mr Strange's tenements and affected by the Deviation Road. MRL understands that Xantippe Resources Ltd (**Xantippe**) signed a binding agreement for the acquisition of a number of Mr Strange's mining tenements south east of Southern Cross in late 2019. According to publicly available information, Xantippe is actively exploring for gold at its Southern Cross project, however does not appear to have plans to drill on E77/2584, P77/4414 and P77/4415 in the area of the overlap with the Deviation Road at this time.

The attached map extracted from Xantippe's ASX announcement dated 23 September 2020 (full announcement attached at Annexure E) shows the location of Xantippe's current targets in the area of the Project with the location of the Deviation Road through Mr Strange's tenements marked by MRL.

Aurenne has not flagged any key concerns to MRL on the proposed route to date.

Benefits to the Region & State of the Project

MRL has demonstrated and continues to demonstrate its commitment to providing a long term, high-value iron ore export business in the southern part of Western Australia. This is made possible through MRL's existing operational footprint, industry know-how and innovative approach to mine development.

The Project will bring significant direct employment to the Yilgarn region across the mine and related infrastructure, as well as indirect employment for people whose goods and services support MRL's operations in the Yilgarn and shipping out through Esperance Port. Key benefits for the State of Western Australia and community through development of the Project include:

- Creation of approximately 100 construction jobs and 100 operational jobs, with a preference to employ local community workers.
- Extensive commercial benefits to Shire of Yilgarn and local businesses situated within close proximity to Marvel Loch and Southern Cross.
- Significant State royalties on export sales over the proposed life of mine.
- Investment to enhance Local Government and State infrastructure inclusive of roads, rail and port.
- Community participation and support programs within the Shire of Yilgarn.

Conclusion

As noted above, the Project will bring significant benefits to the State, with a positive contribution to the economy, and meaningful plans to integrate the Project into the local community.

However, if the Parker Range Road is not able to be diverted around the Project area, the consequence to the Project will be a reduced mine life, affecting the economic viability of the

Project. Construction of the Deviation Road is critical to the Project's success. MRL understands that submissions will be considered by Council at its Ordinary meeting to be held on 15 October 2020. We would be happy to attend to provide further details of the Project as required.

Datum Peg Mining Title Solutions on behalf of Mr Vern Strange

Background

Some years ago, Cazaly investigated a proposal to deviate the Parker Range Road (PRR). This deviation was notated on relevant mining databases and mapping software so that parties interested in the region were put on notice. This notation was removed from the system some time ago.

Currently there are no similar notations giving notice to interested parties that there may be some encumbrance on the relevant land that will be affected by any deviation of the PRR. Vern Strange is an interested party, as is Xantippe Resources Limited. They are in agreement to explore a number of tenements which are located in the location through which MRL seeks to deviate the PRR.

MRL has applied for a number of mining tenements (for road purposes) in the area, which serves as a notification of sorts. Under the Mining Act, companies with competing tenement rights negotiate access and priority is determined by a "1st in time" principle. In the circumstances surrounding MRL's applications for L77/305, L77/306 and L77/315 (see screen shot below), MRL is a 2nd in time applicant, with the Strange mining tenements holding a 1st priority to rights – which include rights or removal and relocation should the interests of the 2 parties collide in a manner in which they cannot co-exist.

Consultation

MRL and Strange were in consultation in relation to L77/305 (which is applied for over the current PRR). Despite Strange attempting to confer with MRL about L77/306 and L77/315 (because it became obvious there was some plan for 1 or both of these), MRL refused and continually refused to discuss those 2 applications. It is now evident as to why. MRL, understanding that, under the Mining Act processes, it would be held to a 2nd in time priority in relation to its applications, is now attempting to use the Shire and the Government Departments to approve the road – which puts Strange at a detriment in relation to priority and access to his lands.

Consider:

1. If Strange's tenement is affected by MRL's road, and Strange locates an ore body and requires the road be moved, MRL will be required to move its road at MRL's expense;

2. However, if the road is a public road, and Strange locates an ore body and requires the road be moved, Strange is now put to the expense and burden of petitioning to remove / relocate the public road.

There is a solution, and that is that MRL is required to drill a sterilisation program in the area of its road prior to constructing any deviation. A sterilisation program will either determine that there is no economic resources in the vicinity and therefore no reason to object further to the placement of the road, or; it will identify an economic resources, in which case further investigations need to occur to determine the best place to locate the deviation of the PRR.

It is not Strange's fault that MRL are suddenly rushed into requiring access to this road for its operation. Strange has put 2 solutions to MRL so that MRL is able to resolve itself of the land contentions:

1. Strange has offered to sell the tenements to MRL;
2. Strange has informed MRL that it will require sterilisation drilling of the area of the road placement.

MRL has refused, and continues to refuse, both these solutions and continues to demand that its road placement is as it has applied for – now identified as L77/315.

Consultants engaged by Strange / Xantippe have identified that there are 3 target trends that run north-south through the intended road (see attached map), and has identified that these areas will need to be sterilise drilled so that MRL and Strange can be satisfied that an economic ore body is not being sterilised by placement of the PRR deviation. Comments from the consultants observe:

The Burbidge Group (massive sulphide-hosted gold – concordant sulphide lodes, discordant quartz veins, also lateritic resources/pyrrhotite, pyrite, magnetite, chalcopyrite, tellurides/carbonation) and Twisties Nob Au mineral occurrence, that are located to the NE of these tenements, appear to occur along a SW trending moderately to highly magnetic unit, which displays a boudinage-type pattern and that trends into P77/4415 and P77/4415 (Figure 2). There appears to be some semi-discrete magnetic anomaly highs located in the NE corner of P77/4415 and P77/4414, sitting along/proximal to the Burbidge trend and could represent pods of pyrrhotite/magnetite, or pods of ultramafic. Neither magnetic anomaly appear to have been drill tested.

This tenement package sits on a gravity gradient which represents the contact between more dense greenstone units and surrounding less dense granite. Gravity gradients are great regional target areas as these contracts likely represent strong thermal contrast zones between the hot and hydrous granite against the cool greenstone, forming upwell hydrothermal convection cells for gold mineralisation. These two tenements are in a similar location on the gravity gradient to Great Victoria, although the gradient at Great Victoria appears to be stronger.

It is evident that there is potential for mineralisation in the area of Strange's tenements. There is nothing in the Mining Act that provides a greater priority to MRL's operations than to another, and the industry practice of negotiating access agreements to acknowledge that priority and establish principles in the event the activities of competing parties collide is well established. Strange has invited MRL, on many occasions to commence negotiations in relation to the PRR deviation – but MRL refuse and only seek to discuss the current PRR location. To date, MRL's conduct evidences that it believes its operations ought be given a higher priority than all others. Recently, Strange was informed that construction was commencing on his tenements to the clearing of the PRR deviation. It was only when this was followed up with the Shire CEO, that the Shire became aware that MRL did **not** have the approvals and land holder consents that it had informed the Shire were in place. As a result, MRL's clearing operations were halted at the boundary of Strange's tenements.

In summary:

1. if the Shire supports this operation in its current form, it removes from Strange / Xantippe the priority they hold under the Mining Act and as a result, Strange and Xantippe will potentially be put to extraordinary costs and expenses that they normally would not suffer;
2. MRL has been offered 2 different solutions from Strange / Xantippe to resolve this issue:
 - a. Sterilise drill the area; or
 - b. Purchase the tenements.
3. MRL refuses both these solutions, and now seeks Shire support to circumvent the obligations which would normally be put on MRL under the application / objection processes of the Mining Act.

The Shire is at no detriment by delaying the PRR deviation until appropriate actions are taken as the PRR currently exists and is functional. It is MRL who is in a hurry and is pushing for this to occur to the detriment of all others and to the sole benefit of MRL. It would be travesty, and contrary to public interest, natural justice and procedural fairness, if MRL (just because of their impending timelines / restrictions) was able to bulldoze its way through priority ranking to interests in land. It is in this position because it refused to confer in relation to the deviation route for PRR (L77/315) and insisted that negotiations only focus on L77/305. If the Shire is minded to offer support to MRL in lieu of Strange's rights first being protected (or in some other way dealt with), then Strange and Xantippe first request that the Shire host a meeting so that Strange / Xantippe can appropriately air ventilate their objections. To avoid any doubt – Strange and Xantippe do **not** oppose the PRR deviation in principle, however; they first want to ensure that their rights are not being overlooked and denigrated.

Staff Comment

Both Submissions provide conflicting information relating to negotiations regarding the Parkers Range Road Deviation.

MRL's submission states the following:-

MRL understands that the Shire has received verbal notice of concern for the Deviation Road from Mr Strange. In the period after 15 November 2019, MRL has engaged substantively with Mr Strange in relation to any potential impact of MRL's miscellaneous licences on mineralisation the subject of his tenements. After a number of meetings, conversations and attempts to negotiate an access agreement with Mr Strange, MRL has yet to receive a substantive response to the latest draft agreement provided in June 2020.

Datum Peg Mining Title Solutions submission states the following:-

*Strange has invited MRL, on many occasions to commence negotiations in relation to the PRR deviation – but MRL refuse and only seek to discuss the current PRR location. To date, MRL's conduct evidences that it believes its operations ought be given a higher priority than all others. Recently, Strange was informed that construction was commencing on his tenements to the clearing of the PRR deviation. It was only when this was followed up with the Shire CEO, that the Shire became aware that MRL did **not** have the approvals and land holder consents that it had informed the Shire were in place. As a result, MRL's clearing operations were halted at the boundary of Strange's tenements*

For Councillors information, the following should be noted:-

- The proposed deviation submitted by MRL is that which was originally proposed by Cazaly Resources in 2010 and which was endorsed by Council of the day. Council further endorsed the deviation in July 2020.
- Mr Strange was granted P77/4414 and P77/4415 in August 2017, with these tenements due to expire in 2021, unless duly renewed by Mr Strange. Mr Strange indicates that there were no notations regarding planned deviations on relevant databases when P77/4414 and P77/4415 were acquired.
- Mr Strange is of the opinion that MRL is seeking the Shire of Yilgarn to circumvent the obligations which would normally be put on MRL under the application / objection processes of the Mining Act.
- MRL advises that it has engaged extensively with stakeholders on the Project, including Local and State Government bodies, and third parties holding mining tenements in the area of the Project. MRL understands that the Deviation Road does not impact on any current proven resources of a commercial nature in existing mining tenements.
- MRL indicates that according to publicly available information, Xantippe is actively exploring for gold at its Southern Cross project, however does not appear to have plans

to drill on E77/2584, P77/4414 and P77/4415 in the area of the overlap with the Deviation Road at this time.

- Datum Peg Mining Solutions advises that Consultants engaged by Strange / Xantippe have identified that there are 3 target trends that run north-south through the intended road (see attached map), and has identified that these areas will need to be sterilised drilled so that MRL and Strange can be satisfied that an economic ore body is not being sterilised by placement of the PRR deviation.
- If the Shire is minded to offer support to MRL in lieu of Strange's rights first being protected (or in some other way dealt with), then Strange and Xantippe first request that the Shire host a meeting so that Strange / Xantippe can appropriately air ventilate their objections. To avoid any doubt – Strange and Xantippe do **not** oppose the PRR deviation in principle, however; they first want to ensure that their rights are not being overlooked and denigrated.

Council has always endeavoured to work cooperatively with mining companies on proposed projects. The same has been the case on the Parkers Range Project with both Cazaly and MRL.

It is considered that MRL has not pressured Council in circumventing other processes of the *Mining Act* by taking action under Section 3.51 of the *Local Government Act*, as Council has openly discussed the Parkers Range Project at Ordinary Council meetings between 2009 and 2020. By taking the appropriate action under the *Local Government Act*, Council was merely trying to progress the project for the benefit of all concerned and in consideration that MRL has invested heavily into planning/development of the project to date.

Obviously, Mr Strange sees otherwise and has requested the opportunity for both he and Xantippe to meet with Council in order that they can further air their objections.

As both submissions are conflicting in their information regarding negotiations to date, it would seem appropriate that Council affords an opportunity for both Mr Strange/Xantippe Resources and MRL to further present to Council.

If Council is agreeable to the above suggestion, then it is suggested that a Special Meeting of Council be held and this be convened as soon as possible to avoid further delays.

Statutory Environment

3.51. Affected owners to be notified of certain proposals

- (1) In this section —

person having an interest, in relation to doing anything, means a person who —

- (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
- (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
- (c) is prescribed for the purposes of this section.

- (2) This section applies to —
 - (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.
- (3) Before doing anything to which this section applies, a local government is to —
 - (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
 - (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (4) The notice is to be given —
 - (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives – Continue to maintain and upgrade our road network.

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

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council:-

- 1. Acknowledges the submissions received from Mineral Resources Limited and Datum Peg Mining Titles Solutions on behalf of Mr Vern Strange in respect to the proposed Deviation of Parkers Range Road in accordance with Section 3.51 of the Local Government Act 1995;***
- 2. That prior to making a decision on the Parkers Range Road deviation proposal, Council affords the opportunity for Mr Strange/Xantippe Resources Ltd. And Mineral Resources Limited to present at a Special Meeting of Council to be held on Thursday, 22 October 2020 at 4.00pm; and***

3. *That following the above presentation, Council deliberates further at the Special Meeting to ensure that a decision is made to support or reject either of the submissions, which will in-turn enable either party to potentially re-negotiate their position or take alternative action that they deem appropriate.*

Council Decision

153/2020

Moved Cr Nolan/Seconded Cr Close

That Council:-

1. *Acknowledges the submissions received from Mineral Resources Limited and Datum Peg Mining Titles Solutions on behalf of Mr Vern Strange in respect to the proposed Deviation of Parkers Range Road in accordance with Section 3.51 of the Local Government Act 1995; and*
2. *That whilst Council endorses its previous resolutions in respect to the Mineral Resources Parkers Range Iron Ore Project, the parties disputing the terms of access to the Parkers Range Road deviation/easement should resolve their differences by application of the means available to them.*

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the opposing parties should recommence negotiations to achieve a suitable outcome rather than the Shire of Yilgarn being placed in a position whereby it is forced to determine the outcome.

In reference to “resolving their differences by application of the means available to them”, Council considers this to be by negotiation, or alternatively, through other legislation e.g., the *Mining Act*.

9.1 Officers Report – Chief Executive Officer

9.1.3 Appointment of Executive Manager Regulatory Services

File Reference	1.1.1.19
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the appointment of Mr Nic Warren as Executive Manager Regulatory Services.

Background

Following the resignation of Mr Grayson Hindmarsh as Executive Manager Regulatory Services, the CEO undertook a recruitment process for the above position in September 2020.

Comment

As indicated in the Council Briefing Session Agenda, 3 applicants were interviewed for the position. All 3 applicants had the required Environmental Health Officer qualifications.

Following the above process Mr Warren, has been appointed to the position based on a 3 year Contract of Employment.

In accordance with Section 5.37(2) of the *Local Government Act 1995*, and as the Executive Manager for Regulatory Services is a senior employee of the Shire of Yilgarn, Council is duly informed of this appointment.

Statutory Environment

Local Government Act 1995

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
- (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

154/2020

Moved Cr Cobden/Seconded Cr Shaw

That Council endorses the actions of the CEO in the appointment of Mr Nic Warren as Executive Manager Regulatory Services on a 3 year performance based Contract of Employment commencing on Monday, 16 November 2020. Council acknowledges the appointment in accordance with Section 5.37 of the Local Government Act 1995 as a senior employee of the Shire of Yilgarn.

CARRIED (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 September 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

155/2020

Moved Cr Nolan/Seconded Cr Rose

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

CARRIED (7/0)

*Brodie Eiffler left the meeting at 4.36pm

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40943 to 40951 totalling \$50,523.12, Municipal Fund-EFT Numbers 10468 to 10553 totalling \$1,080,368.04 Municipal Fund – Cheque Numbers 1655 to 1662 totalling \$173,317.09, Municipal Fund Direct Debit Numbers 15074.1 to 15074.11 totalling \$19,455.27, Municipal Fund Direct Debit Numbers 15102.1 to 15102.11 totalling \$19,629.55, Trust Fund – Cheque Numbers 6250 to 6253 (DPI Licensing), totalling \$43,719.50, Trust Fund - Cheque Numbers 402522 to 402542, totalling \$37,365.65 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 and Council Decision

156/2020

Moved Cr Close/Seconded Cr Shaw

Municipal Fund – Cheque Numbers 40943 to 40951 totalling \$50,523.12, Municipal Fund- EFT Numbers 10468 to 10553 totalling \$1,080,368.04 Municipal Fund – Cheque Numbers 1655 to 1662 totalling \$173,317.09, Municipal Fund Direct Debit Numbers 15074.1 to 15074.11 totalling \$19,455.27, Municipal Fund Direct Debit Numbers 15102.1 to 15102.11 totalling \$19,629.55, Trust Fund – Cheque Numbers 6250 to 6253 (DPI Licensing), totalling \$43,719.50, Trust Fund - Cheque Numbers 402522 to 402542, totalling \$37,365.65 are presented for endorsement as per the submitted list.

CARRIED (7/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write Off of Uncollectable Debt

File Reference	8.2.1.5
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Confidential Attachment - Bankruptcy Notice

Purpose of Report

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

Background

On the night of the 14th April 2018, the residence located at 70 Sirius Street, Southern Cross was destroyed by fire. The buildings cladding was primary made up of asbestos sheeting.

Councils then Executive Manager Regulatory Services made enquires with the owner of the property relating to the clean-up of the asbestos contamination on the site. At this time the owner of the property indicated that the property was not insured and that she did not have the financial capacity to pay for the clean-up and removal of the asbestos contaminants.

In consultation with the Executive Manager Corporate Services and in the interest of public health, the Executive Manager Regulatory Services engaged a suitably qualified professional to clean-up and remove the contamination at Councils expense with this cost subsequently being passed on to the owner in the expectation of reimbursement over time.

Comment

As the property owner made no effort to repay Council, the debt for the clean-up of the asbestos contamination was referred for collection action in October 2019.

As part of the collection process, it was discovered that the property owner was in the process of declaring bankruptcy and didn't have any real assets that were realisable. The land located at 70 Sirius Street, Southern Cross had been repossessed by her financial institution as a Mortgagee in Possession and as such was not available to Council in settlement of the debt.

On the 29th April 2020, Councils debt collection consultants notified staff that the Australian Financial Security Authority had issued a bankruptcy notice for the debtor and that, while Council was listed as an unsecured debtor, the debt was no longer actionable.

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

3.7 – Recovery of Fines and Costs from Sundry Debtors.

Financial Implications

Write off of \$9,680.00 in uncollectable Sundry Debtor revenue.

The 2020/2021 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which NIL has been utilised.

Officer Recommendation and Council Decision

157/2020

Moved Cr Nolan/Seconded Cr Guerini

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of the amount of \$9,680.00 on Sundry Debtor Invoice 11597.

CARRIED (7/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Mineral Resources – Temporary road closure section of Emu Fence Road and detour route utilising Parker Range Road, Cockatoo Tank Road and Bennett Road

File Reference	3.2.1.29 & 6.1.1.046
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Map depicting section of Emu Fence Road construction area and proposed detour route.

Purpose of Report

To consider a request from Mineral Resources CSI Mining Services for a temporary road closure of a section of Emu Fence Road and utilising sections of Parker Range, Cockatoo Tank and Bennett Roads as a detour route.

Background

Councillors would be aware the endorsed haulage route for Mineral Resources to haul iron ore from their Parker Range Mining project to their Koolyanobbing Mining operation is via Parker Range Road (*from Parker Range Mining project to Emu Fence Road intersection*) and Emu Fence Road (*from Parker Range intersection to Koolyanobbing Road*).

One of the conditions set out by Council for Mineral Resources to utilise this route as a haul road is that Mineral Resources must upgrade the Parker Range Road and Emu Fence Road to an eight-metre bitumen standard suitable to cater for RAV 7 rating that Mineral Resources intend to utilise for haulage of iron ore.

Works involved in upgrading the roads are culvert upgrades, lowering of crests, subgrade road pavement formation, gravel overlay and bituminising.

Comment

Located on the Emu Fence Road between Parker Range Road to Bennett Road are four crest's that require lowering significantly to achieve the correct gradient for RAV 7 vehicles.

As some of these crests require drilling and blasting and shifting of rubble/dirt by dozers and excavators, Mineral Resources CSI Mining Services have requested to temporary close a 6.9-kilometre section of Emu Fence Road from Parker Range intersection to Emu Fence/Bennett Road intersection while this work is been carried out.

Due to rocky outcrop and clearing restriction detour opportunities are restricted at these roadwork locations were the crests have to be lowered.

During the proposed road closure period Mineral Resources CSI Mining Services are requesting to detour traffic along Parker Range Road, Cockatoo Tank Road, Bennett Road then back onto Emu Fence Road (refer to attachment one). The proposed road closure will allow for work to be carried out without traffic interference. The proposed closure and detour will be for a period of four weeks.

Although the majority of the proposed detour route, with ongoing road maintenance will stand-up to the increase in traffic there are sections that will not and will require remedial works before detours are authorised.

If council was to approve Mineral Resources CSI Mining Services proposal of road closure and detour route then the following conditions should be applied;

1. An inspection is carried out by Council and Mineral Resources CSI Mining Services staff, prior to any detour put in place to identify any pavement upgrades that maybe required to cater for additional traffic.
2. Any remedial works identified as a result of the above inspection on the proposed detour route must be carried out prior to the detour is put in place
3. Adequate signage depicting the detour route is to be put in place, signage must be Australian Standard compliant.
4. Inspections are to be carried out every four hours on the serviceability of detour signage by Mineral Resources CSI Mining Services staff. Such inspections are to be documented and forward to Council weekly (COB Fridays). Damaged signage must be replaced immediately.
5. Dust control at intersections and roads leading up to intersections on detour routes – dust is to be kept to absolute minimum for a distance of 250 metres on roads leading up to intersections and including intersections. Saline water is prohibited on Council controlled roads.
6. Detour route is for light vehicles only, for safety reasons Restricted Access Vehicles (i.e. roadtrains and oversized vehicles) are not to be use on this route.
7. Regular road maintenance (or as instructed by council staff) is to carried out on the detour route
8. Road closure and detour along with a plan showing road closure and detour are advertised in the local Crosswords two weeks prior to the commencement of road closure and detour.
9. All cost associated with road pavement upgrades and road maintenance identified prior to and during the detour period on the proposed detour route are to be met by Mineral Resources CSI Mining Services.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

All cost associated with the road closure and detour, are to be met by Mineral Resources CSI Mining Services

Officer Recommendation and Council Decision

158/2020

Moved Cr Close/Seconded Cr Guerini

That Council allows Mineral Resources CSI Mining Services to temporary close the section of Emu Fence Road from Parker Range Road Intersection to Bennett Road Intersection for the purpose of carrying out the required road works associated with lowering of crests.

and

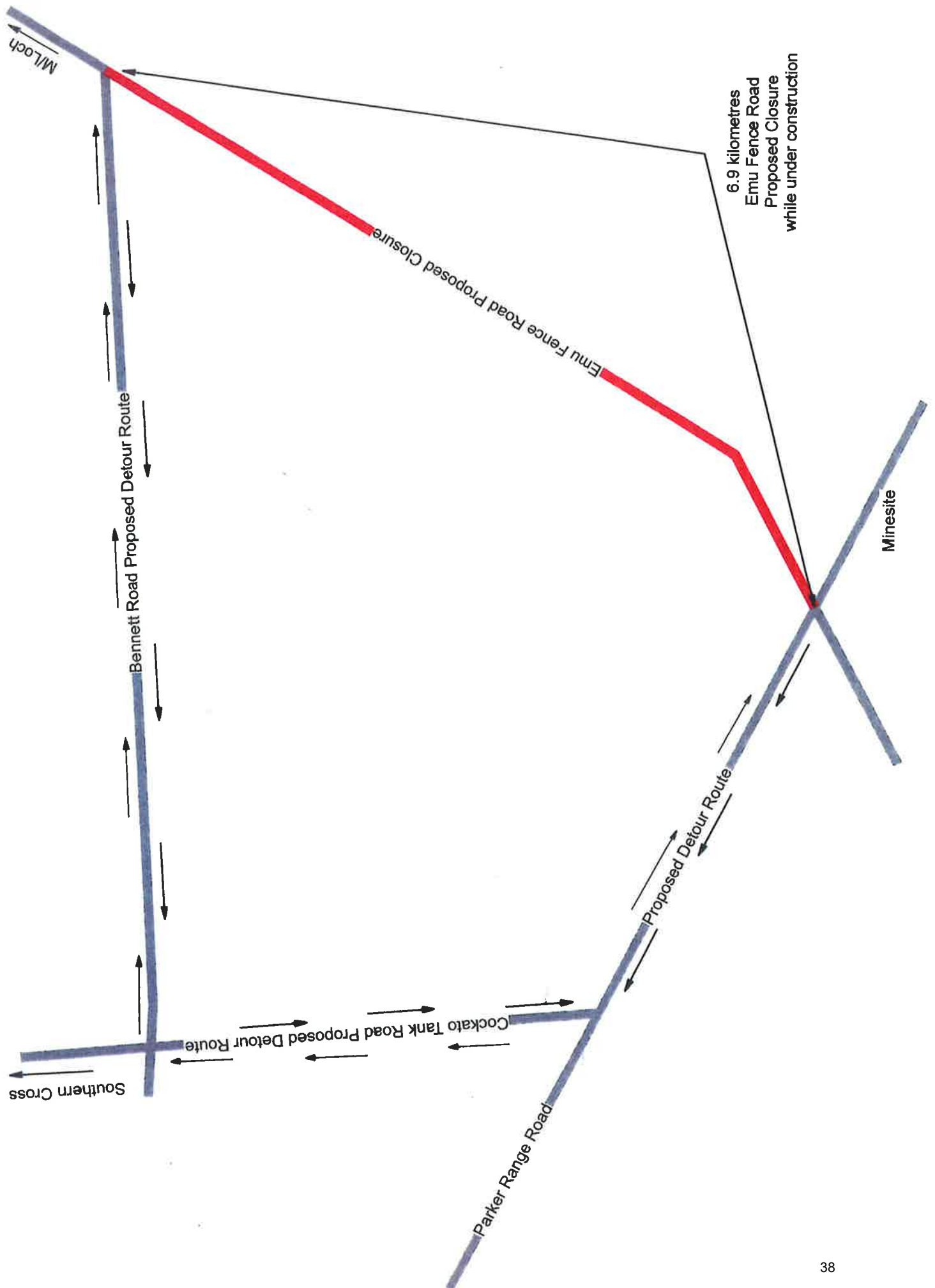
That council allows Mineral Resources CSI Mining Services to utilise Parker Range Road, Cockatoo Tank Road and Bennett Road (as depicted in the attached plan) as detour route as per the following conditions:

- 1. An inspection is carried out by Council and Mineral Resources CSI Mining Services staff, prior to any detour put in place to identify any pavement upgrades that maybe required to cater for additional traffic.***
- 2. Any remedial works identified as a result of the above inspection on the proposed detour route must be carried out prior to the detour is put in place***
- 3. Adequate signage depicting the detour route is to be put in place, signage must be Australian Standard compliant.***
- 4. Inspections are to be carried out every four hours on the serviceability of detour signage by Mineral Resources CSI Mining Services staff. Such inspections are to be documented and forward to Council weekly (COB Fridays). Damaged signage must be replaced immediately.***
- 5. Dust control at intersections and roads leading up to intersections – dust is to be kept to absolute minimum for a distance of 250 metres on roads leading up to intersections and including intersections. Saline water is prohibited on Council controlled roads.***
- 6. Detour route is for light vehicles only, for safety reasons Restricted Access Vehicles (i.e. roadtrains and oversized vehicles) are not to be use on this route.***

- 7. Regular road maintenance (or as instructed by council staff) is to be carried out on the detour route***
- 8. Road closure and detour along with a plan showing road closure and detour are advertised in the local Crosswords two weeks prior to the commencement of road closure and detour.***
- 9. All cost associated with road pavement upgrades and road maintenance identified prior to and during the detour period on the proposed detour route are to be met by Mineral Resources CSI Mining Services.***

CARRIED (7/0)

ATTACHMENT ONE



9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.2 2020/2021 Plant Replacement Program – Tender N° 5/2020-2021 4x4 Tray Back Utility

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

Purpose of Report

To advise Council that Tender 5/2020/2021 disposal of Councils existing 4x4 2017 Toyota Landcruiser Tray-back Utility and to a purchase new replacement 4x4 Tray-back Utility has been re-advertised due to the lack of response for a replacement vehicle

Background

In accordance with Council's 2020/2021 Plant Replacement Program, a monetary allocation has been allowed for in the 2020/2021 Financial Year Budget to dispose of a 2017 Toyota Landcruiser Utility either through trade all outright purchase, and to replace this vehicle with a similar type vehicle.

This vehicle is currently being utilized by Council mechanical staff to assist with servicing and repairs to council's fleet of vehicles, therefore it is vital that a replacement vehicle is sourced prior to 2017 Toyota Landcruiser Utility being disposed of.

Comment

In accordance to Council's Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 5/2020-2021 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and September 2020 edition of local Crosswords with the closing date been 28th September 2020.

At the time Tender N° 5/2020-2021 closed only three responses had been received, these were for the outright purchase only of council's current 2017 Toyota Landcruiser Utility.

There were no tenders received for the purchase of a new replacement vehicle.

Due to the lack of response to supply a new vehicle it was decided by Council management staff to re-advertise Tender N° 5/2020-2021 in Saturdays 3rd October edition of Western Australian with the closing date being Monday 19th October 2020.

Applicants that have already submitted a tender for the outright purchase of councils existing 2017 Toyota Landcruiser have been advised of this and have been informed that their tender will be taken into consideration when and if council deliberated on the re-advertised Tender N° 5/2020-2021.

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"

Financial Implications

Monetary allocation has been allowed for in Councils 2020/2021 Financial Year Budget for the change-over of this vehicle

Submitted for Councils Information

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Appointment – Dual Fire Control Officers Shire of Yilgarn and Shire of Kondinin

File Reference	5.1.5.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

This report seeks Councils approval and appointment of dual Fire Control Officers for the Shire of Yilgarn and Shire of Kondinin. These appointees follow recommendations of the Bush Fire Advisory Committee.

Background

Pursuant to Section 40 of the *Bush Fires Act 1954* permits two or more Local Governments to join in appointing a Bush Fire Control Officer for the purposes of the said Act.

The Shire of Yilgarn has received written confirmation dated 20 August 2020 from the Shire of Kondinin stating and confirming their appointment of Mr Rolf Meeking as dual Bush Fire Control Officer.

Comment

The Bush Fire Advisory Committee at its recent meeting on the 8 October 2020 has put forward the following persons to be appointed as dual Bush Fire Control Officers-

- Mr Rolf Meeking
- Mr Peter Dunbar
- Mr Alan Nicholson
- Mr Ron Burro

Statutory Environment

Bush Fires Act 1954

40. Local Governments may join in appointing and employing Bush Fire Control Officers

- (1) Two or more Local Governments may by agreement join in appointing, employing and remunerating Bush Fire Control Officers for the purpose of this Act.

- (2) Bush Fire Control Officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the Local governments which have joined in appointing them.

** simple majority required.*

Strategic Implications

Strategic Goal

Dynamic and Visionary Leadership guiding our community into the future

Strategic Outcome

Positive and productive regional partnerships

Strategy

Continue to review opportunities for shared services and structural reform

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Decision

159/2020

Moved Cr Rose/Seconded Cr Guerini

That Council endorse the following persons to be appointed as dual Bush Fire Control Officers for the Shire of Yilgarn and the Shire of Kondinin-

- ***Mr Rolf Meeking***
- ***Mr Peter Dunbar***
- ***Mr Alan Nicholson***
- ***Mr Ron Burro***

CARRIED (7/0)

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

Nil

14 CLOSURE

Prior to the closure of the meeting, Mr Tim Pope, Chair of the Mt. Hampton Progress Association, thanked Council for conducting the meeting at the Mt. Hampton as it provided members of the community with the opportunity of witnessing the Council meeting and also having the opportunity of meeting Councillors and staff informally following the meeting.

The Shire President thanked Mr Pope for his positive comments and also wished to thank the Mt. Hampton community for this opportunity and also for the wonderful catering that was, and is to be supplied following the meeting.

As there was no further business to discuss, the Shire President declared the meeting closed at 4.44pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 17 September 2020, are confirmed on Thursday, 15 October 2020 as a true and correct record of the September 2020 Ordinary Meeting of Council.

Wayne Della Bosca
SHIRE PRESIDENT