



"good country for hardy people"

Minutes

Ordinary Meeting of Council

15 April

2021

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Table of Content

1 Declaration of Opening/Announcement of Visitors.....	3
2 Announcements from the Presiding Member.....	3
3 Attendance	3
4 Declaration of Interest.....	3
5 Public Question Time.....	3
6 Confirmation of Minutes.....	4
7 Presentations, Petitions, Deputations.....	4
8 Delegates' Reports.....	7
9 Officers' Reports.....	9
9.1 Chief Executive Officer.....	9
9.1.1 CEO Recruitment-Job Description and Selection Criteria.....	9
9.1.2 Application for Miscellaneous Licences-Polaris Metals and Yilgarn Iron Ore.....	13
9.1.3 Ms Fatjona Halimi-Proposal to Conduct Zumba Classes- Request for Fee Waiver.....	16
9.2 Executive Manager Corporate Services.....	19
9.2.1 Financial Reports March 2021.....	19
9.2.2 Accounts for Payment.....	22
9.2.3 Budget Amendment-Local Roads & Community Infrastructure Grant Round 2 Projects.....	26
9.2.4 2021/2022 Differential Rates-Strategy & Objects & Reasons.....	31

9.3 Executive Manager Infrastructure.....	35
9.3.1 Mineral Resources-Temporary Road Closure Section of Emu Fence Road and Detour Route Utilising Marvel Loch Forrestania Road, Parker Range Road & Cockatoo Tank Road.....	35
9.4 Executive Manager Regulatory Services.....	42
9.4.1 Bush Fire Advisory Committee-Restrictions to Burning Garden Refuse and Open Fires.....	42
9.4.2 Bush Fire Advisory Committee-Fire Break Notice.....	48
9.4.3 Policy 4.9 Transportable Dwellings and Additional Rural Mining Dwellings Policy.....	54
9.4.4 Montague Resources Australia Pty Ltd-Referral of a Clearing Permit Application-Mining Lease 77/2244.....	59
9.4.5 Development Application-51, 53, 55 Antares Street, Southern Cross-Change of Use-Commercial Storage to Ancillary Accommodation.....	65
10 Application for leave of absence.....	71
11 Motions for which previous notice has been given.....	71
12 New business of an urgent nature introduce by decision of the meeting.....	71
12.1 Development Application-Koolyanobbing Camp Upgrade	71
12.2 Unbudgeted Expenditure-Southern Cross Airstrip.....	77
13 Meeting closed to the public-Confidential Items	81
14 Closure.....	81

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr L Rose Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker
Apologies:	Nil	
Observers:	Mrs. Kay Crafter, Mr. Ross Martelli, Mr. Tim Gilbert, Ms. Anthea Pate, Mr. Dan Barker and Mr. Pascal Felix	
Leave of Absence:	Cr P Nolan	

4. DECLARATION OF INTEREST

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1 PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 18 March 2021

54/2021

Moved Cr Shaw/Seconded Cr Close

That the minutes from the Ordinary Council Meeting held on 18 March 2021 be confirmed as a true record of proceedings

CARRIED (6/0)

6.2 Yilgarn Tourism Committee Meeting, Tuesday 6 April 2021

55/2021

Moved Cr Close/Seconded Cr Cobden

That the minutes from the Yilgarn Tourism Committee meeting held on the 6 April 2021 be received

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Covalent Lithium

Mr. Ross Martelli-CEO & Project Director, Mr Tim Gilbert -General Manager Operations Mt Holland and Ms Anthea Pate-Manager Environment, Approvals and Safety from Covalent Lithium attended Council to present on development at the Mt Holland Lithium mine.

Mr Ross Martelli began the presentation by introducing Covalent Lithium which is the manager appointed by a joint venture between Wesfarmers Limited and Sociedad Química y Minera de Chile S.A. (SQM) to develop and operate the Mt Holland Lithium Project. The Mt Holland Lithium Project, when constructed will include a mine and concentrator at Mt Holland and a refinery at Kwinana capable of producing 50 thousand tonnes of Lithium Hydroxide a year.

Currently the project is under construction with mining scheduled to begin in early 2022. Covalent Lithium are working towards utilising local businesses and contractors where possible from both the Shires of Yilgarn and Kondinin. The water pipe line planning for a water pipe to run from Moorine Rock to the Mt Holland mine is underway. How the Lithium will be transported from Mt Holland to Kwinana has not yet been decided, there are various options and routes, which included road transport by trucks or a mixture of truck and train. These options will be further explored at a later date along with input from the Shire.

Ms Anthea Pate, Manager Environment, Approval and Safety gave an overview of the site which was previously used for gold operation but left unrehabilitated. Flora and Fauna surveys have now been completed; with the footprint for the project being approved. The rare flora species requiring protection having been identified along with significant fauna including Malleefowl and Chuditch. A waste rock dump on site has been identified for the storage of the Lithium Hydroxide tailings providing a back load from the refinery in Kwinana. Work is still ongoing with more approvals for further works to come later in the year along with further community consultation.

Covalent Lithium thanked Council for their time and invited questions;

Cr Rose enquired if Covalent Lithium intended to place water tanks along the new pipeline for firefighting purposes.

Mr. Ross Martelli confirmed that they did not, at this time, intend to place any tanks along the pipeline but there would be two pump stations that both the Shire of Yilgarn and the public would be able to access if the need occurred.

Cr Della Bosca thanked Mr Ross Martelli, Tim Gilbert and Anthea Pate for their time.

Mr. Ross Martelli, Mr. Tim Gilbert and Ms. Anthea Pate left the meeting at 4.25pm

Mineral Resources Limited

Mr. Dan Barker- Principal Stakeholder Engagement and Mr Pascal Felix from Mineral Resources Limited (MRL) attended Council to give a presentation on the Parkers Range Iron Ore Project and the haulage of ore.

Mr Barker began with an introduction of himself, there has previously been a quick changeover of staff, he therefore is planning to be involved in the project going forward to promote more consistency to dealings between Mineral Resources and the Shire of Yilgarn.

In relation to the mine site itself, work is moving ahead for commencement in July 2021.

Mineral Resources has over time investigated many different options for the haulage of the ore from Mt Caudan to Koolyanobbing. Currently MRL are investigating placing a private haul road parallel to the Emu Fence Road, the Emu Fence road has previously been planned for upgrades and use by MRL, to haul the ore from Parkers Range to Koolyanobbing for processing. The proposed road still has surveys to be completed and is subject to approvals but MRL has not identified any major challenges.

Cr Della Bosca enquire how close the private haul road would be placed to the fence and on which side of the fence the road would be, also it should be noted that there is a 50m

exclusion zone on either side of the fence as traffic passing close to the fence can reduce its integrity.

Mr Barker confirmed the road would be on the inside of the fence between the existing road and the fence. It is also noted that where the space is not wide enough the road will have to cross the fence line and run on the outside of the fence.

Cr Close enquired as to why there was a need for a private haul road when approval had been gained for the upgrade and use of the Emu Fence Road

Mr Barker replied that a private haul road is more efficient and economic for the project and considered safer for the public.

The Chief Executive officer enquired if they thought there may be confusion between the parallel roads.

Cr Della Bosca confirmed that one road is preferable to two.

The Executive Manager Infrastructure noted that a new road would lead to the unnecessary clearing of a lot of native flora and fauna.

Cr Shaw confirmed that the Shire would be giving up a lot of timber land for an unneeded road when there is already a viable option.

Mr Barker took this information on notice and confirmed that the road was still in the proposal stages.

Mr Pascal Felix then discussed the haulage of the Lithium Hydroxide tailings from the Kemerton Refinery to the temporary storage pit in Koolyanobbing. MRL plan to seek council approval for RAV7 road ways with the intention of discussing the upgrade of Three Boys Road, Cameron Road and the Koolyanobbing Road. The truck frequency is intended to be one to three trucks per day to December 2021, six a day until June 2022 then eleven a day going forward. The trucks are to return via the same route from Three Boys Road and right onto the Great Eastern Highway.

The Executive Manager Infrastructure confirmed there would be some work needed to widen the roads and on the intersections before carting could commence. It is also worth noting that Main Roads will need to be consulted about the right turn from Three Boys Road onto the Great Eastern Highway as the intersection will also need heavily upgrading.

Cr Della Bosca raised his concern about the amount of trucks post June 2022 especially during harvest time on the Three Boys Road.

Mr Felix confirmed that MRL are happy to work with council on these issues at all stages of the proposal.

Mr Barker and Mr Felix thanked Council for their time and left the meeting at 4.45pm

Sergeant Blake Ashurst-Southern Cross Police

Sergeant Blake Ashurst attended Council to introduce himself and discuss his objectives for Policing in Southern Cross as the newly appointed Officer in Charge.

Sergeant Blake Ashurst has been in the Police Force for fourteen years, seven in uniform and seven as a detective. The Sergeant confirmed that Southern Cross is one of the best performing areas in the Wheatbelt in relation to low crime numbers, the station is currently fully staffed with five officers, including himself. There are six main areas of focus which include road safety and traffic laws, emergency management, reducing regional detainment, reducing youth offending, prevention of family violence and disruption of organised crime and drug offences.

In relation to the cyclone that has previously passed over the coast of Western Australia it is possible that the Southern Cross police will be requested to help with the recovery. The Sergeant concluded that he welcomed input from the community and hope his time here will be effective.

Cr Della Bosca thanked Sergeant Blake Ashurst for his time and wished him well in his new appointment and extended an invitation for Sgt Ashurst to attend Council meetings at any time.

Sergeant Blake Ashurst thanked Council for their time and left the meeting at 5pm.

8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment on the 25 March 2021
- Attended the Tourism Committee Workshop on the 8 April 2021

Cr Close announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment on the 25 March 2021
- Attended the Regional Road Group Meeting on the 25 March 2021
- Hosted medical students during the Student Immersion Program week
- Attended the Mount Walton Intractable Waste Facility meeting on the 1 April 2021

Cr Shaw announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment on the 25 March 2021

Cr Guerini announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment on the 25 March 2021
- Attended the Yilgarn Local Action Group meeting on the 14 April 2021

Cr Cobden announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment on the 25 March 2021
- Hosted medical students during the Student Immersion Program week
- Attended the Yilgarn Tourism Committee Meeting on the 6 April 2021
- Attended the Tourism Committee Workshop on the 8 April 2021

Cr Rose announced the following;

- Attended the CEO recruitment meeting with Mills Recruitment
- Attended the Far Eastern Agricultural Region Group Annual General Meeting
- Attended the Tourism Committee Workshop Meeting on the 8 April
- Attended the Yilgarn Local Action Group meeting on the 14 April 2021

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 CEO Recruitment – Job Description and Selection Criteria

File Reference	1.1.1.1 & 1.1.11.2
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Job Description and Selection Criteria (to be provided under separate cover)

Purpose of Report

To submit to Council for adoption, the Job Description and Selection Criteria for the recruitment of the Chief Executive Officer position.

Background

The *Local Government (Administration) Amendment Regulations* proclaimed on 3 February 2021 require Local Governments to adopt Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination.

Comment

The Standards for CEO Recruitment, Performance and Termination were adopted at the March 2021 Ordinary meeting of Council. At this meeting Council also appointed a Recruitment Agency to assist Council with the recruitment process and confirmed that the Selection Panel would consist of all Councillors and with Mrs Julie Della Bosca as the Independent Selection Panel Member.

On Thursday, 25 March 2021 the Selection Panel met with the Recruitment Agency representative to discuss the CEO recruitment process, which included the consideration of the Job Description and Selection Criteria associated with the position as per Clause 5 of the *Shire of Yilgarn's Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination*.

As indicated above, the Draft Job Description and Selection Criteria will be provided under separate cover to Councillors prior to the meeting.

Statutory Environment

Local Government (Administration) Regulations 1996

18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

[Regulation 18FA inserted: SL 2021/14 r. 6.]

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

- (1) In this regulation —

adopted standards means —

- (a) the standards adopted by a local government under section 5.39B; or
- (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.

- (2) This regulation applies if —

- (a) a local government employs a person in the position of CEO of the local government; and
- (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FB inserted: SL 2021/14 r. 6.]

The Shire of Yilgarn's *Standards for CEO Recruitment, Performance and Termination* Clause 5.

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership 4.1.2 – Maintain a high level of corporate governance, responsibility and accountability.

Policy Implications

The Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination will become part of Council's Policies but will also be shown separately on Council's web site as per the requirements of the Act as per Section 5.39B(6) of the *Local Government Act*.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To ensure consistency of employment for benefit of Council, employees and the community	Moderate (6)	Appointment within appropriate timeframes
Financial Impact	Costs associated with Recruitment process	Moderate (8)	2020/2021 Budget accounts for these costs
Service Interruption	To ensure that an appointment to the CEO position is made prior to the	Moderate (9)	Based on the commencement of the recruitment process, there

	departure of the current CEO		should be no service interruption
Compliance	Section 5.39A of the <i>Local Government Act</i>	Moderate (6)	Adoption of Standards for CEO Recruitment and Selection, Performance Review and Termination
Reputational	Shire to maintain a high level of corporate governance, responsibility and accountability	Moderate (9)	Engagement of HR Consultant to ensure impartial and professional process of recruitment
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

56/2021

Moved Cr Cobden/Seconded Cr Guerini

That in accordance with clause 5 of the Shire of Yilgarn's Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination, Council adopts the Job Description and Selection Criteria for the Chief Executive Officer recruitment process.

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Applications for Miscellaneous Licences – Polaris Metals and Yilgarn Iron Pty Ltd

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

Purpose of Report

To submit to Council applications for Miscellaneous Licences that have been submitted by both Polaris Metals and Yilgarn Iron Pty Ltd relating Shire Road Reserves associated with the transportation of ore from the Mt. Caudan Mine to Yilgarn Iron's Koolyanobbing Operations.

Background

The Department of Mines, Industry Regulation and Safety Resource Tenure (DMIRS) have sought comment in respect to the Applications for Miscellaneous Mining Licences under Sections 23 to 26 of the *Mining Act 1978*.

The above applications relate to ML 77/305, ML 77/307, ML 77/308, ML 77/309, ML 77/336, ML 77/339 and ML 77/340.

Comment

DMIRS advise that in respect to road reserves vested with local authorities, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the vested authority and the responsible Minister before he can grant consent to mine.

It should be noted that the purposes of the above Miscellaneous Licences are not to mine, but have been listed for the following purposes:-

- A pipeline, a power line, a road, taking water, a bore, a bore field, a communications facility, a drainage channel, a power generation and transmission facility, a pump station, a search for groundwater and a storage or transportation facility for minerals or mineral concentrate.

Yilgarn Iron Pty Ltd (Mineral Resources) have previously informed the Shire of their intentions to seek Miscellaneous Licences over the road reserves, particularly the Emu Fence Road and a portion of Parkers Range Road which is associated with the transportation route of ore from the Mt. Caudan Mine to the Koolyanobbing Operations.

Statutory Environment

Sections 23 to 26 of the *Mining Act 1978*.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives Outcome 2.5 – Continue to maintain and upgrade our road network.
Outcome 2.2.2 – Support local business community and promote further investment in the district, including opportunities for industry growth and development.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	As per Sections 23 to 26 of the <i>Mining Act 1978</i>	Low (4)	Affording Council with the opportunity of considering the ML applications
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

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

Officer Recommendation and Council Decision

57/2020

Moved Cr Cobden/Seconded Cr Guerini

That Council advises the Department of Mines, Industry Regulation and Safety Resource Tenure that it has no objections to the Miscellaneous Licence Applications submitted by Polaris Metals and Yilgarn Iron Pty Ltd as they relate to previous discussions between Council and Mineral Resources Ltd regarding the intended haulage route of ore from the Mt. Caudan Mine to Yilgarn Iron's Koolyanobbing Operations.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Ms Fatjona Halimi – Proposal to Conduct Zumba Classes – Request for Fee Waiver

File Reference	8.2.6.27
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present to Council a proposal by Ms Fatjona Halimi to conduct Zumba Classes for children and adults as part of an expanded service following a 2020 trial period of Zumba Classes for adults.

Background

In 2020 Ms Halimi sought approval to conduct Zumba classes for adults at the Southern Cross Senior Citizens Centre and requested approval from the CEO for hire fees to be waived in consideration that she wasn't conducting the classes for profit, but merely wanted to cover her Public Liability insurance expenses.

The CEO approved the above fee waiver in accordance with Delegated Authority listed below.

Delegation No. LGA30

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

Subject to-

- a) The donation and /or waiver of hire fees request is:*
 - a. less than \$500*
 - b. for a non-profit group that is located in the Shire of Yilgarn*
 - c. for an event that will be held within the Shire and is a general community benefit*

Comment

Following the success of the 2020 Adult Zumba classes, Ms Halimi is now proposing to conduct Zumba Kids and Zumba Kids Jr classes for age ranges 4 to 11 years. The classes intend to have kid-friendly routines based on original Zumba choreography, but break down steps, add games, activities and cultural exploration elements during the class.

Ms Halimi advises that the benefits of Zumba for Kids will help develop a healthy lifestyle and incorporate fitness as a natural part of children's lives by making fitness fun.

Classes incorporate key childhood development elements like leadership, respect, team work, confidence, self-esteem, memory, creativity, coordination and cultural awareness.

The purpose in presenting the application to Council for waiving of fees for the use of the Senior Citizens Centre is that the donation exceeds the \$500 set within **Delegation LGA30** and therefore requires Council approval.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Social Objectives Outcome 1.1 – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

Policy Implications

Nil

Financial Implications

Loss of income through waiving of fees.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To encourage participation in recreational/leisure pursuits	Moderate (5)	Improve people's participation with minimal cost
Financial Impact	Loss of income in hire fees	Minor (10)	Will exceed \$500
Service Interruption	Nil	Nil	Nil
Compliance	Delegation Register No. LGA30	High (15)	Council decision for request to waive hire fees
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

58/2021

Moved Cr Close/Seconded Cr Shaw

That in consideration of Ms Fatjona Halimi's commitment to conduct Zumba classes for all ages, and that the minimal fee imposed on participants primarily covers her insurance costs which is not profit driven, Council waives the hire fees on the Southern Cross Senior Citizens Centre as the activity meets with Council's strategic objectives by engaging residents in recreation, cultural and leisure activities for all demographics in the Shire.

CARRIED (6/0)

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 31 March 2021.

- 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

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

(1A) In this regulation —

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

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

- (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

59/2021

Moved Cr Close/Seconded Cr Cobden

That Council endorse the various Financial Reports as presented for the period ending 31 March 2021

CARRIED (6/0)

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	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

Municipal Fund – Cheque Numbers 41007 to 41018 totalling \$19,543.09 Municipal Fund-EFT Numbers 11120 to 11212 totalling \$446,693.75 Municipal Fund – Cheque Numbers 1708 to 1716 totalling \$295,442.90 Municipal Fund Direct Debit Numbers 15544.1 to 15544.14 totalling \$19,836.43, Municipal Fund Direct Debit Numbers 15587.1 to 15587.14 totalling \$19,816.44, Municipal Fund Direct Debit Numbers 15614.1 to 15614.14 totalling \$18,648.73 Trust Fund – Cheque Numbers 6277 to 6280 (DPI Licensing), totalling \$56,539.50 Trust Fund - Cheque Numbers 402560 to 402564, totalling \$21,864.00 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

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

Officer Recommendation and Council Decision

60/2021

Moved Cr Close/Rose

Municipal Fund – Cheque Numbers 41007 to 41018 totalling \$19,543.09 Municipal Fund-EFT Numbers 11120 to 11212 totalling \$446,693.75 Municipal Fund – Cheque Numbers 1708 to 1716 totalling \$295,442.90 Municipal Fund Direct Debit Numbers 15544.1 to 15544.14 totalling \$19,836.43, Municipal Fund Direct Debit Numbers 15587.1 to 15587.14 totalling \$19,816.44, Municipal Fund Direct Debit Numbers 15614.1 to 15614.14 totalling \$18,648.73 Trust Fund – Cheque Numbers 6277 to 6280 (DPI Licensing), totalling \$56,539.50 Trust Fund - Cheque Numbers 402560 to 402564, totalling \$21,864.00 are presented for endorsement as per the submitted list.

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Budget Amendment – Local Roads & Community Infrastructure Grant Round 2 Projects

File Reference	8.2.5.3 & 8.2.6.13
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

This report seeks Council's approval for an amendment to its 2020/2021 budget to allow for additional income and expenditure derived from round 2 of the Federal Governments *Local Roads and Community Infrastructure Grant* funding.

Background

Notification of the availability of the Federal Governments *Local Roads and Community Infrastructure Grant*, round 2 funding was received post the adoption of the 2020/2021 Annual Budget. Councils' allocation under this funding is \$659,586.

Council discussed and short listed the preferred projects at their February 2021 meeting with the subsequent grant approval being received in March 2021.

Comment

Councils preferred and subsequently approved projects are:

1. Concrete Footpath – Spica St, Centaur to Phoenix St's, Southern Cross - \$ 60,000
2. Additional Lighting Tower, Southern Cross Oval - \$ 65,000
3. Replace Synthetic Bowls Surface, Southern Cross Bowling Club - \$160,000
4. Install Audio / Visual System, Southern Cross Recreation Centre - \$ 30,000
5. Trailer Mounted Generator, Southern Cross Recreation Centre - \$ 20,000
6. Constellation Park Perimeter Fencing, Southern Cross - \$ 30,000
7. Constellation Park Shade Shelters and Seating, Southern Cross - \$ 60,000
8. Fixed Generator, Southern Cross Caravan Park - \$ 40,000
9. Replace Outdoor Netball / Basketball Court Surfaces, Southern Cross - \$149,586
10. Install Reverse Cycle Air-Conditioning, Southern Cross Recreation Centre - \$ 45,000

To bring these into the 2020/2021 budget, the following budget amendments will need to be made:

GL Code	Works Costing Job	Current Budget \$	Budget Amendment \$	Proposed Budget \$
<u>INCOME</u>			(Income) / Expenditure	
<u>032. General Purpose Grants</u>				
R03205 - Grants, Subsidies & Reimbursements - General		(943,260)	(659,586)	(1,602,846)
<u>EXPENDITURE</u>				
<u>113. Other Recreation & Sport</u>				
E11344 - Yilgarn Bowls & Tennis Club - Infrastructure Capital		-	160,000	160,000
J11334 - LRCI Rnd 2 - Renew Synthetic Surface - Yilgarn Bowls Club		-	160,000	160,000
E11345 - Sports Complex - Plant & Equipment Capital		-	20,000	20,000
J11336 - LRCI Rnd 2 - Trailer Mounted Backup Generator - SX Rec Centre		-	20,000	20,000
E11346 - Parks & Gardens - Infrastructure Capital		-	90,000	90,000
J11337 - LRCI Rnd 2 - Constellation Park Perimeter Fencing		-	30,000	30,000
J11338 - LRCI Rnd 2 - Constellation Park Shade Shelters / Seating		-	60,000	60,000
E11347 - SX Netball Courts - Infrastructure Capital		-	149,586	149,586
J11339 - LRCI Rnd 2 - Renew Outdoor Netball / Basketball Court Surfaces		-	149,586	149,586
E11351 - Sports Complex - Land & Buildings Capital		85,409	75,000	160,409
J11335 - LRCI Rnd 2 - Install A/V System - SX Recreation Centre		-	30,000	30,000
J11340 - LRCI Rnd 2 - Install Reverse Cycle Air Con - SX Recreation Centre		-	45,000	45,000
E11355 - Southern Cross Oval - Infrastructure Capital		-	65,000	65,000
J11333 - LRCI Rnd 2 - Lighting Tower, SX Recreation Ground		-	65,000	65,000
<u>121. Transport Infrastructure - Construction</u>				
E12103 - Footpath Construction / Upgrades		196,264	60,000	256,264
J12104 - LRCI Rnd 2 - Concrete Footpath - Spica St - Centaur to Phoenix		-	60,000	60,000
<u>132. Tourism & Area Promotion</u>				
E13257 - Caravan Park Improvements - Plant & Equipment Capital		-	40,000	40,000
J13205 - LRCI Rnd 2 - Fixed Backup Generator - SX Caravan Park		-	40,000	40,000
Total Cost to Council			-	

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Strategic Goal

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

Strategic Outcome

Social Outcome 1.1 - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

Strategy

- 1.1.2 - Provide and maintain high quality community infrastructure (recreation centre, oval, bowls, swimming pool, library, community centre, halls).
- 1.1.5 - Provide support to local sport, recreation and community groups.

Policy Implications

There are no policy implications as a result of this report

Financial Implications

If the recommendation below is endorsed, there will be no change to the budgets bottom line.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	All proposed projects are fully grant funded.	Low (2)	If funding not received, project won't be undertaken.
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with funding agreement.	Moderate (6)	Ensure projects completed within allowed timeframes.
Reputational	Nil	Nil	Nil
Property	Several significant community Infrastructure Projects.	Moderate (6)	Ensure quality materials are sourced and skilled contractor are engaged.
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

61/2021

Moved Cr Guerini/Seconded Cr Cobden

That Council approves the following budget amendments:

<i>GL Code</i>	<i>Current Budget \$</i>	<i>Budget Amendment \$</i>	<i>Proposed Budget \$</i>
<u>INCOME</u>		<i>(Income) / Expenditure</i>	
<u>032. General Purpose Grants</u>			
R03205 - Grants, Subsidies & Reimbursements - General	(943,260)	(659,586)	(1,602,846)
<u>EXPENDITURE</u>			
<u>113. Other Recreation & Sport</u>			
E11344 - Yilgarn Bowls & Tennis Club - Infrastructure Capital	-	160,000	160,000
E11345 - Sports Complex - Plant & Equipment Capital	-	20,000	20,000
E11346 - Parks & Gardens - Infrastructure Capital	-	90,000	90,000
E11347 - SX Netball Courts - Infrastructure Capital	-	149,586	149,586
E11351 - Sports Complex - Land & Buildings Capital	85,409	75,000	160,409
E11355 - Southern Cross Oval - Infrastructure Capital	-	65,000	65,000
<u>121. Transport Infrastructure - Construction</u>			
E12103 - Footpath Construction / Upgrades	196,264	60,000	256,264
<u>132. Tourism & Area Promotion</u>			
E13257 - Caravan Park Improvements - Plant & Equipment Capital	-	40,000	40,000
		-	

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2021/2022 Differential Rates – Strategy & Objects & Reasons

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – 2021/2022 Rating Strategy Attachment 2 – 2021/2022 Rating Objects & Reasons

Purpose of Report

Council is requested to endorse the 2021/2022 Rating Strategy & Objects & Reasons.

Background

It is proposed to impose Differential Rates for the year ending 30th June 2022 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2021/2022 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

The Rates in the dollar being recommended are a result of efficiency measures being implemented over the previous few years. As a result of these measures, Council has significantly reduced the burden on its Ratepayers, in some categories, to the effect of as much as a 61% reduction in the rate in the dollar.

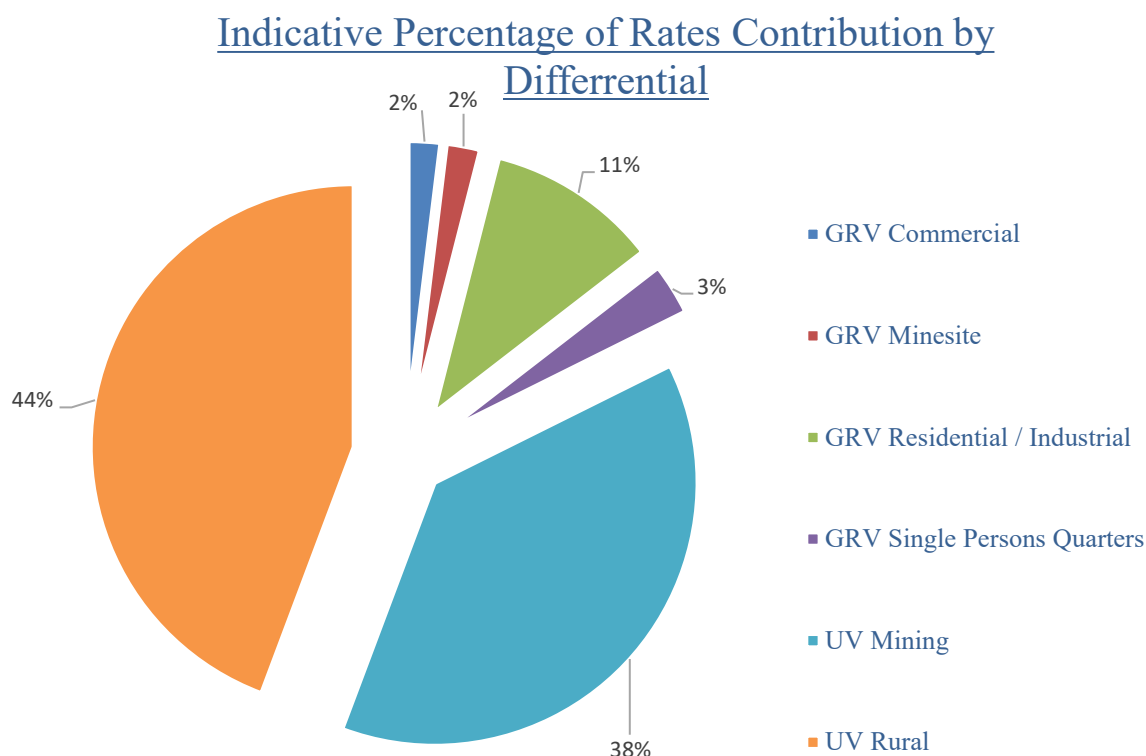
Due to the COVID-19 pandemic and the resulting economic uncertainties, the 2020/21 financial years rates were not increased on those imposed in 2019/2020. With this in mind it will be proposed that a small 0.5% increase in the Rate in the Dollar for the 2021/22 financial year.

2021/2022 Proposed Differential Rates

The proposed Differential Rate for each rating category are as follows:

Land Category	Rate – Cents in the Dollar	Minimum Payment
GRV - Residential/Industrial	11.2894	\$500
GRV - Commercial	7.9469	\$400
GRV - Minesites	15.8939	\$400
GRV -Single Persons Quarters	15.8939	\$400
UV - Rural	1.7663	\$400
UV - Mining	17.4793	\$400

The proposed Rates in the dollar for 2021/2022 represent a 0.5% increase over those imposed in 2020/2021.



The recommended Rate in the dollar increase of 0.5% is in line with the WA Local Government Cost Index (WALGCI) forecast for 2021/22 of 1.4% and December 2020 CPI of 0.9%. The WALGCI is similar in principle to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments.

The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such as food and non-alcoholic and alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government.

The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government.

Statutory Environment

Attachment 1 - 2021/2022 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions.

Strategic Implications

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

Policy Implications

This report deals with changes to Council's Policy Manual.

Financial Implications

The outcome of this recommendation will ultimately inform the direction for the 2021/2022 Income Budget as it relates to the raising of Rates.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Non or late payment of Rates by Ratepayers.	High (12)	If funding not received, projects and/or services can't be provided or undertaken.
Service Interruption	Non or late payment of Rates by Ratepayers.	Moderate (8)	Effective and efficient collection of outstanding Rates.
Compliance	Act and Ministerial Policy differential rating requirements.	Moderate (9)	Ensure all requirements undertaken.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

62/2021

Moved Cr Rose/Seconded Cr Close

That Council:

- Endorse the Differential Rating – Objects and Reasons for the 2021/2022 rating years as presented;*
- Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2021/2022 financial year:*

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.2894</i>	<i>\$500</i>
<i>GRV - Commercial</i>	<i>7.9469</i>	<i>\$400</i>
<i>GRV - Minesites</i>	<i>15.8939</i>	<i>\$400</i>
<i>GRV -SPQ</i>	<i>15.8939</i>	<i>\$400</i>
<i>UV - Rural</i>	<i>1.7663</i>	<i>\$400</i>
<i>UV - Mining</i>	<i>17.4793</i>	<i>\$400</i>

- Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:*
 - Statewide and local public notice on Saturday 1st May 2021 as per the requirements of section 6.36 of the Local Government Act 1995.*
 - Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

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 Marvel Loch Forrestania Road, Parker Range Road, Cockatoo Tank Road

File Reference	3.2.1.29 & 6.1.1.046
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	One attachment – 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 from Bennett Road Intersection to Marvel Loch Forrestania Roads Intersection, and utilising sections of Parker Range, Cockatoo Tank, Marvel Loch Forrestania Roads and Southern Cross Marvel Loch Road as a detour route.

Background

As Councillors are aware the endorsed haulage route for Mineral Resources CSI Mining 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 CSI Mining to utilise this route as a haul road is that Mineral Resources CSI Mining 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 CSI Mining 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

Mineral Resources CSI Mining have previously applied to Council to have a section of Emu Fence Road closed from Parker Range Road Intersection to Bennett Road Intersection and a detour put in place using Parker Range Road, Cockatoo Tank Road and Bennett Road as a temporary detour route to carryout roadworks. Council at its October 2020 Meeting endorsed the road closures and road detours as set out in the following recommendation:

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 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)

Mineral Resources CSI Mining are near on completion with the roadworks on the section of Emu Fence Road from Parker Range Road though to Bennett Road. Once the roadworks are completed on this section of road, they then intend to start roadwork upgrades on the section of Emu Fence Road from Bennett Road intersection to Marvel Loch Forrestania Road intersection.

While this roadworks is in progress Mineral Resource CSI Mining have requested to have the section of Emu Fence Road from Bennett Road Intersection to Marvel Loch Forrestania Road Intersection closed. The proposed road closure will allow works to be carried out without public traffic interference.

During the proposed road closure period Mineral Resources CSI Mining are requesting to detour traffic along Parker Range Road, Cockatoo Tank Road, Marvel Loch Southern Cross Road and Marvel Loch Forrestania Road, (*refer to attachment one*). The detour route will also pass through Marvel Loch Townsite. The detour route is approximately 26 kilometres in length. The proposed road closure and detour will be for a period of approximately four weeks.

If council was to approve Mineral Resources CSI Mining Services request 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 with cost to be met by Mineral Resources CSI Mining Services.
3. Adequate signage and variable message boards depicting locations (*i.e. Great Eastern Highway, Hyden*) and 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). Loss or 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 500 metres on gravel roads leading up to intersections and including intersections. Saline water is prohibited on Council controlled roads.
6. Regular road maintenance (or as instructed by council staff) is to carried out on the detour route
7. 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.
8. All cost associated with road pavement upgrades and road maintenance repairs identified on the detour route prior to, during and on completion of the detour period 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 the applicant Mineral Resources CSI Mining Services

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Cost to Council to repair damage roads	High 15	All cost associated with road pavement upgrades and road maintenance repairs identified on the detour route prior to, during and on completion of the detour period are to be met by Mineral Resources CSI Mining Services.
Service Interruption	Road closures and detour will affect motorist	High 15	Traffic management plan depicting road closures and detour routes to be implemented
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damage to Council roads as a result of increase traffic from detour	High 15	Applicant to carry out regular road maintenance on detour route
Environment	Dust generated by traffic will create traffic hazard on gravel roads leading	High 15	Dust control measures (<i>i.e. water</i>) are to be put in place by the applicant to minimise dust

	up to intersections affected by detour		hazards generated by traffic utilising detour route Dust is to be kept to absolute minimum for a distance of 500 metres on gravel roads leading up to intersections and including intersections.
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Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation and Council Decision

63/2021

Moved Cr Guerini/Seconded Cr Cobden

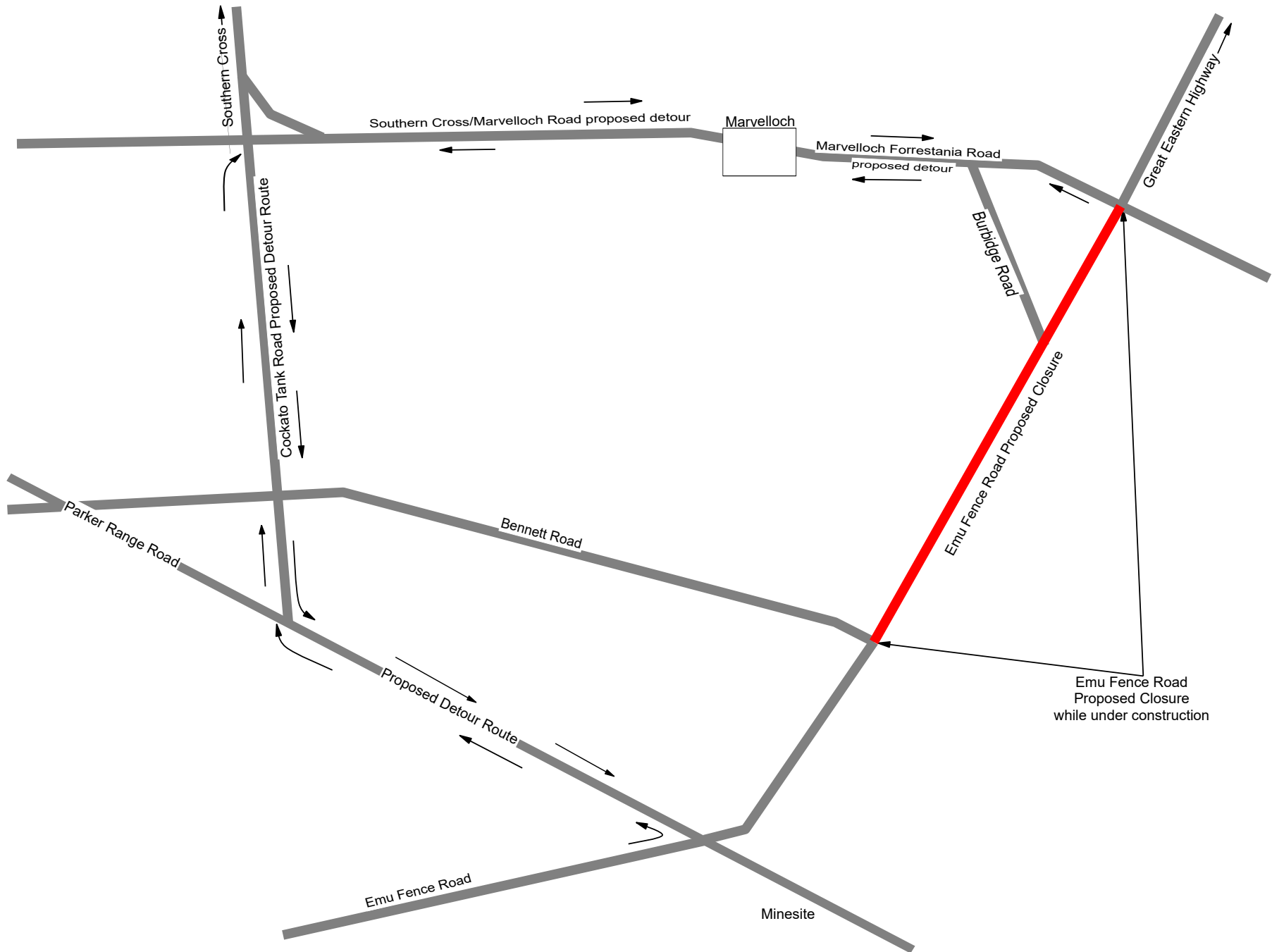
That Council allows Mineral Resources CSI Mining Services to temporary close the section of Emu Fence Road from Bennett Road Intersection to Marvel Loch Forrestania Road Intersection for the purpose of carrying out the required road works.

and

That council allows Mineral Resources CSI Mining Services to utilise Parker Range Road, Cockatoo Tank Road, Marvel Loch Southern Cross Road and Marvel Loch Forrestania Road (as depicted in the attached plan) as detour route with the following conditions applying:

- 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 with cost to be met by Mineral Resources CSI Mining Services.***
- 3. Adequate signage and variable message boards depicting locations (i.e. Great Eastern Highway, Hyden) and 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 500 metres on gravel roads leading up to intersections and including intersections. Saline water is prohibited on Council controlled roads.***
- 6. Regular road maintenance (or as instructed by council staff) is to carried out on the detour route***
- 7. 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.***
- 8. All cost associated with road pavement upgrades and road maintenance repairs identified on the detour route prior to, during and on completion of the detour period are to be met by Mineral Resources CSI Mining Services.***

CARRIED (6/0)



ATTACHMENT ONE

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Bush Fire Advisory Committee – Restrictions to Burning Garden Refuse and Open Fires

File Reference	5.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider a request from the Yilgarn Bush Fire Advisory Committee to restrict the burning of garden refuse during the restricted and prohibited burning periods and restrict the lighting or use of open fires for camping or cooking during the prohibited burning period.

Background

The prohibited and restricted burning times are declared by the Emergency Services Minister under Sections 17 and 18 of the Bush Fires Act 1954 (the Act). Whilst during this period the lighting of fires is generally prohibited or restricted, there are a number of exemptions under the Act.

Section 24F.(1) allows for the burning of garden refuse, with conditions, during the restricted and prohibited burning times; and Section 25.(1)(a) allows for the lighting of a campfire, with conditions, for camping or cooking purposes.

However, there are provisions in the Act that permit a Local Government to override these exemptions.

Section 24G.(2), of the Act, permits a Local Government to restrict the burning of garden refuse during the restricted and prohibited burning times.

Section 25(1a) permits a Local Government to restrict the lighting of fires for camping and cooking during the prohibited burning times only.

Comment

The Bush Fire Advisory Committee (BFAC), at its meeting held on the 17th March 2021, discussed the restricting of burning of garden refuse and use of cooking/camping fires.

Discussions by the committee identified the blanket ban of burning garden refuse and camping and cooking fires during the applicable periods would be beneficial, as it would remove any confusion or ambiguity and reduce risk of bush fire during the high risk summer period.

As such the following motion was moved:

MOTION: That the Yilgarn Bush Fire Advisory Committee request the Shire of Yilgarn Council to:

- Restrict the burning of garden refuse on the ground during the restricted and prohibited burning times, as permitted under section 24G.(2) of the Bush Fires Act 1954; and
- Restrict the lighting or use of fire in the open air for camping and cooking purposes during the prohibited burning period, as permitted under Section 25(1a) of the Bush Fires Act 1954.

Moved: A. Wesley

Seconded: P. Dunbar

Carried

It should be noted, gas fed enclosed appliances (BBQ's) are still permitted.

Should Council endorse the recommendation, then a notice will need to be placed in the Government Gazette and in a local circulating newspaper.

Once notice is given, then it would be prudent for signage to be displayed throughout the Yilgarn district, advising of the further restrictions. It is proposed to install large signage on the major arterial roads into the Shire, with smaller signage to be displayed at the popular camping sites. An amount of approximately \$10,000 will be included in the 2021/2022 budget for Council's consideration, to enable signage to be installed prior to the 2021/2022 restricted burning period commencing.

Statutory Environment

Bush Fires Act 1954

Part III — Prevention of bush fires

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) *The Minister may, by declaration published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.*

Division 3 — Restricted burning times

18. Restricted burning times may be declared by FES Commissioner

- (1) *Nothing contained in this section authorises the burning of bush during the prohibited burning times.*

- (2) *The FES Commissioner may, by notice published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.*

Division 5 — Burning during prohibited times and restricted times

24F. Burning garden refuse during limited burning times

- (1) *A person must not burn garden refuse at a place (other than a rubbish tip) during the limited burning times for that place unless it is burned —*
- a. in an incinerator in accordance with subsection (2); or*
 - b. on the ground in accordance with subsection (3).*

Penalty: \$3 000.

- (3) *Garden refuse burned on the ground is burned in accordance with this subsection if —*
- a. there is no inflammable material (other than that being burned) within 5 m of the fire at any time while the fire is burning; and*
 - b. the fire is lit between 6 p.m. and 11 p.m. and is completely extinguished before midnight on the same day; and*
 - c. at least one person is present at the site of the fire at all times until it is completely extinguished; and*
 - d. when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.*

24G. Minister or local government may further restrict burning of garden refuse

- (2) *A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.*
- (3) *A person must not burn garden refuse contrary to a prohibition or restriction imposed under this section.*

Penalty: \$3 000.

- (4) *In a notice under this section the Minister or a local government must specify —*
- a. the person or class of persons to whom; and*
 - b. the area in which; and*
 - c. the period during which, the notice applies.*

- (5) *The Minister or a local government may vary or cancel a notice under subsection (1) or (2) by publishing a further notice under the relevant subsection.*

25. No fire to be lit in open air unless certain precautions taken

- (1) *Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act, save and except in accordance with and subject to the following provisions —*
- a. *a fire for the purpose of camping or cooking shall not be lit within 3 m of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 m from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is "catastrophic", "extreme", "severe" or "very high", such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do;*
- (1a) *Notwithstanding anything contained in subsection (1) a local government may, by notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.*

Strategic Implications

Goal:	An inclusive, secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term.
Outcome:	Maintain a liveable, safe and secure community.
Strategy:	Advocate and actively support emergency management and services in the district.

Policy Implications

Nil

Financial Implications

Publishing costs associated with public notice, estimated at approximately \$1000.

An amount of approximately \$10,000 to be included in the 2021/2022 budget for installation of signage.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Risk to life from bushfire	High 10	Restriction to open fires during highest risk period to reduce bush fire risk
Financial Impact	Damage to infrastructure from bushfire	High 10	Restriction to open fires during highest risk period to reduce bush fire risk
Service Interruption	Normal services interrupted due to bushfire response	High 10	Restriction to open fires during highest risk period to reduce bush fire risk
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damage to infrastructure from bushfire	High 10	Restriction to open fires during highest risk period to reduce bush fire risk
Environment	Damage to environment from bushfire	High 10	Restriction to open fires during highest risk period to reduce bush fire risk

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

Officer Recommendation and Council Decision

64/2021

Moved Guerini/Seconded Cr Rose

That Council agrees to restrict, within the Shire of Yilgarn district, the burning of garden refuse on the ground during the restricted and prohibited burning times, as permitted under section 24G.(2) of the Bush Fires Act 1954;

and

That Council agrees to restrict, within the Shire of Yilgarn district, the lighting or use of fire in the open air for camping and cooking purposes during the prohibited burning period, as permitted under Section 25(1a) of the Bush Fires Act 1954.

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Bush Fire Advisory Committee – Fire Break Notice

File Reference	5.1.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Fire Break Notice

Purpose of Report

To consider a request from the Yilgarn Bush Fire Advisory Committee to amend the Fire Break Notice, to include additional requirements for fire management.

Background

Section 33(1) of the Bush Fires Act 1954 (the Act), permits a Local Government to issue a notice to all owners or occupiers of land within the district, requiring them to undertake fire mitigation measures as required, and to undertake within a certain timeframe.

This is undertaken as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur.

The notice may require the owner or occupier:

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
- (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

The notice is commonly referred to as the Fire Break Notice, and is sent out with the annual rates notice to all land owners, along with inclusion in the Crosswords newsletter and Shire website.

Comment

The Bush Fire Advisory Committee (BFAC), at its meeting held on the 17th March 2021, discussed possible requirements for firefighting appliances/equipment during harvest, to be included into the 2021/2022 fire break notice.

A number of variants were discussed, however the Committee settled on the following motion:

MOTION: That the Yilgarn Bush Fire Advisory Committee request the Shire of Yilgarn Council to include the following requirements in the 2021/2022 Fire Break Notice:

- A minimum of 600 litres of water to be kept onsite at all times during harvest or related activities;
- By the 2022/2023 summer fire season, all minimum water requirements are to be carried by a motorised vehicle OR a trailer that is connected to a motorised vehicle at all times and is able to be deployed immediately

Moved: R. Pownall

Seconded: R, Blair

Carried

As such, a draft copy of the Fire Break Notice, including the above amendment, is attached for Councillors perusal and endorsement for ongoing use.

Statutory Environment/

Bush Fires Act 1954

Part III Prevention of bush fires

Division 6 General restrictions, prohibitions and offences

33. Local government may require occupier of land to plough or clear fire-break

(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

(a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;

(b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

(c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and

(d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

Strategic Implications

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

Outcome: Maintain a liveable, safe and secure community.

Strategy: Advocate and actively support emergency management and services in the district.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Risk to life from bushfire	High 10	Requirements for minimum water and onsite appliances during highest risk period to reduce bush fire risk
Financial Impact	Damage to infrastructure from bushfire	High 10	Requirements for minimum water and onsite appliances during highest risk period to reduce bush fire risk

Service Interruption	Normal services interrupted due to bushfire response	High 10	Requirements for minimum water and onsite appliances during highest risk period to reduce bush fire risk
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damage to infrastructure from bushfire	High 10	Requirements for minimum water and onsite appliances during highest risk period to reduce bush fire risk
Environment	Damage to environment from bushfire	High 10	Requirements for minimum water and onsite appliances during highest risk period to reduce bush fire risk

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

Officer Recommendation and Council Decision

65/2021

Moved Cr Shaw/Seconded Cr Cobden

That Council endorses the following inclusions in the Shire of Yilgarn Fire Break notice to all landowners and occupiers, as per Section 33(1) of the Bush Fires Act 1954:

- ***A minimum of 600 litres of water to be kept onsite at all times during harvest and related activities; and***
- ***By the 2022/2023 summer fire season, all minimum water requirements are to be carried by a motorised vehicle OR a trailer that is connected to a motorised vehicle at all times and is able to be deployed immediately.***

And

That Council endorse the draft Fire Break notice.

CARRIED (6/0)

Shire of Yilgarn

Bushfires Act 1954

Notice to all Owners & Occupiers of Land within the Shire of Yilgarn

Requirements to Clear Firebreaks

Pursuant to the powers contained in Section 33(1) of the Bush Fires Act you are hereby required to plough, cultivate, scarify, burn or other-wise clear firebreaks on all land owned or occupied by you by 1 November 20XX and thereafter to keep these firebreaks clear of all flammable material until 31 March 20XX. Firebreaks are required in locations and to the specifications detailed below.

LAND WITHIN TOWNSITES

- (a) On land not exceeding 2023 square metres in area, all flammable material shall be removed.
- (b) On land exceeding 2023 square metres in area, a firebreak 3 metres wide shall be constructed inside and immediately adjoining all external boundaries.
- (c) Firebreaks 3 metres wide shall be constructed immediately surrounding all buildings.
- (d) Haystacks must not be located more than 20 metres to an external boundary. They shall be surrounded by a 10 metre wide firebreak situated between 10 and 20 metres distance from stack.
- (e) Stored fuel, oil and flammable materials shall be protected from fire as prescribed in the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Regulations 1967.

RURAL LAND

- (a) Firebreaks 3 metres wide shall be constructed immediately inside and adjoining all property boundaries.
- (b) Firebreaks 3 metres wide shall be constructed immediately surrounding all buildings.
- (c) Firebreaks 3 metres wide shall be constructed between 10 and 20 metres distance from and surrounding all haystacks.
- (d) Stored fuel, oil and flammable materials shall be protected from fire as prescribed in the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Regulations 1967 and which include that a firebreak 6 metres wide will be provided immediately surrounding storage areas.

MINIMUM REQUIREMENTS DURING HARVEST AND RELATED ACTIVITIES

- (a) A minimum of 600 litres of water to be kept onsite at all times during harvest or related activities; and
- (b) By the 2022/2023 summer fire season, all minimum water requirements are to be carried by a motorised vehicle **OR** a trailer that is connected to a motorised vehicle at all times and is able to be deployed immediately

GENERAL

If for any reason it is considered by the owner or occupier of land that it is impractical to comply with the requirements of this notice, a request may be made to Council to approve alternative fire protection measures. Such application shall be accompanied by a sketch or drawing of the proposed variations and should be lodged at the Council offices no later than 31 October 20XX.

Where approval of a proposed variation is not granted by Council you shall comply with the requirements of this notice. The penalty for non-compliance with this notice is a maximum of \$5,000 and notwithstanding prosecution; Council may enter on the land and carry out the requisite works at the owner / occupiers expense.

RESTRICTED AND PROHIBITED BURNING TIMES

Restricted Burning Period: 19 September 20XX to 31 October 20XX and 16 February 20XX to 31 March 20XX

(Note: Permits to burn during this period are required. Permits must be obtained from your nearest Bush Fire Control Officer)

Prohibited Burning Period: 1 November 20XX to 15 February 20XX

(Note: Permits to burn stubble from the previous seasons crop will not be issued until 1 March 20XX)

By order of the Council

Peter Clarke

Chief Executive Officer

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Policy 4.9 - Transportable Dwellings and Additional Rural-Mining Dwellings Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Council Policy 4.9

Purpose of Report

To adopt Policy 4.9 - Transportable Dwellings and Additional Rural-Mining Dwellings Policy.

Background

At the February 2021 ordinary Council meeting, Councillors endorsed the following, in relation to the then draft Policy 4.9 - Transportable Dwellings and Additional Rural-Mining Dwellings Policy

29/2021

Moved Cr Guerini/Seconded Cr Rose

Council endorse the proposed Policy 4.9 - Transportable Dwellings and Additional Rural/Mining Dwellings Policy.

CARRIED (7/0)

The policy, attached, related to requirements for single transportable dwellings in townsites, and multiple dwellings on rural/mining lots.

The Shire of Yilgarn Town Planning Scheme 2, Section 8.6 allows policies to be made in relation to Planning matters, and Section 8.6.2 states:

A Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

- d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

Comment

In line with Section 8.6.2(a) of the Shire of Yilgarn Town Planning Scheme 2, the proposed Policy was advertised in the Kalgoorlie Miner for two consecutive weeks, being the 3rd and 10th March 2021. The public notice was also placed in Crosswords, on the Shire website and Shire notice board.

The 21 day notice period has now lapsed, with no submissions received.

The Policy is not considered to be inconsistent with other provisions of the Scheme or with State and regional planning policies, and therefore it is not considered necessary to lodge it with the Planning Commission for comment.

As there were no submissions received, it is not considered necessary to further review or amend the originally endorsed Policy, and as such, it is recommended Council agree to finally adopt the Policy and include in the Shire of Yilgarn Council Policy Manual, with advertising of the adopted Policy to commence.

Statutory Environment

Shire of Yilgarn Town Planning Scheme 2

8.6 PLANNING POLICIES

8.6.1 *The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:*

- a) generally or in a particular class of matter or in particular classes of matters;*
- and*
- b) throughout the Scheme Area or in one or more parts of the Scheme Area*

and may amend or add to or rescind a Policy so prepared.

8.6.2 *A Policy shall become operative only after the following procedures have been completed:*

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*

- c) *The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- d) *Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*

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

Addition to Council Policy Manual

Financial Implications

Public notice costs, estimated at approximately \$700.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with relevant planning legislation	Low 1	Council already has discretion to approve under TPS2, Policy will be in keeping with Council discretionary powers
Reputational	Failure to adhere to Community Strategic Plan	Low 3	Policy in place to ensure efficient and effective approval process
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

66/2021

Moved Cr Cobden/Seconded Cr Shaw

That Council, having met its obligations under Section 8.6 of the Shire of Yilgarn Town Planning Scheme 2, formally adopts Policy 4.9 - Transportable Dwellings and Additional Rural/Mining Dwellings Policy.

CARRIED (6/0)

POLICY: **TRANSPORTABLE DWELLINGS AND ADDITIONAL RURAL/MINING DWELLINGS POLICY**

POLICY NO: **4.9**

SECTION: **TOWN PLANNING & BUILDING**

LAST REVIEW DATE: **N/A**

DUE FOR REVISION: **SEPTEMBER 2021**

Transportable Dwellings

Notwithstanding Section 5.3.1 of the Shire of Yilgarn Town Planning Scheme 2, where a new factory built transportable dwelling is proposed to be transported to and placed on a lot in the district, which complies with all other relevant planning requirements, it is exempt from the requirement to obtain Council approval.

Building and health approvals, where applicable, are still required to be sought and gained prior to development commencing.

Where a second hand or used transportable dwelling is proposed to be transported and placed on a lot in the district, it is still required to seek and obtain Council approval.

Additional Rural/Mining Dwellings

Where multiple residential dwellings are proposed on a single Rural/Mining lot within the district, Council approval is not required; on the provision, the dwellings are located in such a manner that they each have a minimum area allocation of one (1) hectare, in keeping with the Department of Planning Development Control Policy 3.4 – Subdivision of Rural Land.

Health approvals, where applicable, are still required to be sought and gained prior to development commencing.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Montague Resources Australia Pty Ltd – Referral of a Clearing Permit Application – Mining Lease 77/2244

File Reference	3.2.1.7
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence from Department of Mines, Industry Regulation and Safety

Purpose of Report

To consider a response to the Department of Mines, Industry Regulation and Safety, regarding a clearing permit application for Montague Resources Australia Pty Ltd on Exploration Licence 77/2244.

Background

The Shire is in receipt of correspondence from the Department of Mines, Industry Regulation and Safety (DMIRS), relating to a submission for Montague Resources Australia Pty Ltd, for a clearing permit (CPS 9212/1) under the Environmental Protection Act 1986 (EP Act) for the Exploration Licence 77/2244.

The permit is for the purpose of Mineral Exploration and will cover an area of 3.71 hectares.

Comment

Attached for Councillors perusal is the correspondence from the department, including relevant maps.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Goal	A prosperous future for our community.
Outcome	Businesses in the Shire remain competitive and viable.
Strategy	Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	M6	DWER Assessment and Approval Processes

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

Officer Recommendation and Council Decision

67/2021

Moved Cr Close/Seconded Cr Guerini

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

In regards to application CPS 9212/1 for Montague Resources Australia Pty Ltd seeking a clearing permit under the Environmental Protection Act 1986, for the purpose of mineral exploration on Exploration Licence 77/2244; the Shire of Yilgarn have no objections to the proposal

CARRIED (6/0)



Chief Executive Officer
Shire of Yilgarn
ceo@yilgarn.wa.gov.au

Dear Sir/Madam

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:	Montague Resources Australia Pty Ltd
Permit Type:	Purpose Permit
Tenement:	Exploration Licence 77/2244
Purpose:	Mineral Exploration
Area (ha):	3.71 ha
Shire:	Shire of Yilgarn
Clearing Permit System (CPS) No:	9212/1

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, 29 March 2021**, quoting CPS 9212/1.

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

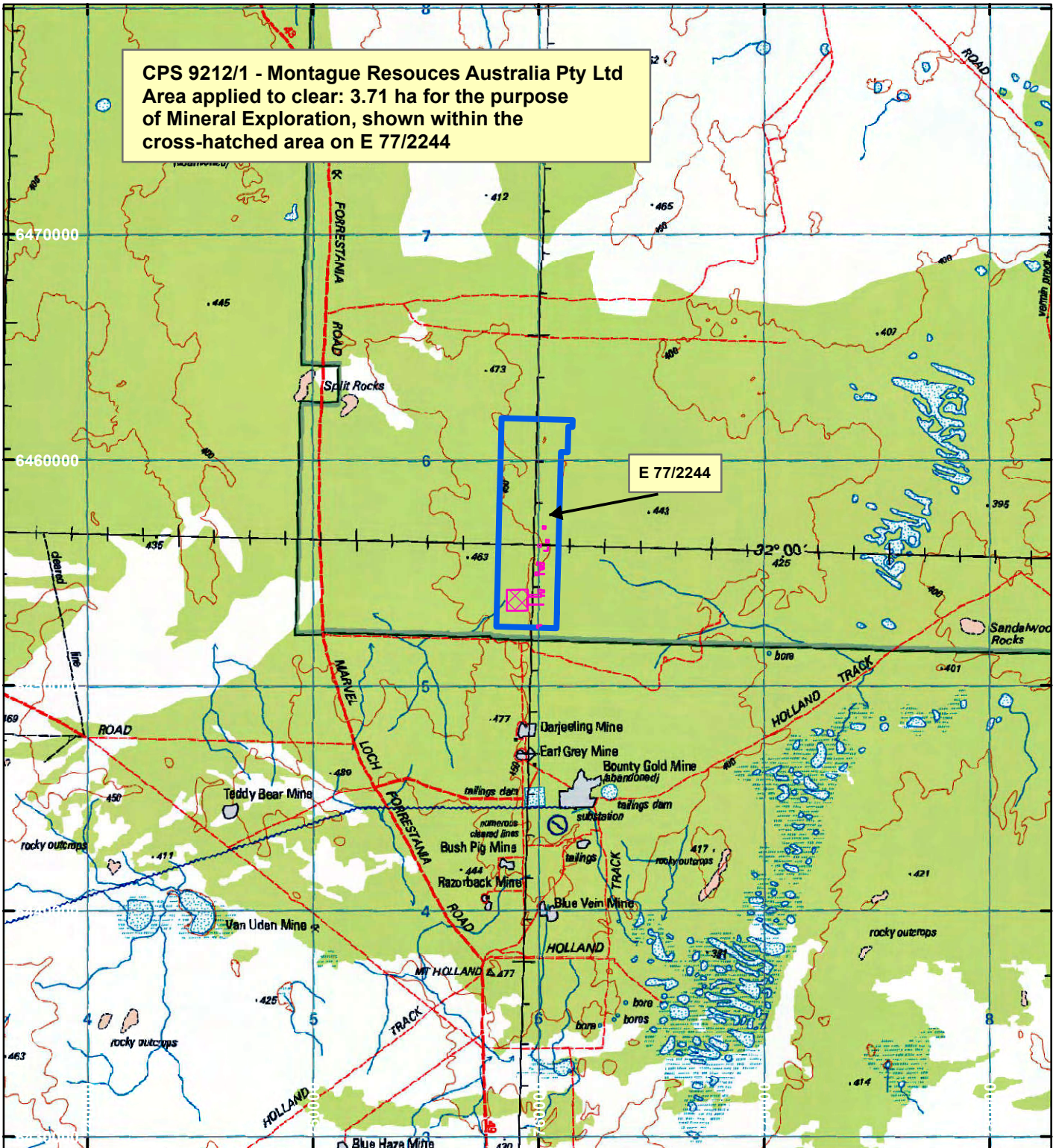
Yours sincerely

Daniel Endacott

Daniel Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division

25 March 2021

CPS 9212/1 - Montague Resources Australia Pty Ltd



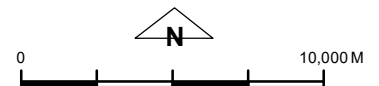
LEGEND



Clearing Instruments



Mining Tenements



Scale 1:250,000

(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

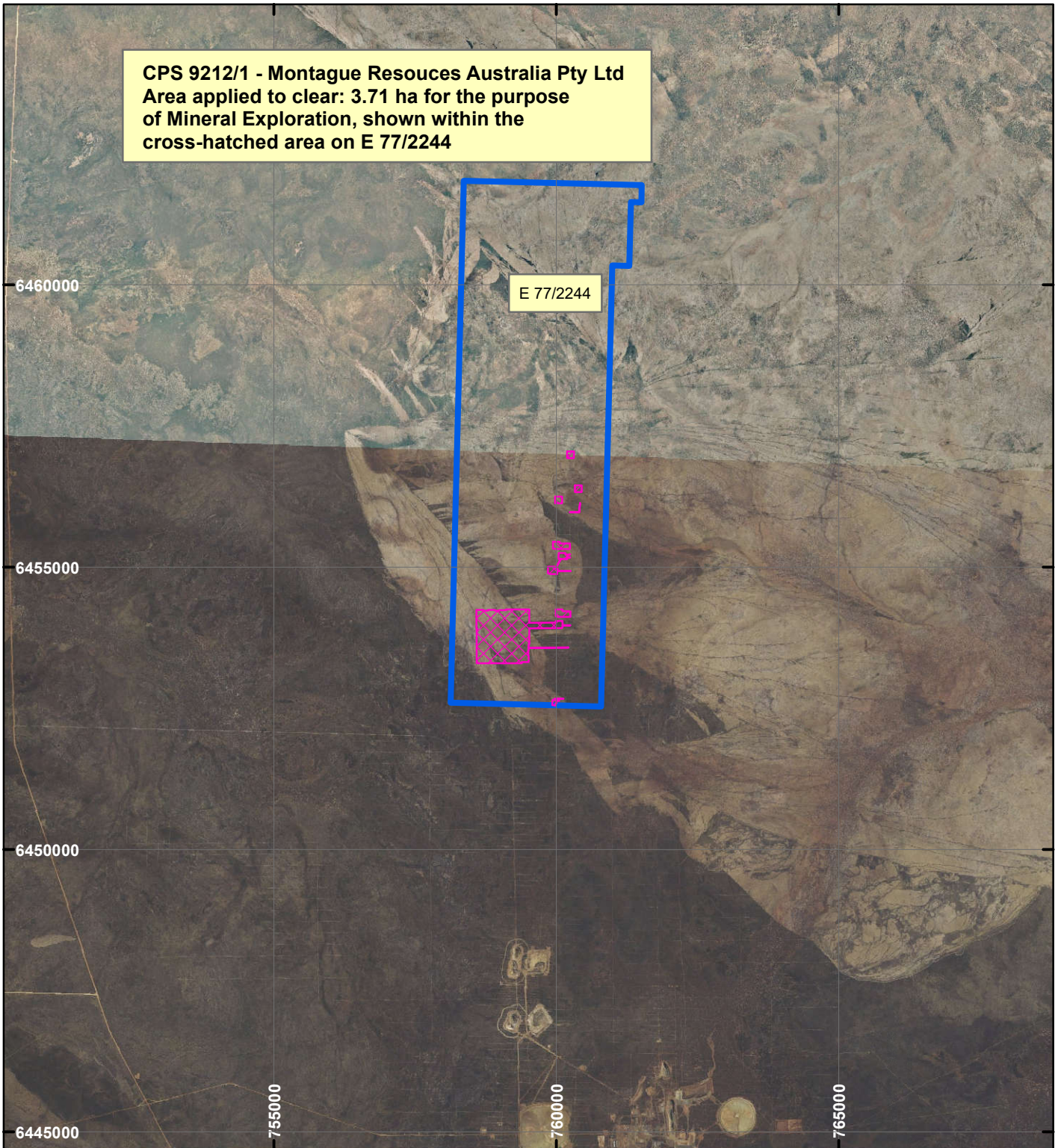
Officer with delegated authority under Section 20 of
the Environmental Protection Act 1986

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



WA Crown Copyright 2002

CPS 9212/1 - Montague Resources Australia Pty Ltd



LEGEND

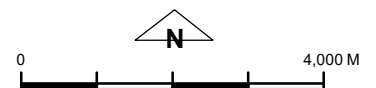


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:100,000

(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

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Development Application – 51, 53, 55 Antares Street, Southern Cross – Change of Use – Commercial Storage and Ancillary Accommodation

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

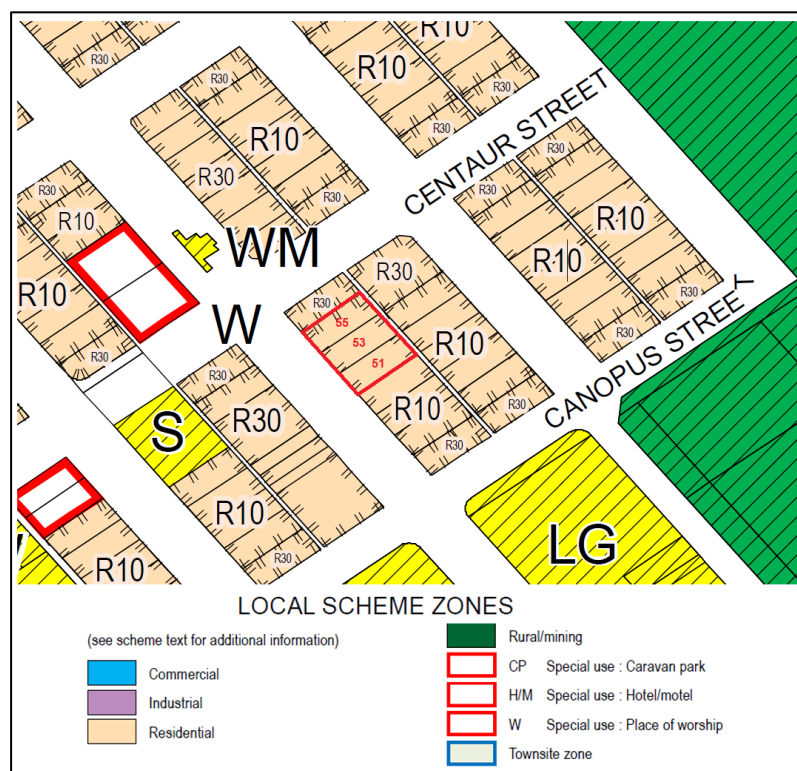
To consider a Development Application for a change of use from residential to commercial storage at 51, 53, 55 Antares Street, Southern Cross.

Background

The Shire is in receipt of a Development Application, seeking a “change of use” to enable the commercial storage of mining equipment and ancillary accommodation.

The application does not involve the construction of any additional buildings, and will utilise existing structures. The application is purely seeking a change of use to the current zoning.

The property the application relates to is 51, 53, 55 Antares Street Southern Cross (the Property), and is currently zoned “Residential” under the Shire of Yilgarn Town Planning Scheme 2 (TPS2).



The TPS2 defines Residential zoned land as:

The Residential Zone is to be used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

The buildings currently housed on the lots are of a commercial design, as before the TPS2, these lots were zoned "Commercial".

Section 7.1 of the TPS2 deals with "non-conforming use rights", which allows a certain use to lawfully continue where the land upon which it is situated has its zoning changed within the planning scheme. This means where a commercial operation on land has its zoning changed to residential, then it may continue to lawfully operate as it has done, despite the non-conforming land use.

However, where the non-conforming use ceases for more than six months, the non-conforming use rights lapses, and the land use must then reflect the current zoning.

In the case of the subject property, as commercial use of the property had ceased for more than six months, it now reverts to the current residential zoning.

As mentioned, whilst residential land is predominately to be used for single dwellings, other uses in Table One of the TPS2 may be permitted.

Table one does not have a use that closely matches the "Commercial Storage" intended use for the Property, a such, under TPS2 it states:

If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

In reference to subclause "b)" above, "SA" procedures under the TPS2 require public advertising of a proposal prior to Council making a determination.

Comment

The intended use of the property as a storage site for commercial mining equipment is deemed to be low impact. While minor repair and maintenance works may be undertaken, there has been no indication in the application that major repair and maintenance works are proposed, and as such, this will form a condition of approval if endorsed by Council.

It will also be a condition of approval that the Environmental Protection (Noise) Regulations 1997 are adhered to, to ensure there is no noise nuisance caused to the neighbouring residential properties.

As there will be no construction works required as part of this development, there are no issues relating to minimum setback requirements.

As mentioned, Council have the ability to either approve, seek public notice or reject the application.

In the opinion of the reporting officer, with relevant conditions, the proposed commercial use will be low impact and will not create a nuisance, as such, the recommendation to Council is to conditionally approve the proposal.

Statutory Environment

SHIRE OF YILGARN TOWN PLANNING SCHEME 2

PART III – ZONES

3.2 ZONING TABLE

3.2.5 If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

PART VI - USE AND DEVELOPMENT OF LAND

6.3 ADVERTISING OF APPLICATIONS

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.

- 6.3.2 *Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.*
- 6.3.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*
- a) *Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
 - b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
 - c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.*
- 6.3.4 *The notice referred to in sub clause 6.3.3 a) and b) shall be in the form contained in Appendix 6 with such modifications as circumstances require.*
- 6.3.5 *After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

PART VII - NON-CONFORMING USES

7.1 NON-CONFORMING USE RIGHTS

- 7.1.1 *Except as otherwise provided in this part, no provision of the Scheme shall prevent:*
- a) *the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;*
 - or*
 - b) *the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current.*

7.2 EXTENSION OF NON-CONFORMING USE

- 7.2.1 *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.*

7.3 CHANGE OF NON-CONFORMING USE

- 7.3.1 *Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.*

7.4 DISCONTINUANCE OF NON-CONFORMING USE

- 7.4.1 *When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*
- 7.4.2 *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*

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 processes

Policy Implications

Nil

Financial Implications

Applicable Development Application fees

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Noise impacts to residential occupiers from commercial operation	Moderate 9	Conditions of approval limiting high noise activities, and compliance with Noise Regulations
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Development non-compliant with relevant planning legislation	Low 4	DA applications to be determined by Council as per TPS2
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Noise impacts to residential occupiers from commercial operation	Moderate 9	Conditions of approval limiting high noise activities, and compliance with Noise Regulations

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

Officer Recommendation and Council Decision

68/2021

Moved Cr Close/Seconded Cr Rose

That Council approve the proposed development for 51, 53, 55 Antares Street, Southern Cross, which seeks to change the current "residential" use to allow the commercial storage of mining equipment and associated ancillary accommodation, with the following conditions;

- *No major maintenance or repair works are to be undertaken at the premises which may create a noise, odour, dust or vibrations nuisance to neighbouring properties;*
- *Use of the premises must comply with the Environmental Protection (Noise) Regulations 1997 at all times;*
- *Any construction works on the property must be referred to the Shire for approval; and*
- *Mining equipment is not to be stored on the road or verge.*

CARRIED (6/0)

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

69/2021

Moved Cr Guerini/Seconded Cr Cobden

That the new business be received by Council for consideration.

CARRIED (6/0)

12 Late Item - Executive Manager Regulatory Services

12.1 Development Application - Koolyanobbing Camp Upgrades

File Reference	3.1.3.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development Plans and Specifications

Purpose of Report

To consider a development application, seeking to install a range of service and storage structures across numerous sites in the Koolyanobbing townsite.

Background

The Shire of Yilgarn is in receipt of a Development Application, submitted by CSI Mining Services, on behalf of Process Minerals International Pty Ltd, seeking to install a number of structures across the following blocks (Development Site):

- 3 Robinson Drive, Koolyanobbing;
- 1 & 3 Irwin Street, Koolyanobbing;
- 31, 33, 34 & 35 Fitzgerald Street, Koolyanobbing;
- 2, 6 & 8 Smith Street, Koolyanobbing;

As per the plans (attached) and application documentation, the development is to include:

Amenities Area

The proposal is to construct a workers amenity area including kitchen diner facility, tavern with breezeway, fenced beer garden and associated chemical storage, bulk storage and ice room. The buildings will be built on the lots to the east of Smith and south of Fitzgerald Streets in Koolyanobbing and serviced by a new bus shelter structure on Smith Street. All buildings will be connected by concrete footpaths and a

veranda will be constructed between the bus shelter and entry to the kitchen diner. Buildings are single storey and constructed on grade.

A new carpark area is planned to the corner of Smith & Fitzgerald for light vehicle parking. Kerbing or a similar bund structure will be constructed to ensure that light vehicles are separated from a proposed truck unloading area located to the north of the proposed kitchen diner.

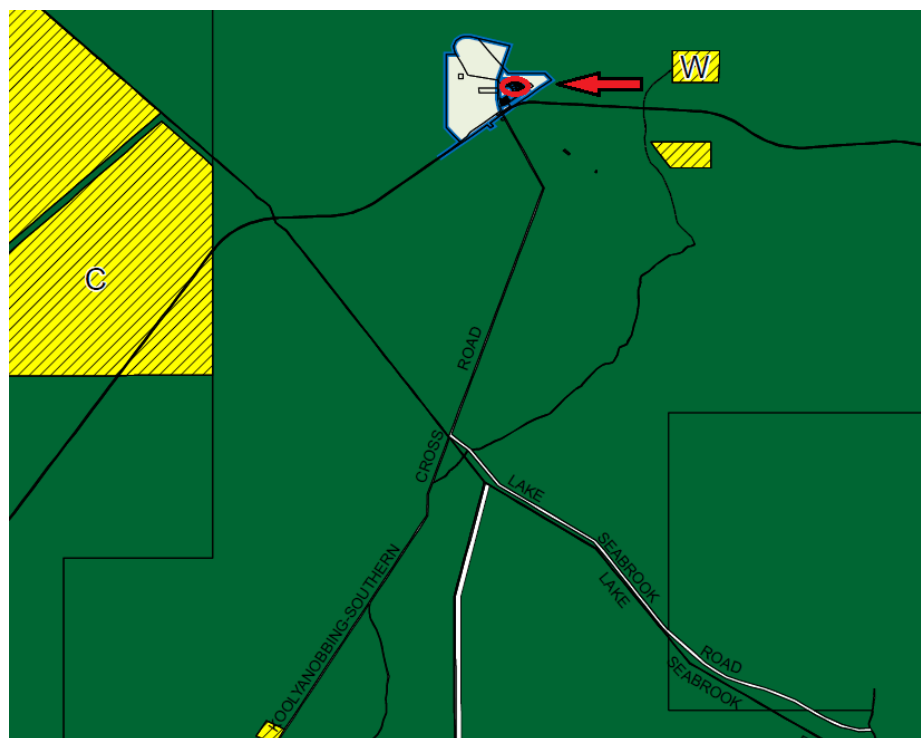
Warehouse extension

A warehouse extension is proposed to the existing building north of Fitzgerald Street. The existing height will be matched, and building will be constructed on grade. It is proposed that a laydown area be cleared to the west. The laydown area will be sealed with perimeter kerbing, drainage, perimeter fencing and lighting.

Carpark




It is proposed that a new carpark is proposed to the south of the townsite. The carpark will be setback from the main road and sealed. Parking for 66 light vehicles will be allowed and the area will be connected to the townsite to provide access to accommodation buildings.






As per the Shire of Yilgarn Town Planning Scheme 2 (TPS2), the Development Site is zoned "Townsite Zone", as shown below:



LOCAL SCHEME ZONES

(see scheme text for additional information)

	Commercial
	Industrial
	Residential

	Rural/mining
	CP Special use : Caravan park
	H/M Special use : Hotel/motel
	W Special use : Place of worship
	Townsite zone

The townsite zone, as per the TPS2 is described as:

The Townsite Zone is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance.

As mentioned above, Council has the discretion to approve other uses within a Townsite zone. It is deemed appropriate to deem the proposed development as a "Use Not Listed", and use Section 3.2.5 of the TPS2 for determination, which states:

If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:

- a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Comment

Council have the discretion to either approve, require public notice or reject the proposal.

Koolyanobbing is a mining town, with no non-mining residents located within the townsite, and as such, it would be appropriate to conclude that the proposal will not unduly affect local residents within its proximity.

The proposal will see an upgrade to existing facilities, which in a Food Safety sense will be an improvement for those accessing the facilities.

As it is a use not listed, Council have discretion to approve any setback, plot ratio, minimum landscape area, parking bays and aesthetics, as they deem appropriate.

Setbacks

There are no sensitive land uses, or private land ownership, outside of Crown managed land and land owned by Mineral Resources, and as such, the various setbacks, as shown in the attachments are deemed appropriate.

Plot Ratio

Council have discretion to approve any plot ratio they deem adequate. The plot ratio varies across the different lots, but taking into account the Development Site as a whole, the proposed

additions across the Development Site will be significantly less than 50%, which is deemed adequate.

Minimum Landscape Area %

There is sufficient space to achieve 10% landscaping.

Car Parking Bays

The proposed 66 bay car park will complement existing light vehicle parking within the townsite. There is not deemed to be an issue with parking currently, and the proposed will increase availability.

Aesthetics

The new buildings will improve the aesthetics of the town, and it is not deemed necessary to include any conditions related to aesthetics in the approval, if Council consent.

Consultation

As there are no private residents located in Koolyanobbing, it is not deemed necessary to undertake public consultation. Being an active mining town, upgrades to infrastructure is to be expected and should be welcomed by the public.

Recommendation

It is deemed the upgrades will improve facilities and aesthetics of the townsite of Koolyanobbing, and will not pose any nuisance risks, and as such, it will be recommended that the development proposal be approved.

Advice Notes

As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.

The applicant will be required to seek a building permit for the amenities buildings; however will not be required to seek a building permit for the warehouse, as it is exempt by the Mining Act 1978, as it is located within a Mining Tenement.

Statutory Environment

Shire of Yilgarn Town Planning Scheme 2

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

Planning and Development and Building Fees

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Inadequate standards for buildings	L1	Building standards required through legislation.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning and Building Standards	L2	Compliance with relevant legislation
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Aesthetic risk from poorly manufactured buildings	L2	Compliance with building legislation and new structures.

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

Officer Recommendation and Council Decision

70/2021

Moved Cr Rose/Seconded Cr Cobden

That Council approve the proposed development, submitted by CSI Mining Services, proposing to install a Kitchen/Diner, Tavern with Breezeway, Ice Room, Warehouse, Chemical Shed, Linen Shed, Bus Port and Light Vehicle Carpark, across multiple lots listed below, and as per the submitted plans.

- 3 Robinson Drive, Koolyanobbing;
- 1 & 3 Irwin Street, Koolynobbing;
- 31, 33, 34 & 35 Fitzgerald Street, Koolyanobbing;
- 2, 6 & 8 Smith Street, Koolyanobbing;

CARRIED (6/0)

12 Reporting Officer– Executive Manager Infrastructure

12.2 LATE ITEM – Unbudgeted Expenditure - Southern Cross Airstrip

File Reference	2.4.1.1
Disclosure of Interest -	NA
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To consider unbudgeted expenditure to engage Aerodrome Management Services (AMS) to start proceedings for the transition of Southern Cross Aerodrome from its registered status to a certified aerodrome

Background

Previous to August 2020 the Southern Cross Aerodrome was classified as a registered aerodrome, in August 2020 new legislative changes were introduced by Civil Aviation Safety Authority (CASA). These changes effectively doing away with registered aerodromes and introducing new standards governing aerodrome types. Airstrip types are to be known as Certified Aerodrome or Aircraft Landing Area.

Comment

The Civil Aviation Safety Authority (CASA) has published the new update to the Manual of Standards (MOS) Part 139. CASR Part 139 and Part 139 MOS, governs all categories of aerodromes under Australian aviation regulations. Within the revised regulatory aerodrome standards, there is significant changes to the operational and administrative requirements to how these aerodromes are currently operated depending on the category of aerodrome. One of the most notable changes in the new rule set governing aerodromes is the removal of a division of classification being a “registered” aerodrome. There is a certain criterion that an aerodrome needs to meet to either continue operating as a certified aerodrome or “opt out” and operate under the classification of an Aeroplane Landing Area (ALA).

On the date the new regulations commence there will be no immediate change for existing registered aerodromes as current registered aerodromes will be deemed “certified” under the new aerodrome legislation. *(therefore, Southern Cross Aerodrome will come under the classification as a Certified Aerodrome)*

To maintain certification after the date the new regulation commence, certified aerodromes must submit to CASA an Aerodrome Manual within a required time frame (May 2021), that contains all elements required by the new Part 139 MOS.

If the Southern Cross Aerodrome ceases to be Certified, it will then be downgraded to an ALA. If this occurs then the Instrument Flight Approach *(Instrument Flight Approach is utilised for night time landing)* for the aerodrome will be withdrawn and the ability to “grandfather” existing aerodrome facilities to a previous standard will no longer apply.

The downgrading to an ALA, will have an effect on aviation companies doing FIFO for mining companies as the withdrawal of Instrument Flight Approach utilised for night landing will restrict operations during winter months.

Council's executive staff have considered that the effects on the Yilgarn community would be detrimental if the Southern Cross Aerodrome was downgrade to ALA and not be maintained as a certified aerodrome. With this in mind and the short period of time council has to submit to CASA an Aerodrome Manual, AMS have been engaged to develop an Aerodrome Manual for the Southern Cross Aerodrome and to assist with the certified transition period until the end of the 2020/2021 Financial Year. Cost to council is \$2079 per month GST inclusive.

AMS are the consulting company that has previously being engaged by Council to carry out Aerodrome Safety Inspections on the Southern Cross Aerodrome.

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended: No. 1 of 1998 s. 19.]

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Unbudgeted expenditure for 2020/2021 financial year - \$5,000

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Unbudgeted expenditure for 2020/2021 financial year - \$5,000	High 10	Unbudgeted Momentary amount is to be sourced from Aerodrome Operation Accounts
Service Interruption	Aeroplane Landing Area will affect FIFO mining operations night time landing if aerodrome is downgraded from Certified to ALA type strip	High 10	Endorsement by Council to engage Aerodrome Management Services to undertake transitioning processes for the Southern Cross Aerodrome as a Certified Aerodrome in order that this Shire facility meets the requirements of new CASA legislative regulations
Compliance	The Civil Aviation Safety Authority Manual of Standards (MOS) Part 139. CASR Part 139 and Part 139 MOS	High 10	That Council engages Aerodrome Management Services (AMS) to undertake transitioning processes for the Southern Cross Aerodrome as a Certified Aerodrome in order that this Shire facility meets the requirements of new CASA legislative regulations
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

71/2021

Moved Cr Close/Seconded Cr Guerini

That Council engages Aerodrome Management Services (AMS) to undertake transitioning processes for the Southern Cross Aerodrome as a Certified Aerodrome in order that this Shire facility meets the requirements of new CASA legislative regulations and in endorsing this action, Council acknowledges that there will be unbudgeted expenditure within the 2020/2021 Budget,

and

That Council further engages AMS to continue with compliance requirements associated with the above CASA legislative regulations in the 2021/2022 financial year at a cost of \$2,079.00 per month.

CARRIED BY ABSOLUTE MAJORITY (6/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.25pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 15 April 2021, are confirmed on Thursday, 20 May 2021 as a true and correct record of the April 2021 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT