



Minutes

Ordinary Meeting of Council

20 May

2021

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.05pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr 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	

Leave of Absence:

72/2021

Moved Cr Close/Seconded Cr Guerini

That Cr Nolan be granted Leave of Absence from the Ordinary Meeting of Council held on the 20 May 2021

CARRIED (6/0)

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 15 April 2021

73/2021

Moved Cr Cobden/Seconded Cr Shaw

That the minutes from the Ordinary Council Meeting held on 15 April 2021 be confirmed as a true record of proceedings

CARRIED (6/0)

6.2 Great Eastern Country Zone (GECZ) Meeting, Tuesday 27 April 2021

74/2021

Moved Cr Guerini/Seconded Cr Cobden

That the minutes from the GECZ meeting held on the 27 April 2021 be received.

CARRIED (6/0)

6.3 Wheatbelt East Regional Organisation of Councils (WEROC) Inc. Board Meeting, Tuesday 27 April.

75/2021

Moved Cr Close/Seconded Cr Guerini

That the minutes from the WEROC meeting held on the 27 April be received

CARRIED (6/0)

6.4 Yilgarn History Museum Committee Meeting, Wednesday 3 March 2021

76/2021

Moved Cr Cobden/Seconded Cr Rose

That the minutes from the Yilgarn History Museum Committee Meeting held on the 3 March 2021 be received

CARRIED (6/0)

6.5 Yilgarn History Museum Committee Meeting, Tuesday 4 May 2021

77/2021

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the Yilgarn History Museum Committee Meeting held on the 4 May 2021 be received

CARRIED (6/0)

6.6 Yilgarn Tourism Committee Meeting, Tuesday 4 May 2021- (Minutes Attached)

78/2021

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the Yilgarn Tourism Committee meeting held on the 4 May 2021 be received

CARRIED (6/0)

Recommendation contained within the Yilgarn Tourism Committee Minutes

79/2021

Moved Cr Rose/Seconded Cr Cobden

That the recommendation contained within the Yilgarn Tourism Committee meeting being:-

Moved K Crafter Seconded R Stevens

That it be recommended to Council that it declines Mr Bonser's offer to participate in "The Spirit of the Wheatbelt Hinterland" publication as both the Committee and Council are concentrating on lifting the profile of the district via social media and website platforms and has invested heavily in this area to achieve this exposure

Be adopted.

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the ANZAC Day services

Cr Close announced the following;

- Attended the Wheatbelt North East Sub Regional Road Group meeting on the 16 April 2021
- Attended the Great Eastern Country Zone meeting on the 27 April 2021

Cr Cobden announced the following;

- Attended the Local Health Advisory Committee meeting on the 20 April 2021
- Attended the Southern Cross ANZAC Day service
- Attended the Southern Cross Tourism Advisory Committee meeting on the 4 May 2021

Cr Rose announced the following;

- Attended the Tourism, Advisory Committee meeting on the 4 May 2021
- Attended the Yilgarn History Museum Committee meeting on the 4 May 2021

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Central East Accommodation & Care Alliance Inc. (CEACA)

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments -	Nil

Purpose of Report

To submit to Council for consideration the continuation of a financial contribution to CEACA in the 2021/2022 financial year.

Background

In past years Council has been contributing \$20,000 per annum to CEACA as part of the Aged Housing Project in the Wheatbelt. The \$20,000 contribution individually from the eleven (11) participating Shires in the Eastern Wheatbelt region has been mainly to assist in the administrative side of the project.

Now that the Aged Housing project has been completed and 100% occupancy of the units has been achieved, CEACA have now set new priorities as part of the 2012 VERSO Report that was commissioned by CEACA into Central East Wheatbelt Aged Support and Care Regional Solution/s.

Comment

At the April 2020 Ordinary meeting of Council, the CEO informed Councillors that he and the Executive Manager Regulatory Services (EMRS) had met with CEACA's Independent Chair, Mr Tuck Waldron, and the Interim CEO, Mr Richard Marshall, regarding the new Strategic Priorities set by CEACA's Executive Committee for the 2021/2022 financial year, which are as follows:-

- Investigate and develop proposals for the provision of care services, including NDIS and mental health support, for the citizens of CEACA members;
- Investigate the possible expansion of CEACA accommodation units in locations required by each CEACA member;
- Investigate and develop proposals for the provision of transport services for the citizens of each CEACA member;

- Investigate the availability of government funding to CEACA from both state and federal governments to implement strategic priorities 1 to 3 noted above;
- Examine the feasibility of CEACA taking over the management of accommodation units owned by each CEACA member; and
- Investigate the possibility of other Wheatbelt shires becoming a member of CEACA.

Mr Waldron advised that the above priorities can only be achieved by way of the majority of the 11 member shires continuing to contribute the annual contribution of \$20,000. Mr Waldron and Mr Marshall indicated that the benefits of CEACA membership include the following:-

- Direct involvement and influence in a social housing scheme covering the member Shires and also the wider region of the central east Wheatbelt; and
- Direct involvement and influence in the future direction of CEACA, which may include an expansion of the number of Independent Living Units (ILUs) and the development of a care services model.

In respect to dot point 2 above, the expansion of ILUs in Southern Cross is unlikely in the long-term, considering the length of time it took to occupy the two (2) CEACA Units together with other housing options that already exist in Southern Cross. Also, within the Yilgarn district there are Private Home Care Providers offering in-home care and assistance to the elderly, which also covers people living with a disability or those that are recovering from surgery or disease. It could be viewed that CEACA would potentially be competing with private Home Care Providers if it pursued this direction. The CEO and EMRS did raise this matter with Mr Waldron who indicated that he would contact the private Providers to ascertain whether there was a possibility of CEACA working with them to provide care packages to residents.

The Board of CEACA next meets on 27 May, 2021 and at this meeting CEACA would like to ascertain direction from member Shires of their proposed financial commitment for the 2021/2022 financial year. It should be noted that one (1) Local Government has already indicated that they will only contribute up to \$2,000.

The Shire President, Cr Della Bosca, is on the Board of CEACA and will be representing the Shire of Yilgarn at the above meeting.

Statutory Environment

Nil

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.

Shire of Yilgarn Strategic Community Plan 2020-2030 – Social 1.3.1 – Support CEACA ILU's precinct in Southern Cross.

Policy Implications

Nil

Financial Implications

Should Council decide to continue with an annual contribution of \$20,000 to CEACA, provision would have to be made within the 2021/2022 Budget.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To consider whether additional funding to CEACA is warranted. Withdrawal of funding could potentially affect care services to elderly in the future	Moderate (9)	Consideration to fund next Phase of CEACA planning of VERSO Report following completion of ILU project
Financial Impact	\$20,000 annual contribution	Moderate (8)	To provide direction to CEACA Board Member regarding allocation of \$20,000 to CEACA in 2021/2022 Budget.
Service Interruption	Nil	Nil	Nil
Compliance	<i>Local Government Act</i> requirements relating to Budgets.	High (15)	2021/2022 Budget considerations
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

80/2021

Moved Cr Cobden/Seconded Cr Rose

That Council instructs its representative on the Board of the Central East Accommodation and Care Alliance (CEACA) Inc., to advise CEACA at its Board meeting on Thursday, 27 May 2021 of the following in respect to ongoing membership and annual financial contributions:-

- 1. that the Shire of Yilgarn does not wish to continue as a participating member of CEACA if the annual financial contribution remains at \$20,000 per annum; and*
- 2. that the Shire of Yilgarn would consider continuing its participation with CEACA if annual contributions were scaled dependent upon the expectation on the level of future services required by individual members i.e., retain involvement in ILU's and accommodation requirements, but not in the proposed future priorities of care services, including NDIS, mental health support and transport services.*

Note: *Council's decision in seeking a reduced annual contribution is based upon the belief that those CEACA (Local Governments) members that hold the majority of ILU's within their respective districts/towns would ultimately benefit from the intended future priorities of CEACA as opposed to those smaller communities with a limited number of ILU's and residents requiring proposed levels of support.*

In resolving the above, Council congratulates CEACA on its achievement in the construction and occupation of the 71 ILU's in the 11 Local Governments within the Central and Eastern Wheatbelt area.

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Adoption of Policy – Appointment of Acting Chief Executive Officer

File Reference	2.3.3.2
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Policy

Purpose of Report

To submit to Council a new Policy to replace existing Staff Policy 7.5 on the Appointment of an Acting Chief Executive Officer in order that Council conforms with Section 5.39C of the *Local Government Act 1995*.

Background

As Council is aware, the State Government enacted new legislation that took effect from 3 February 2021 relating to the following:-

- *Local Government (Administration) Regulations 2021*;
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*; and
- *Local Government (Model Code of Conduct) Regulations 2021*.

Council has already complied with a number of the requirements associated with the new legislation and it is considered by the CEO that Council's existing policy for the "Appointment of Acting CEO" requires review based upon the new legislation.

Section 5.39C of the *Act*, stipulates that a Policy for temporary employment of appointment of a CEO must be prepared and adopted. This includes appointment of an Acting CEO when the current CEO is on leave.

Comment

In its guidance notes on the above matter, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes:-

"Where the role of CEO is not fulfilled for a significant period, this leads to increased risk operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO."

As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the Council. This policy must be made available on the local government's website.

Senior Staff Policy No.7.3 already states the following Officers to be designated as Senior Staff in accordance with Section 5.37 of the *Act*:-

- Executive Manager Corporate Services
- Executive Manager Infrastructure
- Executive Manager Regulatory Services

In respect to existing Policy No. 7.5 relating to Acting Chief Executive Officer, it states the following:-

"When the Chief Executive Officer is on Annual Leave, Long Service Leave, or Extended Sick Leave; the Executive Manager Corporate Services shall be the Acting Chief Executive Officer, unless otherwise determined by Council.

Provided however, should the Executive Manager Corporate Services not be available then the most Senior Member of the Council staff as determined by the CEO shall act in the capacity of Acting Chief Executive Officer pending a resolution of the Council".

Whilst Council's existing Policy does meet the majority of the requirements, it is considered that it should be reworded to incorporate all areas as addressed by the DLGSC in its guidance notes. Therefore, it is proposed that the following be considered by Council as the new Policy wording:-

Senior Employees and Acting Chief Executive Officer Appointments pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees:

- ***Executive Manager Corporate Services***
- ***Executive Manager Infrastructure***
- ***Executive Manager Regulatory Services***

For the purposes of Section 5.36(2) and 5.39C of the Act, Council has determined that the employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:-

- *The CEO is not an interim CEO or Acting in the position;*
- *The term of appointment is not longer than 25 working days consecutive; and*
- *That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.*

In the case of the unavailability of the CEO due to an emergency to appoint an Acting CEO, the Executive Manager Corporate Services is automatically appointed as Acting CEO, on that Officer's salary, for up to 10 working days from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council for consideration.

Statutory Environment

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

5.39C. Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

* Absolute majority required.

- (2) A local government may amend* the policy.

* Absolute majority required.

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

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

New Policy to replace previous Policies 7.3 and 7.5 contained in the Staff Policy Manual

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	Sections 5.36(2) and 5.39C(1) of the <i>Local Government Act</i>	Moderate (6)	Adoption of Policy to meet <i>Act</i> 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

81/2021

Moved Cr Close/Seconded Cr Guerini

That with respect to the new mandatory policy that covers the appointment of local government Chief Executive Officers on terms less than one year (including those in an Acting capacity), Council;

- Pursuant to Section 5.39C(1) of the Local Government Act 1995, adopt the following Policy for Appointing an Acting Chief Executive Officer:-*

Senior Employees and Acting Chief Executive Officer Appointments pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees:

- Executive Manager Corporate Services*
- Executive Manager Infrastructure*
- Executive Manager Regulatory Services*

For the purposes of Section 5.36(2) and 5.39C of the Act, Council has determined that the employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:-

- The CEO is not an interim CEO or Acting in the position;*
- The term of appointment is no longer than 25 working days consecutive; and*

- *That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.*

In the case of the unavailability of the CEO due to an emergency to appoint an Acting CEO, the Executive Manager Corporate Services is automatically appointed as Acting CEO, on that Officer's salary, for up to 10 working days from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council for consideration.

2. *In adopting the above Policy, Council repeals the existing Policy No.7.5 relating to Acting Chief Executive Officer; and*
3. *Pursuant to Section 5.39C9(4) of the Local Government Act, the newly adopted Policy be published on the Shire of Yilgarn's official website.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Yilgarn Agricultural Society – Financial Contribution for conduct of 2021 Yilgarn Show

File Reference	1.3.3.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To present to Council for consideration, the ongoing commitment for financial assistance to the Yilgarn Agricultural Society in conducting the 2021 Yilgarn Show.

Background

In past years Council has contributed financially to the Yilgarn Agricultural Society to assist the Society in attracting performers/rides to make the Show a more attractive event for all ages.

Comment

Due to COVID-19, the 2020 Show was cancelled and whilst Council had provided a financial commitment of \$9,800 in the 2020/2021 Budget for the 2020 Show, this amount has remained unexpended to date.

The President of the Agricultural Society, Mrs Alison Carnicelli, has written to Council seeking financial support for the conduct of the 2021 Show and has listed the following performers/rides that Council could consider sponsoring:-

- *Lil Loui - children's ride on miniature Mac Truck train - \$1,550*
- *Magician and Fire Twirling Pirate - \$1,900*
- *Race Kraft Virtual Go Kart Racing - \$1,650*
- *Brazillian Dancers x 4, and Drummers x 6 - \$4,500 (this is something new to this Show, we are trying to incorporate more cultural diversities into the Show)*
- *Smoke and Mirrors Audio - \$3,150 (audio Equipment and MC)*
- *Constable Care Puppet Show - \$3,150*

Rather than identifying particular sponsorship of performers/rides, it is suggested that Council provides financial contribution earmarked with the 2020/2021 Budget (indicated above), which would then allow the Society to plan early with the sponsorship and prioritise which performers/rides would best suit the Show's patronage.

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

Provision made in the 2021/2021 Budget for funding to the Yilgarn Agricultural Society.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To support the Yilgarn Agricultural Society in providing a quality Show for all residents of the district	Low (1)	Nil
Financial Impact	Nil	Low (2)	Provision already in 2020/2021 Budget
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
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

82/2021

Moved Cr Cobden/Cr Shaw

That Council reinforces its financial commitment to the Yilgarn Agricultural Society through its 2020/2021 Budget allocation of \$9,800.00 to assist the Society in securing performers/rides for the 2021 Show.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Yilgarn Motoring Enthusiasts Inc. – Financial Contribution for conduct of 2021 Car & Bike Show

File Reference	1.3.9.21
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To present to Council for consideration, the ongoing commitment for financial assistance to Yilgarn Motoring Enthusiasts Inc., in conducting the 2021 Car and Bike Show.

Background

In past years Council has contributed financially to the Yilgarn Motoring Enthusiasts Inc., to assist this organisation in the conduct of the Car & Bike Show.

Comment

Due to COVID-19, the 2020 Car & Bike Show was cancelled and whilst Council had provided a financial commitment of \$3,000 in the 2020/2021 Budget for the 2020 event, this amount has remained unexpended to date.

The President of Yilgarn Motoring Enthusiasts Inc., Mr Ken Fairless, has written to Council seeking financial support for the conduct of the 2021 Car and Bike Show and indicated that they were reluctant to source donations from local businesses for this year's event understanding that businesses were under considerable economic strain.

Due to limited financial support, Mr Fairless is seeking additional support from Council by way of providing a top-up of \$3,000 to assist the Yilgarn Motoring Enthusiasts Inc., in attracting activities at the 2021 event.

As indicated above, provision had been made in the 2021/2021 Budget for funding of \$3,000 to Yilgarn Motoring Enthusiasts Inc., that was identified for the 2020 Car and Bike Show. If Council can commit an additional \$3,000 in its 2020/2021 Budget, this would ensure that the group would have sufficient Council sponsorship without the need to source financial assistance from other sources.

Statutory Environment

Local Government Act 1995 – Section 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.

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

Provision made in the 2021/2021 Budget for funding of \$3,000 to Yilgarn Motoring Enthusiasts Inc., which was identified for the 2020 Car and Bike Show.

The request for an additional \$3,000 would be from the current 2020/2021 Budget and Council's commitment to this needs to be ratified by Absolute Majority as it is deemed unauthorised expenditure.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To support the Yilgarn Motoring Enthusiasts In., in providing a quality 2021 Car and Bike Show for all residents of the district	Moderate (5)	Nil
Financial Impact	Impact upon current 2020/2021 Budget through additional financial support	Low (2)	Provision already in 2020/2021 Budget of \$3,000. Seeking an additional \$3,000 in the 2020/2021 Budget
Service Interruption	Nil	Nil	Nil
Compliance			
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

83/2021

Moved Cr Rose/Seconded Cr Close

That Council:-

- 1. Reinforces its financial commitment to the Yilgarn Motoring Enthusiasts In., through its 2020/2021 Budget allocation of \$3,000.00 to assist the organisation in conducting the 2021 Car and Bike Show, and;***
- 2. That Council commits to providing an additional \$3,000.00 over and above Council's normal annual contribution in the 2020/2021 Budget to the Yilgarn Motoring Enthusiasts Inc., to assist the organisation in securing events for the 2021 Car and Bike Show.***

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.5 Draft Tourism Marketing Strategy and Activation Plan

File Reference	1.3.10.5
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Draft Tourism Marketing Strategy and Activation Plan

Purpose of Report

To present to Council for consideration and adoption, the Draft Tourism Marketing Strategy and Activation Plan prepared by Market Creations on behalf of the Shire of Yilgarn.

Background

In the development of the Shire of Yilgarn Strategic Community Plan 2020-2030, one of the outcomes from the community consultation was a recommendation for Tourism in the district to be given a higher profile and to do this, a recommendation was put forward, which Council supported, was for the re-formation of the Shire's Tourism Advisory Committee.

Following adoption of the Strategic Community Plan by Council, processes were put in place to re-form the above Committee, with the Tourism Advisory Committee's first meeting being held in September 2020. Council did provide funds in its 2020/2021 Budget to allow the Committee to commence tourism projects however, being a new Committee and endeavouring to find direction proved to be difficult.

It was therefore recommended to Council that the budgeted funds be allocated to the preparation of a Tourism Marketing Strategy that would provide direction for lifting the profile of the Shire and tourism overall. This action was supported by Council.

Comment

Following the above processes, Market Creations, a WALGA preferred supplier, was engaged by Council to work with the Tourism Advisory Committee to develop a Tourism Marketing Strategy and also to develop a dedicated Tourism Webpage.

Market Creations have now provided the Draft Tourism Marketing Strategy and Activation Plan for Council's consideration. The Tourism Advisory Committee reviewed the Draft at its meeting held on Tuesday, 4 May 2021 and supported its content and resolved the following in expectation that Council would also adopt the Strategy:-

Moved K Crafter Seconded Cr Rose

that Council seeks quotations for implementation of Brand Development and Awareness as per Phase 1 of the Activation Strategies outlined in the Draft Tourism Marketing Strategy in order that Council can consider such costs in the 2021/2022 Budget deliberations.

CARRIED

Whilst the Committee noted that a considerable amount of funding is required to achieve the Activation Strategies as outlined within the Marketing Strategy, a phased approach over a period of years will ensure an orderly approach to lifting the profile of the Shire and the district and ensure that Council and the Tourism Advisory Committee have a clear direction towards meeting these goals.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives Outcome 2.4 Tourism Opportunities are Maximised – 2.4.3 Re-establish a Yilgarn Tourism Committee to advise/recommend to Council on actions to promote tourism in the district.

Policy Implications

Nil

Financial Implications

Subject to Council committing funding in the 2021/2022 to commence Phase 1 of the Activation Strategies.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Community Strategic Plan identified promotion of tourism in the district as a priority	Moderate (9)	Development of Tourism Marketing Strategy and Activation Plan provides for direction
Financial Impact	Allocations in annual Budgets to achieve Activation Strategies	High (12)	Subject to Council identifying funding annually.
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

84/2021

Moved Cr Shaw/Seconded Cr Cobden

That Council adopts the Shire of Yilgarn Tourism Marketing Strategy and Activation Plan as presented and supports the recommendation submitted by the Yilgarn Tourism Advisory Committee to source quotations for the commencement of Phase 1 of the Activation Strategies as outlined in the Plan for consideration in the allocation of funds in the 2021/2022 Budget to commence this process.

CARRIED BY ABSOLUTE MAJORITY (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 30 April 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 —

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

85/2021

Moved Cr Cobden/Seconded Cr Rose

That Council endorse the various Financial Reports as presented for the period ending 30 April 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 41019 to 41025 totalling \$5,059.90 Municipal Fund-EFT Numbers 11213 to 11316 totalling \$926,412.43 Municipal Fund – Cheque Numbers 1717 to 1725 totalling \$185,814.48 Municipal Fund Direct Debit Numbers 15650.1 to 15650.13 totalling \$18,278.40, Municipal Fund Direct Debit Numbers 15690.1 to 15690.13 totalling \$18,424.52, Trust Fund – Cheque Numbers 6281 to 6286 (DPI Licensing), totalling \$56,947.50 Trust Fund - Cheque Numbers 402565 to 402567, totalling \$1,143.10 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

86/2021

Moved Cr Close/Seconded Cr Guerini

Municipal Fund – Cheque Numbers 41019 to 41025 totalling \$5,059.90 Municipal Fund-EFT Numbers 11213 to 11316 totalling \$926,412.43 Municipal Fund – Cheque Numbers 1717 to 1725 totalling \$185,814.48 Municipal Fund Direct Debit Numbers 15650.1 to 15650.13 totalling \$18,278.40, Municipal Fund Direct Debit Numbers 15690.1 to 15690.13 totalling \$18,424.52, Trust Fund – Cheque Numbers 6281 to 6286 (DPI Licensing), totalling \$56,947.50 Trust Fund - Cheque Numbers 402565 to 402567, totalling \$1,143.10 are presented for endorsement as per the submitted list.

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2021/22 Councillor Sitting Fees

File Reference	2.1.1.1
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To set Councillors Sitting Fees for 2021/22.

Background

Section 7B (2) of the Salaries and Allowances Act 1975 requires the Salaries and Allowances Tribunal, at intervals of not more than 12 Months, to inquire into and determine: -

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings;
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The amount of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

The Tribunal continues to utilise the four band Local Government classification model adopted in 2012 with the Shire of Yilgarn falling under Band 3.

With the COVID-19 pandemic unfolding early in 2020, the State Government, in an attempt to lessen the financial impacts on the Western Australian economy, requested that Local Governments freeze many of their income and expenditure requirements. As a result of this request, Shire of Yilgarn Councillor sitting fees were left unchanged.

For the 2021/2022 financial year, the tribunal has determined that remuneration, fees, expenses and allowance ranges for Band 3 Councils will remain unchanged from those determined for the 2020/21 financial year.

Council Meeting Attendance Fees per Meeting

Where a Local Government decides, by Absolute Majority, to pay a Council Member a fee referred to in section 5.98(1)(b) of the Local Government Act for attendance at a Council Meeting, the following per meeting fee range will be applicable;

Band	For a council member other than mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
3	\$193	\$410	\$193	\$634

Committee Meeting and Prescribed Meeting Fees per Meeting

Where a Local Government decides to pay a Council Member a fee referred to in: -

- (a) section 5.98(1)(b) of the Local Government Act for attendance at a Committee Meeting; or
- (b) section 5.98(2A)(b) of the Local Government Act for attendance at a Meeting of the type prescribed in regulation 30(3A) of the Local Government (Administration) Regulations 1996.

the following per meeting fee range will be applicable;

Band	For a council member (including mayor or president)	
	Minimum	Maximum
3	\$97	\$205

It should be noted that a Local Government may decide, by Absolute Majority, that instead of paying Council Members a per Meeting Attendance Fee it may, instead, decided it will pay all Council Members who attend Council, Committee or proscribed meetings a fixed annual fee.

The benefits of this to Council are that there are significantly reduced administrative requirements involved, in that payments to Councillors are usually only made on either an annual, bi-annual or quarterly basis. Additionally, the record keeping requirements of collating Councils attendance forms with time saving on the associated financial processing.

There is a downside to Council electing to utilise a fixed annual fee for Councillor sitting fees which is, if there was to be a consistently absent Councillor, there would be no mechanism to adjust their sitting fees.

At this time, it is not recommended that Council utilise annual sitting fees as it may require amending Council Policy 1.5 – Elected Member Entitlements.

Annual Allowance for mayor or president of a local government

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act the following allowance range will be applicable;

Band	For a mayor or president	
	Minimum	Maximum
3	\$1,025	\$36,5957

Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the Local Government Act the annual allowance for a Deputy President is determined to be 25% of the Presidents Allowance.

Travel Expenses

The Salaries & Allowances Determination has Councillor travel reimbursements for actual distances travelled being paid at the same rate contained in section 30.6 of the *Local Government Officers (Western Australia) Interim Award 2011*, being

Engine Displacement (in cubic centimetres)			
Area & Details	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan Area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of State	99.01	70.87	58.37

Comment

For reference, the following are the 2020/2021 financial years Elected Member meeting attendance fees and expense reimbursement / allowances:

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

Travel expense reimbursement rates are reimbursed at the "Rest of State" levels included at section 30.6 of the Local Government Officers (Western Australia) Interim Award 2011 and have remained unchanged from those of 2018/19.

ICT Allowance is made up of \$480 in telecommunications (based on \$40 monthly post-paid Telstra data plan) and \$700 hardware replacement/upgrade (based on cost of iPad Pro 12.9" 64Gb Wifi + Cellular over 2 years).

In recent years, requirements to have a Community Representative on the Audit Committee and an Independent Person on a CEO recruitment and Selection Panel have come into effect. With this in mind, it will also be recommended that the person/s holding these positions also be remunerated for the time and effort they provide.

Statutory Environment

Local Government Act 1995 –

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

- (a) the fee determined for attending a council or committee meeting; or
- (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

- (a) the fee determined for attending a meeting of that type; or
- (b) where the local government has set a fee within the range determined for meetings of that type, that fee.

(2) A council member who incurs an expense of a kind prescribed as being an expense —

- (a) to be reimbursed by all local governments; or
- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

- (a) where the extent of reimbursement for the expense has been determined, to that extent; or
- (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.

(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

(5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

- (a) the annual local government allowance determined for mayors or presidents; or

- (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a ***committee meeting*** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37; amended by No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.*

[Section 5.99 amended by No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —
- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
 - (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;
 - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

[Section 5.99A inserted by No. 64 of 1998 s. 38; amended by No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

Local Government (Administration) Regulations 1996 –

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

[(1), (2) deleted]

- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;

- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
- (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

[(3B) deleted]

(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —

- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
- (b) the council member is paid an annual fee in accordance with section 5.99; or
- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

[(3)-(5) deleted]

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

[(2)-(5) deleted]

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

[(2) *deleted*]

[Regulation 32 amended in Gazette 13 Jul 2012 p. 3219.]

[33-34AB. *Deleted in Gazette 13 Jul 2012 p. 3219]*

Salaries and Allowance Act 1975

7B. Determinations as to fees and allowances of local government councillors

(1) In this section —

elected council member means a person elected under the *Local Government Act 1995* as a member of the council of a local government.

(2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —

- (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected council members for attendance at meetings; and
- (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the *Local Government Act 1995* to elected council members; and
- (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the *Local Government Act 1995* to elected council members.

(3) Section 6(2) and (3) apply to a determination under this section.

[Section 7B inserted by No. 2 of 2012 s. 39.]

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

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

Financial Implications

Any resolution on the value of sitting fees and Members expenses will form part of the 2019/2020 Budget.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act, associated Regulations and current SAT determination.	Moderate (6)	Ensure compliance with Act, Regs and SAT determination.
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

87/2021

Moved Cr Close/Seconded Cr Rose

That Council

- adopts the following elected members sitting fees, expense reimbursements/allowances and President & Deputy Presidents allowances for the 2021/2022 financial year:*

		For a council member other than mayor or president	For a council member who holds the office of mayor or president
Meeting Fee Type			
Council	- Per Meeting	\$400	\$600
Committee	- Per Meeting	\$200	\$200
Expense Reimbursement / Allowance Type			
Travel Reimbursement	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”	
ICT Allowance		\$1,180	
Other Allowances			
President	- Per Annum	\$12,000	
Deputy President	- Per Annum	\$3,000	

- adopts the following sitting fees and expense reimbursements for the person/s holding the position of Community Representative on the Shire of Yilgarn Audit Committee for the 2021/2022 financial year:*

		Community Representative
Meeting Fee Type		
Audit Committee	- Per Meeting	\$200
Expense Reimbursement / Allowance Type		
Travel Reimbursement	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”

- adopts the following sitting fees and expense reimbursements for the person/s holding the position of Independent Person on a CEO Recruitment and Selection Panel for the 2021/2022 financial year:*

		Independent Person
Meeting Fee Type		
CEO Recruitment	- Per Meeting	\$200
Expense Reimbursement / Allowance Type		
Travel Reimbursement	- Per Kilometre	As per LG Officers (WA) Interim Award 2011 – section 30.6 for “Rest of State”

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2021/22 Schedule of Fees & Charges

File Reference	8.2.5.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Proposed 2021/2022 Schedule of Fees & Charges.

Purpose of Report

To consider the fees & charges to be applied in 2021/22.

Background

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

As the Budget will not be adopted until after 1st July 2021, Council is requested to consider the schedule of fees and charges prior to the Budget adoption so that the agreed fees & charges can be taken into consideration when preparing the Budget and to allow the fees & charges to be applied from 1st July 2021.

Comment

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

It is intended that the proposed fees and charges remain predominantly unchanged from those imposed in 2020/2021, however a summary of the recommended changes follows:

- Page 2 – Standardise the daily Poundage / Sustenance fees and introduce a one off Impound Fee and Release Fee. Also added are new notes relating to the requirement for payment.
- Page 6 – Adjusted the cost of Secretarial Services to better reflect actual costs.
- Page 7 – Adjusted the cost of Exam Supervision to better reflect actual costs.
- Page 11 – Simplify Professional Housing (13 a & b Libra Place) rental.
- Page 11 – Clarified curb side collection and sale of bins fees.
- Page 12 – Adjusted Southern Cross Cemetery internment fees to better reflect actual cost.
- Pages 12 & 13 – Minor description changes to local government & non local government Planning fees.
- Page 16 – Clarified Sports Complex (or parts thereof) hire fees.
- Page 19 – Correction to standpipe diameter for Bodallin and Moorine Rock.

- Page 20 – Removal of Sandlewood Lodge shared en-suite room as never hired in this format and fee increase for Sandlewood B rooms. Additionally the weekly powered site fee has been brought into line with the 7 for 6 concession.
- Page 22 – Grader dry hire fee increased to a level marginally greater than local suppliers.

Statutory Environment

Local Government Act 1995 –

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.

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

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

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

Financial Implications

There are no financial implications as a result of this report however the adopted Schedule of Fees & Charges will influence the level of 2021/2022 Budgeted income.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Fee or Charge level excessive or inadequate.	Moderate (9)	Regular review.
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and associated Regulations.	Low (2)	Regular review.
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

That Council adopts the 2021/2022 Schedule of Fees and Charges as presented.

Council Decision

88/2021

Moved Cr Cobden/Seconded Cr Close

That Council adopts the 2021/2022 Schedule of Fees and Charges as presented subject to the following:

Economic Services – Land Leases – Annual – Payable 1 July

Lots 36 and 44 – Cropping – to be charged at cost.

CARRIED BY ABSOLUTE MAJORITY (6/0)

REASON FOR ALTERATION TO RECOMMENDATION

The EMCS and EMRS informed Councillors that the Department of Planning, Lands and Heritage had increased its annual Cropping and Grazing Leasing Fees to the Shire from \$825 to \$2,200 (Inc. GST) effective from 1 January 2022. Based on this decision, it was recommended to Council that it would be more prudent to note on the Fees and Charges that it be “*charged at cost*” to avoid future State Government increases and the requirement to alter the Fees and Charges schedule.

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 2021/22 – 2030/31 Long Term Financial Plan

File Reference	8.2.5.6
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	2021/22 – 2030/31 Long Term Financial Plan

Purpose of Report

For Council to consider adopting the revised Long-Term Financial Plan 2021/22 – 2030-31.

Background

In February 2009, the Minister for Local Government announced a package of wide-ranging local government reform strategies that were aimed at achieving greater capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

One of the requirements was to develop and review a long-term financial plan (LTFP) that is a ten-year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, annual budgets that are aligned with the strategic objectives can be developed.

Comment

The operating income and expenditure aspects of the LTFP are primarily developed utilising a CPI increase of 1% for the life of the plan, however the historic percentage increase/decrease of a given income or expense item could be utilised if appropriate. All estimates can be manually adjusted were appropriate to reflect a realistic valuation for the specific income or expenditure item.

Rate income is calculated utilising a 0.5% increase for the first 5 years with the remaining 5 years being calculated on a CPI Increase.

The Forward Capital Works aspect of the LTFP has been developed in consultation with the senior management team and with Councils Asset Management Officer.

Statutory Environment

Local Government Act 1996

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

[Section 5.56 inserted: No. 49 of 2004 s. 42(6).]

Local Government (Administration) Regulations 1996

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

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Strategic Goal

Civic Leadership

Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

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

Financial Implications

There are no immediate financial implications as a result of this report however if adopted will inform in the setting of the 2021/2022 Budgeted.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and associated Regulations.	Low (2)	Ensure Long Term Financial Plan Reviewed.
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

89/2021

Moved by Cr Cobden/Seconded Cr Guerini

That Council endorses the Long-Term Financial Plan 2021/22 – 2030/31 as presented.

CARRIED BY ABSOLUTE MAJORITY (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Barto Gold Mining Pty Ltd – Referral of a Licence Amendment – Marvel Loch Mine

File Reference	3.2.1.7
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence from Department of Water and Environmental Regulation

Purpose of Report

To consider a response to the Department of Water and Environmental Regulation, regarding a licence amendment for the Barto Gold Mining Pty Ltd Marvel Loch Mine.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission by Barto Gold Mining Pty Ltd, seeking an amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) for the Marvel Loch Mine.

The application seeks to undertake mine dewatering to allow for open cut mining to occur.

Comment

The correspondence from DWER is attached for Councillors perusal.

A summation of key point is listed below:

- Barto seeks to commence open cut mining at Victoria and Glendower mines below the water table, and at Vinto La above the water table;
- Barto propose an amendment to the existing licence L4597/1988/14 to allow for the construction of a 0.3 hectare 10,000m³ Turkey's Nest located at the southern end of Victoria pit and a 270 metre 350mm diameter dewatering pipeline from the proposed turkeys nest to an existing pipeline between Axehandle and Triad pits;
- Previous assessment of the Triad pit indicates the estimated rate of dewatering required from the Victoria and Glendower pit during mining operations will not materially change the Triad pit lake levels, even when accounting for an assumption of negligible losses to evaporation;
- EMM environmental consultants have identified that there are no unacceptable risks to the environment and no sensitive surrounding receptors have been identified during proposed development.
- There is no requirement to increase the existing annual water entitlement.

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	Compliance with relative environmental and mining legislation.	Moderate (6)	DWER Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate (6)	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

90/2021

Moved Cr Close/Seconded Cr Guerini

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

In regards to the application from Barto Gold Mining Pty Ltd (Reference DER2014/000887-1~6) seeking a licence amendment to L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986, to allow for the construction of a turkeys nest and pipeline for the purpose of de-watering from Victoria and Glendower mines, the Shire of Yilgarn have no objections to the proposal.

CARRIED (6/0)

9.4 Executive Manager Regulatory Services

9.4.2 Habrok (Battler Pit) Pty Ltd – Referral of a Licence Application – Battler Gold Mine

File Reference	3.2.1.7
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence from Department of Water and Environmental Regulation

Purpose of Report

To consider a response to the Department of Water and Environmental Regulation, regarding a licence application for Habrok (Battler Pit) Pty Ltd at the Battler Gold Mine.

Background

The Shire is in receipt of correspondence from the Department of Water and Environmental Regulation (DWER), relating to a submission by Habrok (Battler Pit) Pty Ltd, seeking a licence under Division 3 Part V of the Environmental Protection Act 1986 for the Battler Gold Mine, located on Mining Tenement M77/1285.

The application seeks to undertake mine dewatering.

Comment

The correspondence from DWER is attached for Councillors perusal with documentation available at the following link:

<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications/item/14753-19285-2021-1>

A summation of key points are listed below:

- Habrok (Battler Pit) Pty Ltd submitted a Works Approval Amendment application for Works Approval W5995/2016/1 to the Department of Water and Environmental Regulation (DWER) on 16 September 2019. This Works Approval was for an evaporation pond and mobile crusher. The September 2019 Works Approval Amendment revised the design and capacity of the prescribed premises Category 6 evaporation pond at Battler, and the amended Works Approval was granted on 3 February 2020.
- A Works Approval Amendment to allow staged construction of the evaporation pond was submitted to DWER in February 2020 and was approved in March 2020.
- Stage 1 has been constructed as per Works Approval W5995/2016/1 and operated since 27 May 2020.
- Stage 1 of the evaporation pond comprises two containment cells (Cells 2 and 3) and covers a total area of 8.18 ha.

- The current submitted application is for mine water discharge to the constructed Stage 1 of the evaporation pond.
- Stage 2 of the evaporation pond will be constructed as per Works Approval W5995/2016/1 prior to when the site water balance indicates that additional water storage capacity will be required.
- As the Stage 1 evaporation ponds have a combined capacity of 92.903 ML and due to the high seepage of the evaporation ponds, there is considered to be adequate residual capacity in the Stage 1 ponds. As such, the proposed licence annual discharge volume of 145 ML can be contained within the Stage 1 evaporation ponds.
- There is no additional clearing required outside of already obtained licences;

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	Compliance with relative environmental and mining legislation.	Moderate (6)	DWER Assessment and Approval Processes

Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate (6)	DWER Assessment and Approval Processes

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

91/2021

Moved Cr Close/Seconded Cr Cobden

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

In regards to the application from Habrok (Battler Pit) Pty Ltd (Reference DER2016/000903-1) seeking a licence under Division 3 Part V of the Environmental Protection Act 1986, to allow for mine dewatering of the Battler Gold Mine on Mining Tenement M77/1285, the Shire of Yilgarn have no objections to the proposal.

CARRIED (6/0)



Peter Clarke
Chief Executive Officer
Shire of Yilgarn
PO Box 86
SOUTHERN CROSS WA 6426

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

Dear Mr Clarke

**REFERRAL OF A LICENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* –
INVITATION TO COMMENT**

The Department of Water and Environmental Regulation (DWER) has recently received an application from Habrok (Battler Pit) Pty Ltd for a licence under Part V Division 3 of the *Environmental Protection Act 1986*, at the Battler Gold Mine within Mining Tenement M77/1285, Southern Cross. The application is in relation to:

Category 6 – Mine dewatering.

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

The CEO will, after having taken into account any comments received and subject to section 60 of the EP Act, either grant a licence (including any specified conditions) or refuse the licence.

An excerpt of the application form, regional map showing the location of the property and supporting documentation provided by the applicant is available online at <https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications> under L9285/2021/1.

Please forward your submission to the address below or forward via email to info@dwer.wa.gov.au within 14 days from the date of this letter and please quote L9285/2021/1 on future correspondence and enquiries.

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

Yours sincerely

Ms Terrel MacGregor
A/MANAGER RESOURCE INDUSTRIES
REGULATORY SERVICES
Officer delegated under section 20 of the Environmental Protection Act 1986

7 May 2021

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.3 Request for Comment – Lease/Purchase Crown Land - Land ID Number 3092032 – Southern Cross

File Reference	1.6.17.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider a request for comment in relation to a proposal to lease or purchase a lot of Unallocated Crown Land within Southern Cross town site.

Background

The Shire is in receipt of correspondence seeking Councils comments in relation to a proposal to lease or purchase a lot of Unallocated Crown land, being Land ID Number 3092032.

The lot is located adjacent to the industrial area of Southern Cross, and is accesses off Vega Street.



The proponent is planning to lodge an application with the Department of Planning Lands and Heritage, seeking to take possession of the land, and to utilise it to operate a mining support operation, which will involve the storing of mining rehabilitation equipment and materials, as well as equipment maintenance and some minor associated works.

As part of the application process with the Department, the proponent is required to seek the Local Governments comments as to whether they would support the proposal.

Comment

In assessing the request, it is deemed pertinent that Council take into account the planning scheme, zoning and proposed use against the permitted uses for the land. As should the proponent be successful in obtaining the land, they will be required to submit a Development Application for the proposed use and associated infrastructure, and therefore, Council should determine if the proposed use is something they deem fits with the zoning of the land.

The land is zoned as a "Recreational" local scheme reserve, under the Shire of Yilgarn Town Planning Scheme 2 (TPS2). However, the land is not registered with Landgate as a Reserve. As such, it is not bound by the same use restrictions a Crown Reserves are normally attributed.

The TPS2 development table lists the use categories permitted upon the relevant land zoning. There are no categories for Recreational zoned land. This would normally be a result of the Crown Reserve already having a use allocate to it, however in this instance, as it is Unallocated Crown Land, the use is not allocated, as such, it is deemed practicable to use Clause 3.2.5 of the TPS2, 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.*

As the land backs onto the existing industrial zone of Southern Cross; has no sensitive land users adjacent or within proximity to it and the proposed activities are not deemed to be a high risk of nuisance from noise, dust or vibration, it would be practicable to consider the proposed use category of "Commercial Workshop and Storage", to be a suitable use of the land. It is not however thought that advertising of the proposal is required, as there is minimal nuisance risk associated with the proposal.

The land is adjacent to a water course Reserve and as such, it is deemed appropriate to require a minimum 30 metre buffer from the known water course to any proposed infrastructure should the proponent be successful in obtaining the land.

Statutory Environment

Planning and Development Act 2005
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

Future Development Application and Building Permit Application fees.

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 Planning and Building legislation	Moderate (6)	Development Application and Building Permit required prior to infrastructure construction commencing
Reputational	Consenting to a land use not listed.	Moderate (6)	Compliance with discretionary clauses of TPS2.
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

92/2021

Moved Cr Guerini/Seconded Cr Close

That Council supports the proposal to lease or purchase the Unallocated Crown Land, being Land ID 3092032 for the purpose of Commercial Workshop and Storage, on the following conditions:

- 1. Upon gaining possession of the land, the proponent lodges relevant Planning and Building applications for proposed infrastructure;*
- 2. All development is to be a minimum of 30 metres from the water course reserve boundary;*
- 3. Access and egress from the site is to be via Vega Street;*

A contribution, either monetary or in-kind, for the upgrade of Vega Street to enable access and egress, is to be provided by the proponent. Value of contribution to be determined upon all relevant approval

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Licence to Occupy – Wimmera Hill Telecommunications Site – BAI Communications Pty Limited

File Reference	1.6.19.3
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Licence to Occupy

Purpose of Report

To present to Council the proposed Licence to Occupy for BAI Communications Pty Ltd to utilise the Shire's Wimmera Hill telecommunications site.

Background

The Wimmera Hill Telecommunications site has for many years housed the re-broadcast equipment for the television broadcasters, in addition to radio and some network systems.

In 2019, a secondary unit was installed with the intention to house the television equipment separate to the Shire managed radio broadcast equipment.

Discussions have been held with the television broadcasting managing agent BAI Communications Pty Limited, in relation to the relocation of equipment into the new unit. During these discussions it was agreed that a formalised agreement should be implemented, to ensure there were clear delineations in responsibility.

The proposed licence is attached for Councillors perusal.

Comment

The Shire has to date, funded the operational costs of all equipment at the site, however the agreement now seeks to establish an ongoing contribution of \$3,000 per annum towards the operational costs, being predominately the electricity costs.

The licence is for a term of 20 years, with options to extend.

The licence re-iterates what occurs currently, with the Shire managing the maintenance of the site and the radio equipment, and BAI Communications managing the television broadcast equipment. The only tangible change is a contribution from BAI Communications being introduced.

The agreement is a standardised agreement from BAI Communications, amended to suit the Wimmera Hill Site. BAI Communications have agreed to the terms, and it is proposed that Council also agree to the terms of the licence, as provided.

Statutory Environment

Formal Licence for BAI Communications Pty Limited to occupy the Wimmera Hill Communications site.

Strategic Implications

Goal A prosperous future for our community.

Outcome Improved telecommunications infrastructure.

Strategy	Continue to re-broadcast FM Radio & TV channels for the Southern Cross community.
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Policy Implications

Council Policy 1.4 – Use of Council’s Common Seal

OBJECTIVE:

The policy sets out the wording to apply to the use of the Common Seal.

POLICY:

The President and CEO have delegated authority to execute and affix the Common Seal to documents (Delegation LGA13)

PROCESS:

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording:-

“The Common Seal of the Shire of Yilgarn was hereto affixed by authority of Council.”

Shire President Chief Executive Officer
(Noting that the Deputy Shire President and Executive Manager Corporate Services can proxy in the absence of the respective principal person)
2. For use on ceremonial occasions (i.e.: Certificates of Appreciation, etc.) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire’s behalf.

Financial Implications

\$3000 income as contribution to operational costs.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Cost of operations at site	Low (4)	Contribution from BAI
Service Interruption	TV and radio service interruption	Low (3)	Upgraded facilities with better access for technicians
Compliance	Nil	Nil	Nil
Reputational	Reputational issues with service interruptions	Low (3)	Compliance with discretionary clauses of TPS2.
Property	Damage to Shire Infrastructure	Moderate (9)	Licence condition for BAI to undertake repairs
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

93/2021

Moved Cr Cobden/Seconded Cr Shaw

That in accordance with Council Policy 1.4, Council authorises the Shire President and CEO to sign the Licence to Occupy between the Shire of Yilgarn and BAI Communications Pty Limited, for use of the Wimmera Hill Telecommunications site, for the ongoing provision of television re-broadcasting, as per the conditions contained within the licence, and that the Shire of Yilgarn's Common Seal be affixed to the Licence document.

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Tellus Holdings Alignment of Capacities Request

File Reference	3.2.1.7
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Correspondence from Tellus Holdings

Purpose of Report

To consider a request from Tellus Holdings, seeking a letter of support for a proposal to amend their licence capacities at the Sandy Ridge Intractable Waste facility.

Background

The Shire is in receipt of correspondence from Tellus Holdings seeking a letter of support for a licence amendment they are planning to lodge with the Department of Water and Environment regulation.

The proposal is seeking to align the current permitted gate volumes of waste permitted, being 100,000 Tonnes per annum, with the current permitted isolation (deposit) volumes of waste permitted, which is 280,000 Tonnes per annum.

The supporting document for the request is attached for Councillors perusal.

Comment

Tellus were approved to operate under Ministerial Statement 1078 in June 2018. The facility was built and transitioned to operations in 2020.

Ministerial Statement 1078 allows Tellus to accept 100,000 tonnes per annum (tpa) at the gate and isolate 280,000 tpa in the cell. The reason for the difference in the two rates is that liquid wastes received at the Facility require mixing with kaolin clay and an immobilisation agent to solidify the waste. This ensures all wastes are immobilised and not capable of generating leachate. This means no liquid material enters the dry waste cells.

The original volumes permitted under the licence was based on market conditions in 2016, however in the current market, it seems that solid waste form the majority of wastes requiring management. As such, this forms the bases of raising the gate volume permitted to 280,000 tonnes per annum, in line with the isolation volume permitted.

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	Compliance with relative environmental and mining legislation.	Moderate 6	DWER Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	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

94/2021

Moved Cr Close/Seconded Cr Cobden

Council endorse the following response to the Tellus Holdings:

In regards to your correspondence seeking Council's support for raising the permitted volume of approved wastes at the facility gate of the Tellus Holdings Sandy Ridge Intractable Waste Facility to 280,000 tonnes per annum, the Shire of Yilgarn have no objections.

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

95/2021

Moved Cr Close/Seconded Cr Cobden

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

CARRIED (6/0)

*Mrs. Kay Crafter, Mr. Cameron Watson, Mr Robert Bosenberg, Mr. Nicholas Warren and Mrs. Laura Della Bosca left the room at 4.40pm.

Mrs Julie Della Bosca, the CEO Independent Selection Panel Member, entered the Chambers at the 4.50pm.

CONFIDENTIAL ITEM

13 Officers Report – Chief Executive Officer

13.1 Chief Executive Officer Position

File Reference	1.1.1.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

The CEO vacated the Chambers at 5.15pm.

Selection Panel Agreement

That following a review and discussion with Mills Recruitment, the CEO Selection Panel;

- 1. Endorses the long-list of applicants for further interview screening by the Consultant; and*
- 2. That following the above process, the final short-listed applicants as recommended by the Consultant for final interview, be held on Thursday 10 June 2021.*

The CEO returned to the meeting at 5.24pm.

OUT OF COMMITTEE

96/2021

Moved Cr Guerini/Seconded Cr Rose that the meeting be reopened to the public.

CARRIED (6/0)

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, 20 May 2021, are confirmed on Thursday, 17 June 2021 as a true and correct record of the May 2021 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT