



# *Minutes*

## *Ordinary Meeting of Council*

### *17 June*

### *2021*

---

#### DISCLAIMER

Any Plans or documents in agendas or minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material, as per the Copyright Act 1968.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including the resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Yilgarn must obtain, and should rely on, written notice of the Shire of Yilgarn's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done in a Council meeting.

Any advice provided by an employee of the Shire of Yilgarn on the operation of a written law, or the performance of a function by the hire of Yilgarn, is provided in the capacity of an employee, and to the best of the persons knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or representation by the Shire of Yilgarn. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Yilgarn should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

---

## Table of Content

1 Declaration of Opening/Announcement of Visitors .....	3
2 Announcements from the Presiding Member .....	3
3 Attendance .....	3
4 Declaration of Interest .....	3
5 Public Question Time .....	3
6 Confirmation of Minutes .....	4
7 Presentations, Petitions, Deputations .....	5
8 Delegates' Reports .....	6
9 Officers' Reports .....	8
9.1 Chief Executive Officer .....	8
<b>9.1.1 Adoption of Policy-Code of Conduct Behaviour Complaints</b>	
<b>Management Policy .....</b>	<b>8</b>
<b>9.1.2 Establishment of Behaviour Complaints Committee, Adoption of</b>	
<b>Terms of Reference and Appointment of Committee Members .....</b>	<b>12</b>
<b>9.1.3 Delegation Relating to Behaviour Complaints Committee .....</b>	<b>15</b>
<b>9.1.4 2021 Local Government Convention .....</b>	<b>20</b>
9.2 Executive Manager Corporate Services .....	23
<b>9.2.1 Financial Reports May 2021 .....</b>	<b>23</b>
<b>9.2.2 Accounts for Payment .....</b>	<b>26</b>
<b>9.2.3 YL50 Replacement Vehicle-Increase in Cost .....</b>	<b>30</b>
9.3 Executive Manager Infrastructure .....	33
<b>9.3.1 Regional Road Group Five Year Road Construction Plan .....</b>	<b>33</b>

9.4 Executive Manager Regulatory Services.....	39
<b>9.4.1 Development Application-Lot 759 Great Eastern Highway, Ghooli</b>	
<b>Telecommunication Facility.....</b>	<b>39</b>
<b>9.4.2 Road Closure-Dulyalbin Road Deviation.....</b>	<b>44</b>
<b>9.4.3 Water Services Licence-Southern Cross and Marvel Loch</b>	
<b>Sewerage.....</b>	<b>50</b>
10 Application for leave of absence.....	56
11 Motions for which previous notice has been given.....	56
12 New business of an urgent nature introduce by decision of the meeting.....	56
<b>12.1 Barto Gold Mining Pty Ltd-Referral of a Licence Application.....</b>	<b>56</b>
<b>12.2 Parkers Range Bypass Road.....</b>	<b>63</b>
13 Meeting closed to the public-Confidential Items.....	65
14 Closure.....	65

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

## 3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose Cr S Shaw	Deputy President
Council Officers	N Warren C Watson R Bosenberg L Della Bosca	Acting Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Minute Taker
Apologies:	Nil	
Observers:	Mrs. Kay Crafter, Mr. Raymond Griffiths and Mr. Quentin Davies	
Leave of Absence:	Nil	

## 4. DECLARATION OF INTEREST

Nil

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 5.1 PUBLIC QUESTION TIME

Mrs. Kay Crafter attended Public Question Time and posed the following question:

**Question:** In light of the Community Information Evening Mineral Resources Limited are providing next week is Barto Gold Mining going to be providing any information to the community regarding their mining progress and plans?



**The Shire President deferred the above question to the Acting Chief Executive Officer for an appropriate response.**

**Response:** *The Acting Chief Executive Officer, Mr Nic Warren, advised that Barto Gold Mining had not been in touch with the Shire regarding providing any such information, however, Mr Warren would follow up with Bartos's Community Liaison officer regarding any proposed community information sessions.*

## **6. CONFIRMATION OF MINUTES**

### **6.1 Ordinary Meeting of Council, Thursday 20 May 2021**

**97/2021**

***Moved Cr Cobden/Seconded Cr Rose***

***That the minutes from the Ordinary Council Meeting held on 20 May 2021 be confirmed as a true record of proceedings***

**CARRIED (7/0)**

### **6.2 Special Meeting of Council Meeting, Monday 31 May 2021-(Minutes Attached)**

**98/2021**

***Moved Cr Guerini/Seconded Cr Cobden***

***That the minutes from the Special meeting of Council held on the 31 May 2021 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

### **6.3 Audit Committee Meeting, Wednesday 16 June 2021**

**99/2021**

***Moved Cr Close/Seconded Cr Shaw***

***That the minutes from the Audit Committee meeting held on the 16 June 2021 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

### **6.4 Central East Accommodation and Care Alliance Inc. Management Committee Meeting (CEACA), Tuesday 25 May 2021**

**100/2021**

***Moved Cr Cobden/Seconded Cr Close***

***That the minutes from the CEACA meeting held on the 25 May 2021 be received.***

**CARRIED (7/0)**

6.5 Local Emergency Management Meeting (LEMC), Thursday 27 May 2021

**101/2021**

***Moved Cr Close/Seconded Cr Guerini***

***That the minutes from the LEMC meeting held on the 27 May 2021 be received.***

**CARRIED (7/0)**

6.6 Yilgarn Tourism Committee Meeting, Tuesday 2 June 2021

**102/2021**

***Moved Cr Rose/Seconded Cr Cobden***

***That the minutes from the Yilgarn Tourism Committee meeting held on the 2 June 2021 be received***

**CARRIED (7/0)**

**Recommendations contained within the Yilgarn Tourism Committee Minutes**

**103/2021**

***Moved Cr Rose/Seconded Cr Cobden***

***That the recommendation contained within the Yilgarn Tourism Committee meeting being***

***Moved J Stephen Seconded K Crafter that it be recommended to Council that it allocates an amount of \$10,000 in its 2021/2022 Budget to undertake the Brand Awareness process as identified in Phase 1 of the Tourism Marketing Strategy.***

***Be adopted***

**CARRIED (7/0)**

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

Raymond Griffiths and Quentin Davies, Executive Members of Central East Accommodation and Care Alliance Inc. (CEACA) attended Council to give a presentation on CEACA's intentions moving forward. It is believed that with unity from the members of CEACA, a better model of care for the communities of CEACA member Shires can be reached. If this model of care is to be a success all members of the alliance need to contribute equally and be totally committed. With this commitment, it is envisaged that CEACA will develop a proposal for the development of care plans encompassing care within the community for all who need help not just for those living in CEACA units. They will investigate the development of more CEACA units, assist with transport needs, bid for additional State and Federal Government funding and expand CEACA by promoting and inviting further Shires to become members. It is thought that the alliance will be stronger than individual Shires working alone in the field of local health care.

Questions from Council were invited;

*The Acting CEO, Nic Warren, enquired if CEACA had considered a sliding scale for membership fees based on the scale of population and needs in the member Shires.*

Mr Griffiths confirmed that a sliding scale membership is not an option, and that it may be likely that the smaller Shires benefit more from CEACA's work, in areas such as regional transport options. It was also raised that the smaller Shires may also be able to gain better access to additional services already available in larger Shires through CEACA's work.

*The Shire President, Cr Wayne Della Bosca, commented that the Shire of Yilgarn has at the moment a company from Kalgoorlie who are providing aged care which seems to be working well, what would happen to this service if the Shire was to fully commit to CEACA's membership.*

Mr Griffiths confirmed that CEACA does not want to be a care provider and the same company providing care in the Yilgarn has also started to work in Merredin. CEACA does not want to stop this provision only enhance it. The population in the country is declining and has been for some time meaning less services being provided, a strong alliance can promote and attract better care in the community.

*Cr Jodie Cobden enquired if CEACA's plan would lead to better control as there is very little governance in the area of aged care in the community.*

Mr Griffiths confirmed that CEACA could become involved in advocacy for monitoring of companies providing care in the community, and would have involvement in monitoring companies accessed through CEACA.

Cr Della Bosca thanked Raymond Griffiths and Quentin Davies for their time.

Raymond Griffiths and Quentin Davies left the meeting at 4.30pm

## 8. DELEGATES' REPORTS

Cr Wayne Della Bosca announced the following;

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the CEO position interviews on the 10 June 2021
- Attended the Audit Committee Meeting on the 16 June 2021
- Attended the CEO position interview on the 16 June 2021

Cr Bryan Close announced the following;

- Attended the LEMC meeting on the 27 May 2020

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the IFDF CLC meeting on the 10 June 2020
- Attended the CEO position interviews on the 10 June 2020
- Attended the Audit Committee meeting on the 16 June 2021
- Attended the CEO position interviews on the 16 June 2021

Cr Suzy Shaw announce the following;

- Attended the District Health Advisory Councils meeting
- Attended the Audit Committee meeting on the 16 June 2021
- Attended the CEO position interview on the 16 June 2021

Cr Jodie Cobden announced the following;

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the Yilgarn Tourism Advisory Committee meeting on the 2 June 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the Local Health Advisory Committee meeting on the 8 June 2021
- Attended the CEO position interviews on the 10 June 2021
- Attended the Audit committee meeting on the 16 June 2021
- Attended the CEO position interview on the 16 June 2021

Cr Phil Nolan announce the following;

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the CEO position interviews on the 10 June 2021
- Attended the CEO position interview on the 16 June 2021

Cr Linda Rose announced the following;

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the CEO position interviews on the 10 June 2021
- Attended the CEO position interview on the 16 June 2021

Cr Gary Guerini announce the following;

- Attended the Special Meeting of Council on the 31 May 2021
- Attended the CEO Selection Panel meeting on the 3 June 2021
- Attended the CEO position interviews on the 10 June 2021
- Attended the CEO position interview on the 16 June 2021

## 9. OFFICERS REPORTS

### 9.1 Officers Report – Chief Executive Officer

#### 9.1.1 Adoption of Policy – Code of Conduct Behaviour Complaints Management Policy

<b>File Reference</b>	<b>2.3.3.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Draft Code of Conduct Behaviour Complaints Management Policy</b>

#### Purpose of Report

To submit to Council for consideration the adoption of a Code of Conduct Behaviour Complaints Management Policy.

#### Background

In February 2021 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.*

At its Ordinary meeting held on Thursday, 18 February 2021, Council in accordance with new legislative requirements, adopted the Shire of Yilgarn Code of Conduct for Council Members, Committee Members and Candidates as per the resolution below:-

**32/2021**

***Moved Cr Close/Seconded Cr Close***

***That in accordance with Section 5.104 of the Local Government Act, Council adopts the Code of Conduct for Council Members, Committee Members and Candidates as presented and, that Council appoints the CEO as the person designated to receive complaints regarding Council Members, Committee Members and Candidates.***

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## Comment

At the time of the new legislation being implemented, WALGA had advised its member Councils that it would develop templates of Policy's and Committee establishment and appropriate Terms of Reference to assist Local Governments in dealing with complaints. The CEO, utilising the WALGA templates, has developed the following documents as part of the process of dealing with complaints for Councillors consideration:-

- Code of Conduct Behaviour Complaints Management Policy;
- Behaviour Complaints Committee Terms of Reference; and
- Behaviour Complaints Committee Delegation

In the WALGA Complaints Management Policy template, Section 3.8 deals with the appointment of a **Complaints Assessor**. WALGA referred to the Complaints Assessor appointment as being independent and that Council's Procurement Policy could be utilised to source quotations for this position. Rather than sourcing external Consultants at cost, the CEO at the recent WEROC Board meeting suggested that a panel of names from WEROC Member Councils be submitted that could be called upon to act as a Complaint Assessor if required. To ensure impartiality, a Complaint Assessor could be sourced from a non-adjointing Member Council.

The wording proposed in the Behaviour Complaints Management Policy, Section 3.8 relating to the Appointment of Complaints Assessor is as follows, and which has been referred to WALGA for comment. WALGA indicated that the wording appears consistent with how some other groups of Councils intend to manage assessment of complaints:-

*"If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a Complaints Assessor from a panel of names submitted by the Wheatbelt East Regional Organisation of Councils (WEROC) Inc., (updated from time to time) who are deemed by individual WEROC participating Member Councils to have the necessary experience to undertake the Complaint Assessor role in an impartial manner".*

The CEO distributed the Draft Behaviour Complaints Management Policy to the CEO's of WEROC Members who have supported the above wording.

A Draft of the Code of Conduct Behaviour Complaints Management Policy was also presented to Council at its Briefing Session on Thursday, 20 May 2021 for Councillors perusal.

### Statutory Environment

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

### 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

Adoption of New Policy

### 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	<i>Local Government (Administration) Regulations 2021; Local Government (Model Code of Conduct) Regulations 2021.</i>	High (15)	Adoption of the Policy will ensure transparent, fair and accessible complaints handling process is in place
Reputational	Without a process being in place to handle complaints it could affect the reputation of Council	High (15)	Appointment of an independent Complaints Assessor ensures transparency in the process
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

**104/2021**

**Moved Cr Guerini/Seconded Cr Cobden**

**That Council;**

- 1. Formally adopts the presented Code of Conduct Behaviour Complaints Management Policy in order that Council has an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates;**
- 2. Nominates Cr Della Bosca to sit on the WEROC Complaint Assessor Panel; and**
- 3. Publish the adopted Code of Conduct Behaviour Complaints Management Policy on the Shire of Yilgarn website.**

**CARRIED BY ABSOLUTE MAJORITY (7/0)**



## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Establishment of Behaviour Complaints Committee, Adoption of Terms of Reference and Appointment of Committee Members

<b>File Reference</b>	<b>2.3.3.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Draft Behaviour Complaints Committee Terms of Reference</b>

#### Purpose of Report

To present to Council for adoption the establishment of a Behaviour Complaints Committee, its appropriate Terms of Reference and appointment of Committee Members.

#### Background

The background relating to the establishment of a Behaviour Complaints Committee and its appropriate Terms of Reference is detailed in the previous report to Council.

#### Comment

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Yilgarn's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
  - To take no further action; or
  - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of four (4) Council Members, appointed by Council in accordance with s.5.10 of the Act.

### Statutory Environment

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

### 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

Code of Conduct Behaviour Complaints Management Policy

### 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	<i>Local Government (Administration) Regulations 2021; Local Government (Model Code of Conduct) Regulations 2021.</i>	High (15)	Establishment of Complaints Committee will ensure complaints are handled as per the Policy requirements
Reputational	Without a process being in place to handle complaints it could affect the reputation of Council	High (15)	Appointment of an independent Complaints Assessor ensures transparency in the process
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)

#### Council Recommendation and Council Decision

**105/2021**

**Moved Shaw/Seconded Cr Cobden**

**That Council;**

- 1. Establishes a Behaviour Complaints Committee for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Yilgarn's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).**
- 2. Adopts the Behaviour Complaints Committee's Terms of Reference as presented; and**
- 3. In accordance with the Committee's Terms of Reference, appoints Councillors Close, Cobden, Della Bosca and Guerini with Councillors Nolan and Rose being appointed as Deputy Committee Members**

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Delegation Relating to Behaviour Complaints Committee

<b>File Reference</b>	<b>2.3.3.6</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Draft Delegation LGA31</b>

#### Purpose of Report

To present to Council for adoption, Delegation LGA31 relating to the authority of the Behaviour Complaints Committee.

#### Background

The background relating to the establishment of a Delegation to the Behaviour Complaints Committee and its appropriate Terms of Reference are detailed in the previous reports to Council.

#### Comment

The proposed Delegation LGA31 provides the Behaviour Complaints Committee with the authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

#### Statutory Environment

*Local Government Act 1995, Section 5.16*

*Local Government (Model Code of Conduct) Regulations 2021, Clause 12 and Clause 13*

#### 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

Code of Conduct Behaviour Complaints Management Policy; and  
Behaviour Complaints Committee Terms of Reference

#### 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	<i>Local Government (Administration) Regulations 2021; Local Government (Model Code of Conduct) Regulations 2021.</i>	High (15)	Adoption of Delegation to Complaints Committee will ensure compliance
Reputational	Without a process being in place to handle complaints it could affect the reputation of Council	High (15)	Delegation ensures legislative processes are adhered to.
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**

**106/2021**

***Moved Cr Close/Seconded Cr Rose***

***That Council adopts Delegation LGA31 for the purposes of granting the Behaviour Complaints Committee with the necessary authority to make decisions in accordance with the principles and specified requirements established in Council's Policy relating to Code of Conduct Behaviour Complaints Management.***

**CARRIED BY ABSLOUTE MAJORITY (7/0)**

<b>Date Adopted:</b>		<b>Delegate:</b>	<b>Behaviour Complaints Committee</b>
<b>Date Last Reviewed:</b>		<b>On-Delegated:</b>	No
<b>Policy Reference:</b>	Behaviour Complaints Committee Terms of Reference  Council Policy-Code of Conduct Behaviour Complaints Management  Council Policy-Code of Conduct for Council Members, Committee Members and Candidates	<b>Chief Executive Instruction/Procedure:</b>	N/A

**Legal (Parent):**

1. Local Government Act 1995, Section 5.16

**Legal (Subsidiary):**

1. Local Government (Model Code of Conduct) Regulations 2021, Clause 12 and Clause 13

1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur *[MCC.cl.12(1) and (3)]*.

In making any finding the Committee must also determine reasons for the finding *[MCC.cl.12(7)]*.

2. Where a finding is made that a breach has occurred, authority to:
  - a. take no further action *[MCC.cl.12(4(a))]*; or
  - b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates *[MCC.cl.12(4)(b), (5) and (6)]*.
3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal *[MCC.cl.13(1) and (2)]*.

**Council Conditions on this Delegation:**

- a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy Code of Conduct Behaviour Complaints Management.
- b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.
- c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.

- d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.

**NOTE TO CONDITIONS (C) AND (D):** The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to excuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.

**12. *Dealing with complaint***

- (1) *After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.*
- (2) *Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.*
- (3) *A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.*
- (4) *If the local government makes a finding that the alleged breach has occurred, the local government may —*
  - (a) *take no further action; or*
  - (b) *prepare and implement a plan to address the behaviour of the person to whom the complaint relates.*
- (5) *When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.*
- (6) *A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —*
  - (a) *engage in mediation;*
  - (b) *undertake counselling;*
  - (c) *undertake training;*
  - (d) *take other action the local government considers appropriate.*
- (7) *If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —*
  - (a) *its finding and the reasons for its finding; and*
  - (b) *if its finding is that the alleged breach has occurred — its decision under subclause (4).*

**13. *Dismissal of complaint***

- (1) *The local government must dismiss a complaint if it is satisfied that —*
  - (a) *the behaviour to which the complaint relates occurred at a council or committee meeting; and*
  - (b) *either —*
    - (i) *the behaviour was dealt with by the person presiding at the meeting; or*
    - (ii) *the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.*
- (2) *If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.*

\*Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.



## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 2021 Local Government Convention

<b>File Reference</b>	<b>1.6.21.12</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Local Government Convention Program</b>

#### Purpose of Report

To inform Councillors that the annual Local Government Convention will be conducted at Crown Perth between Sunday, 19 and Tuesday, 21 September 2021.

#### Background

The Conference Program is summarised below:-

Sunday, 19 September	3.00pm – 5.00pm – Mayors and Presidents' Forum 5.00pm – 6.30pm – Opening Welcome Reception
Monday, 20 September	9.00am – 12.40pm – WALGA Annual General Meeting 1.50pm – 5.00pm – Convention Sessions 6.30pm – 11.00pm – Gala Dinner
Tuesday, 21 September	9.00am – 4.45pm – Continuation of Convention Sessions

The conference sessions aim to support and inform Mayors, Shire Presidents, Elected Members and Chief Executive Officers. There are also social networking functions, particularly the Gala Dinner on the Monday evening of the Convention.

#### Comment

The 2021 Convention is titled "LEADING THE WAY" and there is an array of high calibre presenters.(see attached program).

Full Delegate registration fees total \$1,200. Additional costs are applied for attendance at the optional extras e.g, Gala Dinner.

The Shire President, Deputy Shire President and the CEO represented Council at the 2019 Convention. The 2020 Convention was cancelled due to COVID-19.

Councillors should indicate at this meeting whether they wish to attend the Convention to allow staff time to undertake registrations and also arrange for accommodation.

Registrations close on **Wednesday, 1 September 2021.**

WALGA is also seeking the names of the appointed Delegates with voting entitlements at the Annual General Meeting. Normally this would be the Shire President and Deputy Shire President if they are attending.

### Statutory Environment

Nil

### Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure training programs for Elected Members and Staff.

### Policy Implications

Nil

### Financial Implications

Council allocates funds within its Annual Budget to accommodate those Councillors wishing to attend the Convention.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	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:-*

- 1. Authorises the Shire President, Deputy Shire President, and Crs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ together with CEO in attending the 2021 Local Government Convention at Crown Perth between Sunday, 19 and Tuesday, 21 September 2021; and*
- 2. That Crs \_\_\_\_\_ and \_\_\_\_\_ be appointed as the Shire of Yilgarn Voting Delegates at the WALGA Annual General Meeting and WALGA be informed accordingly of the voting delegates appointed.*

At the request of the Shire President this item is to be re-presented at the July 2021 Ordinary Meeting of Council in order to allow Councillors time to consider their attendance at the WALGA AGM.

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

#### Purpose of Report

To consider the Financial Reports

#### Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 May 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 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

107/2021

*Moved Cr Shaw/Seconded Cr Nolan*

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

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

Municipal Fund – Cheque Numbers 41026 to 41031 totalling \$4,590.44 Municipal Fund-EFT Numbers 11317 to 11414 totalling \$480,281.39 Municipal Fund – Cheque Numbers 1726 to 1733 totalling \$187,180.52 Municipal Fund Direct Debit Numbers 15728.1 to 15728.12 totalling \$18,884.67, Municipal Fund Direct Debit Numbers 15755.1 to 15755.12 totalling \$18,588.78, Trust Fund – Cheque Numbers 6287 to 6290 (DPI Licensing), totalling \$46,638.05 Trust Fund - Cheque Numbers 402568 to 402569, totalling \$1,018.30 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
<b>Health/People</b>	Transactions require two senior managers to approve.	Moderate (8)	Transactions require two senior managers to sign cheques or approve bank transfers.
<b>Financial Impact</b>	Reduction in available cash.	Moderate (5)	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
<b>Reputational</b>	Non or late payment of outstanding invoices and/or commitments	Moderate (9)	Adherence to Timely Payment of Suppliers Policy
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	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**

**108/2021**

***Moved Cr Close /Seconded Cr Cobden***

***Municipal Fund – Cheque Numbers 41026 to 41031 totalling \$4,590.44 Municipal Fund-EFT Numbers 11317 to 11414 totalling \$480,281.39 Municipal Fund – Cheque Numbers 1726 to 1733 totalling \$187,180.52 Municipal Fund Direct Debit Numbers 15728.1 to 15728.12 totalling \$18,884.67, Municipal Fund Direct Debit Numbers 15755.1 to 15755.12 totalling \$18,588.78, Trust Fund – Cheque Numbers 6287 to 6290 (DPI Licensing), totalling \$46,638.05 Trust Fund - Cheque Numbers 402568 to 402569, totalling \$1,018.30 are presented for endorsement as per the submitted list.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 YL 50 Replacement Vehicle – Increase in Cost

<b>File Reference</b>	<b>6.6.1.11</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To inform Council of the delay in acquisition and increase in cost of the replacement vehicle for YL 50 – Toyota Kluger.

#### Background

At the February ordinary meeting, Council awarded tender no. 6/2020-2021 to Merredin Toyota for the replacement of a Toyota Kluger GXL AWD with a tendered purchase cost of \$49,152.95 (ex GST) and trade in of the current vehicle of \$40,000.00 (ex GST) giving a changeover cost to Council of \$9,152.95 (ex GST).

The 2020/21 budget included a cost to Council allocation for this changeover of \$14,000 (ex GST).

#### Comment

Notification has been received from Merredin Toyota that delivery of the replacement vehicle has been delayed until at least August 2021 and that the purchase price has increased to \$53,179.97 (increase of \$4,027.02). The reason given for this delay in delivery is that Toyota has ceased construction of the old model in preparation for the new, no real explanation of increase in cost has been given other than it is the new model Kluger. I can only surmise that new/improved technology is included.

No indication as to changes to the trade in offered have been received.

#### Statutory Environment

Local Government Act 1995 –

#### 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996 –

**21A. Varying a contract for the supply of goods or services**

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

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**

The increase in acquisition cost is within what is allowed for in the 2020/21 budget however delivery/payment will not be until the 2021/2022 financial year so this acquisition will need to be carried forward to the 2021/22 budget.

**Risk Implications**

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Ensure adequate funds are available in 2021/22 budget.	Moderate (5)	Include funding in 2021/22 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

**109/2021**

**Moved Cr Rose/Seconded Cr Close**

**That Council**

- acknowledges the delay in in delivery and increase in supply cost for the vehicle to be supplied under tender no. 6/2020-2021 and recognises the variation is necessary in order for the vehicle to be supplied and does not change the scope of the contract; and*
- includes an allocation in the 2021/22 budget for the changeover of YL50, Toyota Kluger, being:*

<i>Purchase New Vehicle -</i>	<i>\$53,179.97 ex GST</i>
<i>Trade of Current Vehicle (YL50) -</i>	<i><u>\$40,000.00</u> ex GST</i>
<i>Net Change-over-</i>	<i>\$13,179.98 ex GST</i>

**CARRIED (7/0)**

### 9.3 Reporting Officer– Executive Manager for Infrastructure

#### 9.3.1 Regional Road Group Five Year Road Construction Program

<b>File Reference</b>	<b>1.6.21.10</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Five year road construction program 2022/23-2026/27</b>

#### Purpose of Report

Regional Road Group Five-Year Road Construction Program – 2022/2023 – 2026/2027

#### Background

Annually Council is required to review its Regional Road Group Construction Program and submit the program to the Regional Road Group if Council is to be successful in receiving road-funding grants.

Main Roads Western Australia in conjunction with Regional Road Group has requested that a five year program is submitted from each council.

Roads included in the Five-Year Road Works Program, are roads identified by Council and Roads 2030 Regional Road Group Development Strategy as Strategic Routes within the Shire of Yilgarn. These roads are categorised as Regional Distributor Roads *priority "A and B"*, Local Distributor Roads *priority "B"* and Local Access Roads *priority "C"*.

All roads nominated as Strategic Routes by Councils within the Regional Road Groups are subjected to a Multi Criteria Assessment with points scored on different characteristics of road treatment types i.e. preservation or new construction, intending road type, drainage, safety, school bus routes, heavy haulage routes, alignments and traffic data. The higher the score the better the chances are of achieving maximum funding.

Traffic data is an important component of the Multi Criteria Assessment scoring system as it justifies the type of road to be constructed. Traffic data picked up by Traffic Classifiers must include Vehicle Class, Average Daily Traffic and Estimated Standard Axle.

Average Daily Traffic (ADT) is the average daily traffic in both directions determined by dividing total traffic count by duration i.e.  $ADT = 540 \text{ (total vehicles)} \div 30 \text{ (total days)} = 18 \text{ vehicles/day}$ .

Estimated Standard Axle category is an important element of the Multi Criteria Assessment. The breakdown of AUSTROADS Vehicle Classes data collected during traffic counts not only identifies heavy haulage routes but also calculates the axle loading on road pavement which assists with road type and pavement designs.

As shown in the table below, Regional Road Groups have adopted road standards that are appropriate for roads of regional significance, based on traffic volumes and estimated axel loadings.

Road Type	2	3	4	5	6	7
Description	Formed	Gravel	<7 metre Seal	>7 metre Seal	8 - 9 metre Seal	Sealed With passing lanes
ADT range	0 - 30	31 - 50	51 - 100	101 - 500	501 - 1000	> 1000
ESA range	0 - 5	6 - 20	21 - 40	41 - 60	> 60	> 60

If the Average Daily Traffic (ADT) and average daily Estimated Standard Axle (ESA) values apply to different road types, then the higher standard of road is adopted i.e. if a road has an ADT count of 33 and an ESA count of 22 then a road type 4 would be appropriate.

To achieve maximum traffic data value from traffic counts, traffic counts are carried out from October through to February (Peak Season) during the grain harvesting season when the movement of heavy vehicles is at a high.

### Comment

Councillors should be aware that the funding figures which are shown in the Five-Year Construction Program (Appendix One) are subject to change. If funding figures are reduced or increased then the percent amount that the funding figures are reduced or increased will reflect on each construction/bitumen sealing programs both through the cost estimated figure and distance. This is a working document and is reviewed annually.

In the Five-Year Construction Program, there is a requirement for Councils to allocate a percentage of funding to preservation works (bitumen reseals, reconstruction to same standard, unsealed shoulder refurbishment) and a percentage of funding to construction works (upgrading existing gravel roads to a sealed standard or reconstruction to a higher standard road).

In the attached Five-Year Program, averaged over the five-year period 46% has been allocated to preservation works and the remaining 54% has been allocated to construction works.

Following is an overview of roads identified under the Roads 2030 Regional Road Group Development Strategy as strategic routes which have been included in the updated Regional Road Group Five Year Construction Program.

#### **Koolyanobbing Road** (*Regional Distributor Priority A*)

Works on the Koolyanobbing Road include the continuation of upgrade to eight metre prime seal (*construction*) and bitumen resealing (*preservation works*) as shown in the attached program (2022/23 – 2023/24)

Traffic counts on the Koolyanobbing Road taken in October 2020 through to December 2020 has shown an Average Daily Traffic Count of 156 and an Estimated Daily Axle Loading of 247

#### **M40 Road (Koorda Bullfinch Road)** (*Regional Distributor Priority A*)

Works on the M40 Road include second coat bitumen sealing of two kilometres of road surface (*preservation works*) to be completed in 2022/2023 from SLK 1.00 to SLK 3

Traffic counts on the M40 taken in October 2020 through to December 2020 has shown an Average Daily Traffic Count of 113 and an Estimated Daily Axle Loading of 357

### **Moorine South Road** (*Local Distributor Priority B*)

Works on the Moorine South Road include second coat bitumen seal (*preservation works*) from SLK 39.5km to 67.5km (2022/23 – 2024/25). There is also works programmed in 2024/2025 to construct to prime seal standard from SLK 64.5 – 67.5

Traffic counts on Moorine South Road taken in October 2020 through to December 2020 has shown an Average Daily Traffic Count of 59 and an Estimated Daily Axle Loading of 67

### **Marvel Loch Forrestania Road** (*Local Distributor/Access Road Priority B*)

Works on Marvel Loch Forrestania Road include reconstruction of existing 6 metre bitumen seal out to a seven metre seal, these works are programmed to commence in 2024/2025

Traffic counts on Marvel Loch Forrestania Road taken in November 2019 through to December 2019 has shown an Average Daily Traffic Count of 345 and an Estimated Daily Axle Loading of 88

### **Parker Range Road** (*Local Distributor/Access Road Priority B*)

Works on the Parker Range Road include second coat bitumen seal (*preservation works*) from SLK 0.0km to 12.5km. It is proposed to commenced these works in 2024/2025 Financial Year

Traffic counts on the Parker Range Road taken in October 2020 through to December 2020 has shown an Average Daily Traffic Count of 57 and an Estimated Daily Axle Loading of 88

### **Frog Rock Marvelloch Road** (*Local Distributor/Access Road Priority B*)

Works on the Frog Rock Marvelloch Road include second coat bitumen seal (*preservation works*) commencing in 2025/2026 Financial Year starting from SLK 18km

Traffic counts on the Parker Range Road taken in October 2017 through to December 2017 has shown an Average Daily Traffic Count of 52 and an Estimated Daily Axle Loading of 39

## **Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x Likelihood)</b>	<b>Mitigation Action</b>
<b>Health/People</b>	Nil	Nil	Nil
<b>Financial Impact</b>	Five Year Roadworks Program is made up of two income sources – 2/3 Main Roads State Roads Funding to Local Government Agreement contribution and 1/3 Shire contribution. There is significant financial cost to council with initial indications showing council's contribution over the next five years is estimated at \$1,911,665 and Main Roads State Roads Funding to Local Government Agreement contribution estimated at \$3,823,330	Moderate (9)	Five year works program is a working document which is reviewed annually and submitted to Council for consideration to be included in



			budget deliberations
<b>Service Interruption</b>	Lack of funding to maintain Council roads will result in deterioration of Councils road network, affecting agriculture, mining and transport industries. It will also have an impact on safety for motorist utilising these roads if left to deteriorate	Moderate (9)	Adequate funding included in budget consideration to maintain council's road network
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Lack of funding to maintain Council roads will result in deterioration of Councils road network	Moderate (9)	Adequate funding included in budget consideration to maintain council's road network
<b>Environment</b>	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)

### Statutory Environment

Nil

### Strategic Implications

2030 Regional Road Group Five Year Road Construction Program and Forward Capital Works Plan

### Policy Implications

Nil

### Financial Implications

Funding for 2030 Regional Roadworks Programs is proportion one third Council Funding and two thirds Main Roads State Roads Funding to Local Government Agreement

### Officer Recommendation and Council Decision

***110/2021***

***Moved Cr Close/Seconded Cr Shaw***

***That Council adopts the extended Five Year 2022/2023 – 2026/2027 Regional Road Group Roadworks Program as the attached Appendix one***

**CARRIED (7/0)**

# APPENDIX ONE

SHIRE OF YILGARN								
2022/23 - 2026/27 Regional Road Group five Year Roadworks Program								
Road Name	Year	SLK Start	SLK End	Length km	Work	Grants	Funding Shire	Total
2022/2023	1							
Koolyanobbing Rd		-	2.5	2.5	Construct & prime	\$ 348,872.00	\$ 174,436.00	\$ 523,308.00
M40		1.0	3.0	2.0	10mm Reseal	\$ 43,948.00	\$ 21,974.00	\$ 65,922.00
Koolyanobbing Rd		14.0	17.0	3.0	10mm Reseal	\$ 66,096.00	\$ 33,048.00	\$ 99,144.00
Moorine South Rd		39.0	52.5	13.5	10mm Reseal	\$ 289,666.00	\$ 144,833.00	\$ 434,499.00
					Annual Total	\$ 748,582.00	\$ 374,291.00	\$ 1,122,873.00
2023/2024	2							
Moorine South Rd		64.5	67.5	3.0	Construct & prime	\$ 424,926.00	\$ 212,463.00	\$ 637,389.00
Koolyanobbing Rd		-	2.5	2.5	10mm Reseal	\$ 54,446.00	\$ 27,223.00	\$ 81,669.00
Moorine South Rd		52.5	65.0	12.5	10mm Reseal	\$ 272,234.00	\$ 136,117.00	\$ 408,351.00
					Annual Total	\$ 751,606.00	\$ 375,803.00	\$ 1,127,409.00
2024/2025	3							
Marvelloch Forrestania Rd		-	3.0	3.0	Construct & prime	\$ 431,300.00	\$ 215,650.00	\$ 646,950.00
Moorine South Rd		65.0	67.5	2.5	10mm Reseal	\$ 55,264.00	\$ 27,632.00	\$ 82,896.00
Parker Range Rd		-	12.5	12.5	10mm Reseal	\$ 276,316.00	\$ 138,158.00	\$ 414,474.00
					Annual Total	\$ 762,880.00	\$ 381,440.00	\$ 1,144,320.00
2025/2026	4							
Marvelloch Forrestania Rd		3.0	6.0	3.0	Construct & prime	\$ 437,768.00	\$ 218,884.00	\$ 656,652.00
Marvelloch Forrestania Rd		-	3.0	3.0	10mm Reseal	\$ 67,312.00	\$ 33,656.00	\$ 100,968.00
Parker Range Rd		12.5	20.5	8.0	10mm Reseal	\$ 179,498.00	\$ 89,749.00	\$ 269,247.00
Frog Rock Marvelloch Rd		18.0	22.0	4.0	10mm Reseal	\$ 89,750.00	\$ 44,875.00	\$ 134,625.00
					Annual Total	\$ 774,328.00	\$ 387,164.00	\$ 1,161,492.00
2026/2027	5							
Marvelloch Forrestania Rd		6.0	9.0	3.0	Construct & prime	\$ 444,334.00	\$ 222,167.00	\$ 666,501.00
Marvelloch Forrestania Rd		3.0	6.0	3.0	10mm Reseal	\$ 68,320.00	\$ 34,160.00	\$ 102,480.00
Parker Range Rd		20.5	28.5	8.0	10mm Reseal	\$ 182,186.00	\$ 91,093.00	\$ 273,279.00
Frog Rock Marvelloch Rd		22.0	26.0	4.0	10mm Reseal	\$ 91,094.00	\$ 45,547.00	\$ 136,641.00
					Annual Total	\$ 785,934.00	\$ 392,967.00	\$ 1,178,901.00
					Total	\$ 3,823,330.00	\$ 1,911,665.00	\$ 5,734,995.00

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.1 Development Application – Lot 759 Great Eastern Highway, Ghooli - Telecommunications Facility

<b>File Reference</b>	<b>1.6.19.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Development Application</b>

#### Purpose of Report

To consider a Development Application, seeking to install a telecommunications facility on Lot 759 Great Eastern Highway Ghooli.

#### Background

The Shire is in receipt of a Development Application from SAQ Consulting Pty Ltd on behalf of Optus Mobile Pty Ltd, which proposes to install a telecommunications facility on Lot 759 Great Eastern Highway, Ghooli. The proposed development consists of:

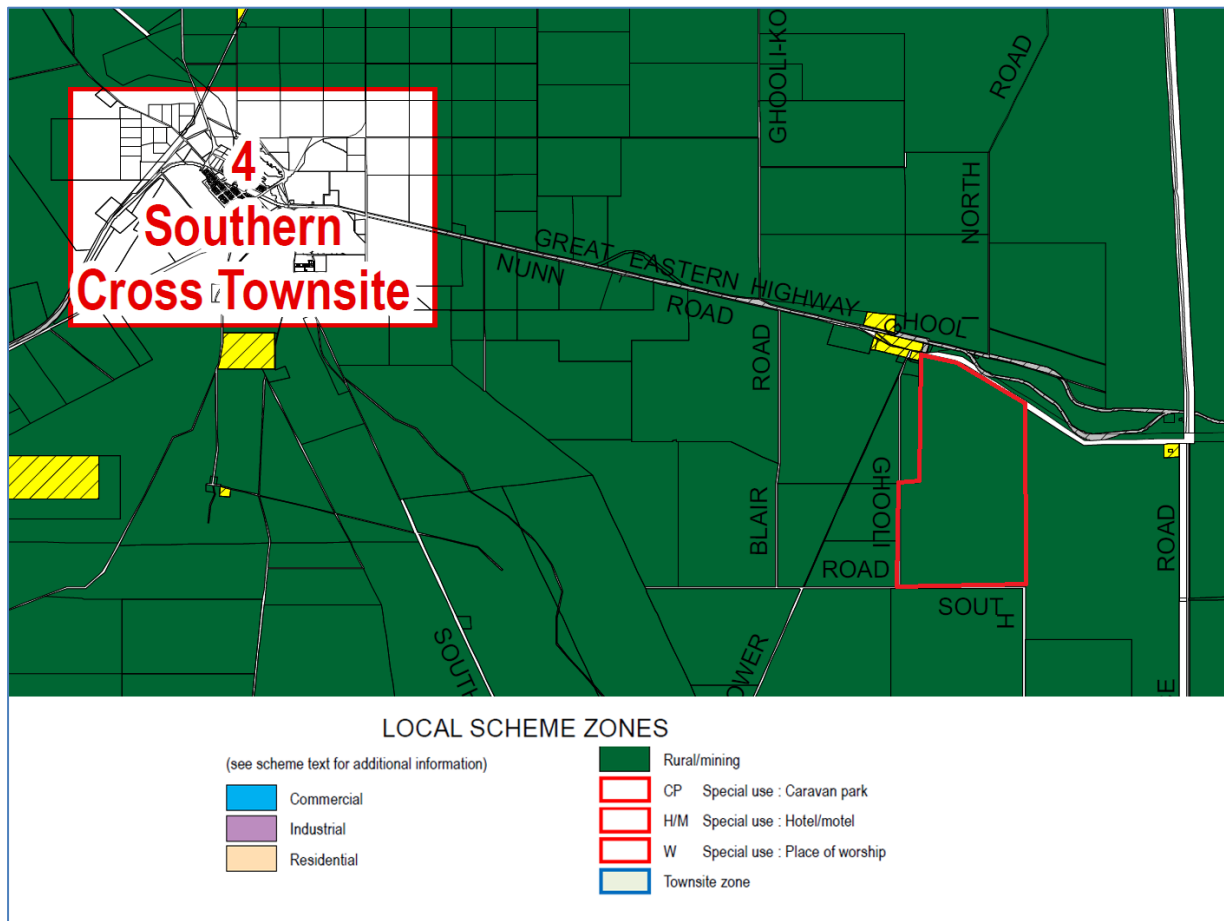
- A 60-metre tall lattice tower located within a 10m x 12m compound;
- Three (3) panel antennas, each 2.69m in length mounted to a new headframe on the top of the proposed lattice tower, giving a maximum finished height of 61.35 metres;
- Nine (9) remote radio units (RRUs) mounted on the proposed headframe;
- A 900mm diameter parabolic antenna mounted on the lattice tower at a height of 57m (for the purposes of connection to the existing Optus network);
- A new 4-bay equipment cabinet (dimensions 2.33m H x 2.87m W x 0.75m D) to house the necessary base-station equipment, located at the base of the lattice tower;
- A cable tray connecting the equipment cabinet to the lattice tower; and
- Compound fencing (stock type) and access gates.

According to the submission, which is attached for Councillors perusal, the development forms part of a Government-funded 'blackspot' programme, which aims to bring new and improved telecommunications to the Ghooli area.

As per the Shire of Yilgarn Town Planning Scheme 2 (TPS2) the lot is zoned "Rural/Mining".

As per the TPS2, the "Rural/Mining" zone is defined as:

*The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.*



The Zoning Table in the TPS2, details the relevant use classes permitted by zone, with the class category “Radio/TV Installation, deemed appropriate in assessing this proposal.

As per Zoning Table in the TPS2, the “Radio/TV Installation” use class is a “AA” use, which as per Clause 3.2.2 of the TPS2 means that the use is not permitted unless the Council has granted planning approval.

As such, Council has the discretion to either grant approval, with or without conditions, or reject the proposal.

The Development Table details the relevant layout requirements for commercial developments, however there is no listing for this type of development, and as such, Council has discretion to determine if the layout and relevant setbacks are suitable given the location and intended use.

### Comment

The submission documentation has been attached for Councillors perusal, and details what is proposed in relation to infrastructure, layout and setbacks. The following are the ey ponts from the submission:

- The subject land is used for cropping purposes with large, cleared areas and some stands of native vegetation, including along the highway frontage. The subject land is part of a larger agricultural landholding. There are no buildings on the subject land;
- Public road access to the proposed location is from the north directly off Great Eastern Highway. There are no easements over the land;
- No vegetation clearance will be required to access, construct, operate or maintain the facility;
- The proposal will accommodate the requirements for the Optus 3G and 4G mobile network and will provide network coverage and capacity to the rural area surrounding the facility;
- The installation will improve access to the full suite of services from the Optus network, including improved voice call quality, high speed broadband internet access, video calling and other data services. The proposed facility will also be capable of supporting 5G services when they become available to the area; and
- No collocation options are available for use and a new facility is required in this instance.

The proponent intends to install the facility on the North-East corner of the lot. The location is over 2 kilometres from the nearest residential lot and 41 metres at its nearest point to the boundary shared with Great Eastern Highway.

The overall lot area is approximately 10,000 square metres, with the development area being 120 square metres.

Access will be via existing arrangements via Great Eastern Highway, and post construction will have minimal traffic.

It is not expected that this development will create any nuisances to neighbouring sensitive land users, and whilst it will be visible, the benefits the development will create in additional telecommunications coverage, is deemed to outweigh any foreseeable aesthetic issues resulting from the 60 metre tower.

As mentioned, Council have the discretion to approve the development, and it is the reporting officers recommendation to approve the proposed development as submitted.

### Statutory Environment

Planning and Development Act 2005  
Shire of Yilgarn Town Planning Scheme 2

### Strategic Implications

<b>Goal</b>	A prosperous future for our community.
<b>Outcome</b>	Businesses in the Shire remain competitive and viable.
<b>Strategy</b>	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	Poor phone receptions past Ghooli	Low 2	Improved services for Optus customers
Compliance	Compliance with Planning legislation	Moderate 6	Development Application approved via Council decision.
Reputational	Consenting to a land use not listed.	Moderate 6	Compliance with discretionary clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Damage to natural environment	Moderate 6	Nil clearing required for development

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

**111/2021**

***Moved Cr Nolan/Seconded Cr Cobden***

***That Council approves the proposed installation of a telecommunications facility, as per the submission from SAQ Consulting Pty Ltd, on Lot 759 Great Eastern Highway, Ghooli.***

**CARRIED (7/0)**



## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Road Closure – Dulyalbin Road Deviation

<b>File Reference</b>	<b>6.1.1.083</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Attachment 1 - Proposed road closure sketch</b> <b>Attachment 2 - Survey Plan - 15004</b>

#### Purpose of Report

To consider making application to the Minister of Department of Planning, Lands and Heritage to have a section of Dulyalbin Road closed.

#### Background

At the March 2021 Ordinary Council meeting, Councillors endorsed the following recommendation:

**46/2021**

***Moved Cr Guerini/Seconded Cr Close***

***Council endorse commencing a 35 day public notice period, as per Section 58 of the Land Administration Act 1997, detailing the intention to close a portion of Dulyalbin Road, in the vicinity of Lot 637 on DP159430, Lot 288 on DP156231, Lot 529 on DP204185, Lot 228 on DP204185 and Lot 758 on DP169354.***

***and***

***Council, subject to affected landholder consent, endorse the subdivision of land and creation of Road Reserve as per Survey DP215004.***

***CARRIED (7/0)***

The report was in relation to a section of Dulyalbin Road, which had previously been deviated from its original alignment; however, the new alignment was not gazetted, and as such, currently dissects a landowner's lot. The purpose of the road closure is to enable the new survey plan to be processed.

#### Comment

In accordance to Land Administration Act 1997 Part 5 Section 58, Council advertised the proposed closure in the Kalgoorlie Miner Newspaper on the 28<sup>th</sup> April 2021 calling for comments and/or objections with the closing date being the 4<sup>th</sup> June 2021. The proposed closure was also displayed on the information pin-up board at the front entrance of Shire Administration Office. At the time of the closing date no comments and or objections were received.

## Statutory Environment

*Land Administration Act 1997 Part 5 Section 58*

### 58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - a. by order grant the request; or*
  - b. direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - c. refuse the request.*
- (5) If the Minister grants a request under subsection (4) —*
  - a. the road concerned is closed on and from the day on which the relevant order is registered; and*
  - b. any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road —*
  - a. becomes unallocated Crown land; or (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

## Strategic Implications

<b>Goal</b>	A prosperous future for our community.
<b>Outcome</b>	Safety and quality of transport networks are maintained and improved.
<b>Strategy</b>	Continue to maintain and upgrade our road network.

## Policy Implications

Nil

## Financial Implications

Administrative and contractor costs associated with progressing the road closure and road deviation survey.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Affected landowners paying rates on land of which their use is affected by constructed road;	High 10	The subdivision will correct land parcels to be in keeping with current layout
Service Interruption	Nil	Nil	Nil
Compliance	Road constructed outside of road reserve	High 10	The subdivision will correct the road reserve to match the current constructed road
Reputational	Possible reputational effects of constructing road outside of reserve.	Moderate 5	The subdivision will correct the road reserve to match the current constructed road
Property	Current road reserve does not match with constructed road	Moderate 5	The subdivision will correct the road reserve to match the current constructed road
Environment	Effects of clearing	Low 4	Road already constructed, this is an administrative process only.

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

**112/2021**

**Moved Cr Cobden/Seconded Cr Nolan**

***That following the statutory advertising period and in accordance with Section 58 Part 5 of the Land Administration Act 1997, Council resolves to make application to the Minister of Department of Planning, Lands and Heritage to have the portion of Dulyalbin Road, in the vicinity of Lot 637 on DP159430, Lot 288 on DP156231, Lot 529 on DP204185, Lot 228 on DP204185 and Lot 758 on DP169354, closed.***

**CARRIED (7/0)**

P159430  
**637**  
319.66 ha

P204185  
**529**  
604.90 ha

P156231  
**288**  
170.12 ha

Proposed Road Closure

Proposed Road Closure

DULYALBIN RD

P169354  
**758**



DEPT. OF LANDS AND SURVEYS  
PLAN NO. 15004



## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.3 Water Services Licence - Southern Cross and Marvel Loch Sewerage

<b>File Reference</b>	<b>10.2.5.4 &amp; 10.5.5.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider options in relation to the Water Services licence which covers the provision of the Southern Cross and Marvel Loch sewerage schemes.

#### Background

The provision of water services, including sewerage, is required to be undertaken under a licence as per the Water Services Act 2012 (the Act).

The Shire of Yilgarn holds a Water Services licence (WL30) for the provision of Reticulated Sewerage Services in Southern Cross and Marvel Loch. The licence does not cover the sewerage re-use system.

On the 22 April 2016, the Minister for Water at the time gave a class exemption for Local Governments with less than 1000 customers, excluding them from the need for a licence as per Clause 5(1) of the Act. The exemption was implemented for a five-year period.

The Department of Water and Environmental Regulation still requested a basic annual report to support the exemption, however the bulk of the original licence requirements, including operational audits, asset management reviews, annual compliance reports and annual performance data were removed. The reasoning behind the exemption was to reduce the red tape for small providers in an area that is already heavily regulated by the Department of Water and Environmental Regulation and Department of Health.

The Economic Regulation Authority (ERA) contacted the Shire of Yilgarn, advising that whilst the exemption from requiring a licence was still in place until 6<sup>th</sup> July 2022, the original licence was due to expire in April 2021. The ERA advised that should the Shire wish to renew its licence, it was required to apply and provide audited financial reports for the last three years, a written declaration from the Shire's chief financial officer or chief executive officer that the Shire has, and will retain, the financial ability to undertake the activities authorised by the licence and an up-to-date financial hardship policy.

The Shire applied and provided the documentation requested, however on the 20<sup>th</sup> May 2021, the ERA advised that due to there being no recent operational audits, asset management reviews, annual compliance reports and annual performance data, of which was not required to be supplied as per the exemption, they were not able to determine if the Shire had the ability to continue providing the water services, and as such were not able to renew the licence.

The ERA advised that in order to renew the licence, a full technical assessment, performed by an independent consultant, would need to be undertaken, of which would have to be paid for by the Shire at an estimated cost of between \$4,000 and \$7,000.

#### Comment

The Shire's licence exemption currently stands until 6<sup>th</sup> July 2022, and as per the ERA's correspondence, the Shire can continue providing Sewerage Water Services until this date with or without a licence.

The Department of Health are currently reviewing the current wastewater regulation requirements, with the "Managing public health risks from wastewater conveyance, treatment and disposal in Western Australia" consultation paper released in January 2021, whereby there are three current options for future regulation, which include:

1. Retain the status quo. That is, to replicate (as far as practicable) the relevant provisions of the Health (MP) Act and its subsidiary legislation in new regulations made under the Public Health Act. The existing codes adopted in the Wastewater Regulations will then be adopted in the new regulations.
2. Deregulate the wastewater industry and repeal the current legislation associated with wastewater management. That is, to repeal without replacement the relevant provisions of the Health (MP) Act and its subsidiary legislation and adopted codes associated with wastewater management without replacement.
3. Develop new public health regulations for wastewater management under the Public Health Act, which align with its principles and establish the necessary compliance requirements and processes using the mechanisms provided in the Public Health Act. Existing or new codes of practice may be developed and adopted in the new regulations.

Outcomes from the above review of wastewater legislation may dictate whether the class exemption is extended or they may change the requirement for licencing of waster wter providers. As such, it is the reporting officer's opinion that the Shire has two options, as follows:

1. Advise the ERA that the Shire wishes to renew the Water Services Licence, and request the ERA provide an independent consultant to undertake a full technical assessment of the application for renewal, at the Shires cost, estimated between \$4,000 to \$7,000.

Or

2. Advise the ERA the Shire does not wish to renew the Water Services Licence, and will continue to operate under the Class Exemption until 6<sup>th</sup> July 2022. During this time, there may be further class exemptions applied covering the Shire, removing the requirement to hold a water services licences, or, there may be regulation changes which may alter what is required for licenced providers. As such, upon nearing the 6<sup>th</sup> July 2022 deadline, if it seems a licence will be required, the Shire can undertake to



reapply to DWER for a water services licence, utilising consultants of our own choosing.

It is the reporting officers opinion that whilst the exemption is in place and the wastewater regulation space is changing, it seems practicable to hold off on undertaking to have the current licence renewal assessed, as it may end up being a fruitless exercise, should the exemption be extended or regulation requirements change. With over 12 months until the current Water Services Licence exemptions ceases, there is ample time to monitor and assess the situation, and in the event it seems likely a water services licence will be required, and application can be submitted at that time.

It should be noted that the Department of Water and Environmental Regulation already licences the Waste Water Treatment Plant at Southern Cross, of which the Shire submits an Annual Audit Compliance Report and Annual Environmental Report, and the Department of Health licences the Southern Cross Effluent Reuse System, requiring an Annual Report.

## Statutory Environment

### Water Services Act 2012

#### 5. Requirement for licences

*(1) A person must not provide a water service except under a licence.*

#### 7. Minister may grant exemptions

*(1) The Minister may exempt a person or class of person from the application of section 5(1) in respect of the provision of a water service in a specified area or areas of the State if satisfied that it would not be contrary to the public interest to do so.*

*(2) An exemption must be in writing.*

*(3) An exemption may be subject to conditions and is of no effect while a condition is not being complied with.*

*(4) A licence that a person holds is of no effect to the extent to which the person is exempt from the application of section 5(1) in respect of the provision of the water service or services authorised by the licence.*

*(5) The Minister may amend or revoke an exemption if satisfied that it would be in the public interest to do so.*

*(6) The Minister must, as soon as is practicable after making a decision under subsection (1) or (5), publish notice of the decision in the prescribed manner with the prescribed information.*

*(7) Reasons for a decision that the Minister makes to grant, amend or revoke, or to refuse to grant, amend or revoke, an exemption must be given to a person who applied for the grant, amendment or revocation, and any other person who requests those reasons.*

*(8) The Minister may, at a particular time, refuse to consider an application for an exemption on the basis that the applicant has also made an application for a licence under section 10 that has not been dealt with by the Authority, if the application for the licence was made less than 90 days prior to that time.*

### Strategic Implications

<b>Goal</b>	Protecting, utilising and enhancing our beautiful natural heritage.
<b>Outcome</b>	Satisfaction with sewerage services.
<b>Strategy</b>	Continue to maintain current sewerage systems in accordance with licensing requirements and asset management plan.

### Policy Implications

Nil

### Financial Implications

Consultancy costs associated with both options.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Risk of illness from poor management of wastewater	Moderate 9	Legislative controls, existing licences on SX systems.
<b>Financial Impact</b>	Financial impact from operating without licence	High 10	Current licence exemption until July 2022.
<b>Service Interruption</b>	Breakdown of sewerage services	High 10	Ongoing maintenance and capital spend keeping system in good condition. Reserve fund to cover major expenses.

<b>Compliance</b>	Operation of water services without licence	High 10	Current licence exemption until July 2022.
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Risk of environmental impact from poor management of wastewater	Moderate 9	Legislative controls, existing licences on SX systems.

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

**113/2021**

***Moved Cr Rose/Seconded Cr Nolan***

***That Council advise the Economic Regulation Authority, that it does not wish to renew the Water Services Licence WL30 covering the Southern Cross and Marvel Loch sewerage systems, at this time, and will continue to operate under the Class Exemption for small Local Governments, as listed in the Western Australian Government Gazette published on the 22<sup>nd</sup> April 2016. The Council also advises that should the current class exemption not be extended, a new application for water services will be submitted prior to the cessation of the exemption.***

***And***

***Council agree to including a nominal amount in the 2021/2022 annual budget, to cover consultancy fees required to submit an application for water services licence, in the event the class exemption ceases and wastewater regulation review does not alter licencing requirements.***

**CARRIED (7/0)**

## 10 APPLICATION FOR LEAVE OF ABSENCE

Nil

## 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**114/2021**

**Moved Cr Cobden/Seconded Cr Guerini**

***That the new business be accepted for consideration by Council***

**CARRIED (7/0)**

## 12 Late Item - Reporting Officer– Executive Manager Regulatory Services

### 12.1 Barto Gold Mining Pty Ltd – Referral of a Licence Application

<b>File Reference</b>	<b>3.2.1.7</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Correspondence from Department of Mines and Industry Regulation &amp; Safety</b>

### Purpose of Report

To consider a response to the Department of Mines and Industry Regulation & Safety, regarding a miscellaneous licence application for Barto Gold Mining Pty Ltd.

### Background

The Shire is in receipt of correspondence from the Department of Mines and Industry Regulation & Safety (DMIRS), regarding a miscellaneous licence application for Barto Gold Mining Pty Ltd. The correspondence is attached.

The miscellaneous licence (77/349) pertains to the intersection of Southern Cross Marvel Loch road, and the Barto Haul Road, approximately 5 kilometres from Southern Cross Townsite.

The purpose, as listed in the documentation is for a pipeline. Whilst the submission does not provide any further detail, discussions with Barto representatives has indicated the Miscellaneous Licence is required to allow for a pipeline to be run from Frasers Pit to a disused pit, of which has not yet been determined.

### Comment

There is no Shire owned or vested land utilised as part of the Miscellaneous Licence being considered, nor part of the overall project detailed by Barto to this stage.

Main Roads hold jurisdiction over the Southern Cross Marvel Loch Road, and as such, any physical or operational effects are to be approved by Main Roads.

It states in the submission that the Western boundary of the application is plotted to sit on, but not encroach the eastern boundary of Lot 102, which is privately held. Any encroachment is a plotting anomaly, and the boundaries of this application should be adjusted to exclude that encroachment. Adjacent landowner's should however be consulted prior to any works commencing.

### Statutory Environment

Mining Act 1978

### 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

<b>Compliance</b>	Compliance with relative environmental and mining legislation.	Moderate 6	DMIRS Assessment and Approval Processes
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Environmental Impacts from Mining Activities	Moderate 6	DMIRS 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

**115/2021**

**Moved Cobden/Seconded Cr Guerini**

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

*In regards to the application from Barto Gold Mining Pty Ltd (Reference 77/349) seeking a Miscellaneous Licence under Sections 23 to 26 of the Mining Act 1978, for the purpose of a pipeline, the Shire of Yilgarn holds no objections, on the condition that Main Roads approve any proposed works within their Road Reserve and all private land holders adjacent to this proposal are consulted prior to commencement of works.*

**CARRIED (7/0)**



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**  
**Resource Tenure**

Our ref L77/349  
Enquiries Ray Lisignoli  
08 9049 1682  
ray.lisignoli@dmirs.wa.gov.au

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

Dear Sir, (email to; [ceo@yilgarn.wa.gov.au](mailto:ceo@yilgarn.wa.gov.au) )

**APPLICATION FOR MISCELLANEOUS LICENCE 77/349  
BY BARTO GOLD MINING PTY LTD  
SITUATED ON SOUTHERN CROSS – MARVEL LOCH ROAD**

Under Sections 23 to 26 of the *Mining Act 1978* mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

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

The Minister for Mines and Petroleum has therefore directed that I commence the consultation process and obtain your Council's comments and recommendation with regard to the impact of the application on the reserve listed above

I have enclosed a copy and plan of the application for this purpose.

Your reply in due course would be appreciated please.

Yours sincerely

*Ray Lisignoli*

---

**Ray Lisignoli** | Mining Registrar  
Resource Tenure  
14 June 2021



Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
(b) Time & Date marked out (where applicable)  
(c) Mineral Field

(a) Miscellaneous Licence

No. L 77/349

(b) a.m./p.m. / /

(c) YILGARN

For each applicant:

- (d) Full Name and ACN/ABN  
(e) Address  
(f) No. of shares  
(g) Total No. of shares

(d) and (e)  
BARTO GOLD MINING PTY LTD (ACN: 161 566 490)  
C/- MINJAR GOLD PTY LTD, PO BOX 115, WEST PERTH, WA, 6872

(f) Shares

100

(g) Total 100

DESCRIPTION OF GROUND APPLIED FOR:  
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)

(h) Southern Cross  
(i) GDA94 Zone 50 6538022.310 mN 723580.209 mE, being the south east corner of Lot 102  
(j) then NNW along the eastern boundary of Lot 102 to 6538053.106 mN 723568.735 mE  
then to NE corner of L77/51, being 6538062.839 mN 723594.329 mE  
then to SE corner of L77/51, being 6538035.380 mN 723606.429 mE  
then to 6538029.147 mN 723599.329 mE  
then back to Datum

This application affects Private Property.

Details of Private Property Affected: The western boundary of this application is plotted to sit on, but not encroach the eastern boundary of Lot 102. Any encroachment is a plotting anomaly, and the boundaries of this application should be adjusted to exclude that encroachment.

Purposes: a pipeline.

- (h) Locality  
(i) Datum Peg  
(j) Boundaries  
(k) Area (ha or km<sup>2</sup>)

(k) 0.10000 HA

- (l) Signature of applicant or agent (if agent state full name and address)

(l) *Darren McAulay*  
C/- MINJAR GOLD PTY LTD, 66 KINGS  
PARK ROAD, WEST PERTH, WA, 6005

Date: 19/05/2021

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 23rd day of June 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	14:06:33	on	19 May 2021	with fees of
Application	\$551.00			
Rent	\$17.90			
TOTAL	\$568.90			
Receipt No:	13732873931			

**Mining Registrar****NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.  
(ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

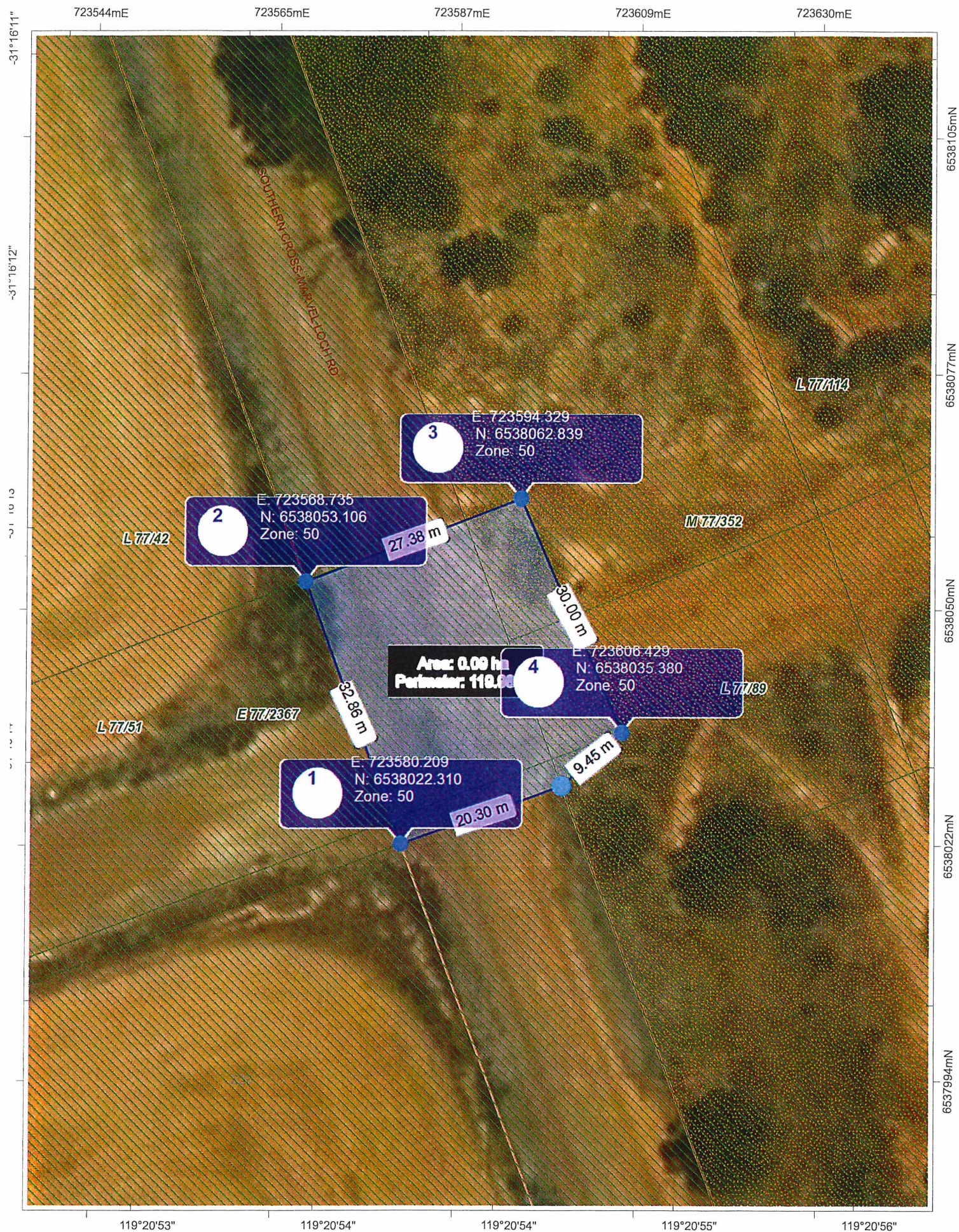
**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.  
(ii) The following action should be taken to ascertain ground availability:  
(a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.





119°20'53"

119°20'54"

119°20'54"

119°20'55"

119°20'56"

Scale: 1:564

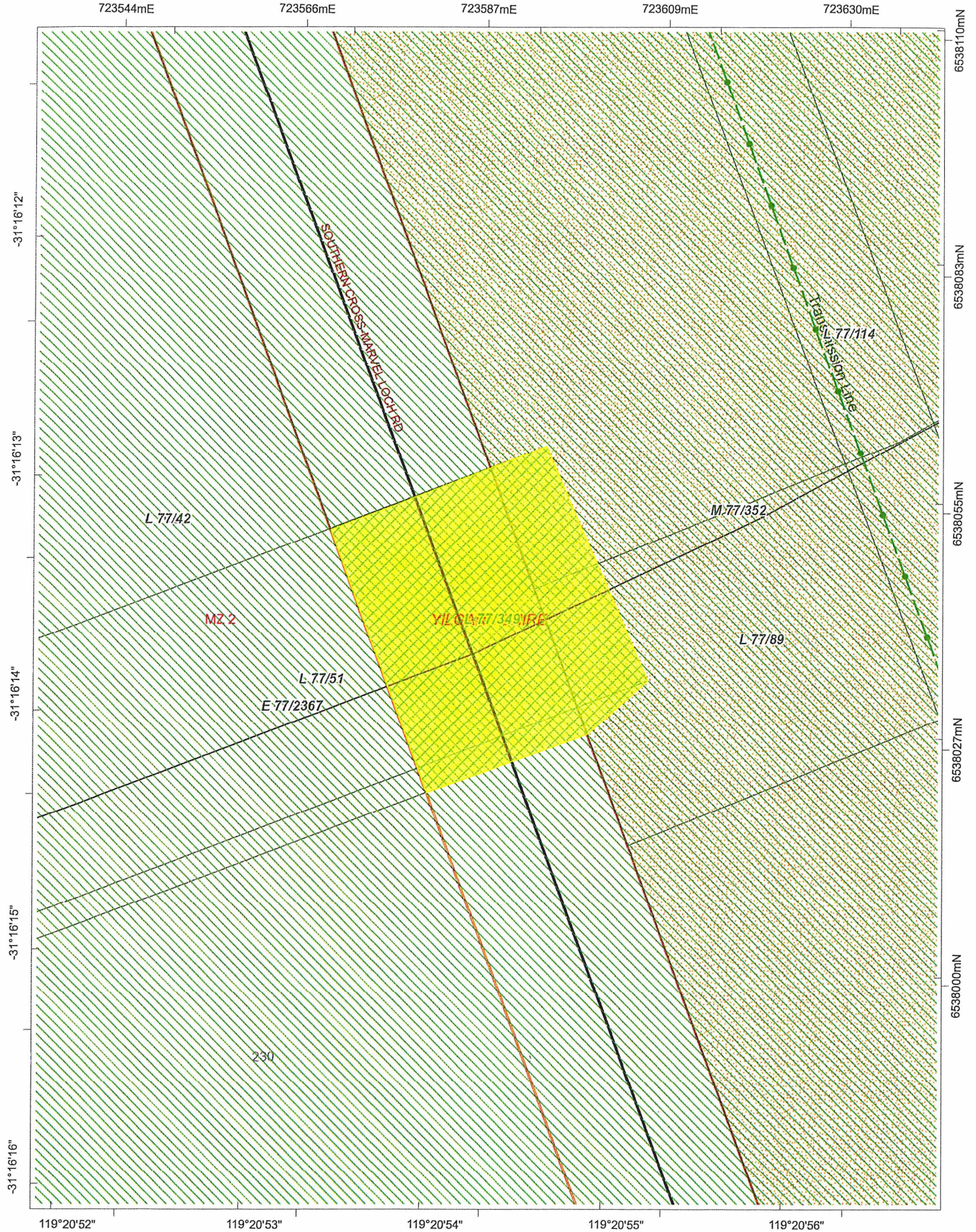






L 77/349 , Quick Appraisal Plan

723544mE 723566mE 723587mE 723609mE 723630mE





## 12 Reporting Officer– Executive Manager Regulatory Services

### 12.2 Parkers Range Bypass Road

<b>File Reference</b>	<b>6.1.1.038</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider a temporary arrangement for the Parker Range Bypass Road.

#### Background

The Parkers Range Bypass road was originally designed to merge with the existing Parkers Range Road via a sweeping bend.

Upon commencement of construction, Mineral Resources have determined that relevant environmental approval have not been gained for the final sweeping bend, and as such, have sought to have the bypass road come to an end with a T Intersection at the existing parkers range road, for a temporary period, to allow for the relevant approvals to be sought.

#### Comment

Discussed at the Discussion session held on the 17<sup>th</sup> June 2021, Councillors discussed the temporary arrangement

If Council are to endorse the arrangement, Mineral Resources will be required to undertake clearing to improve site distance and install relevant signage prior to the bypass road opening. All relevant approvals are to be sought by Mineral Resources prior to clearing commencing.

#### Statutory Environment

Local Government Act 1995

#### Strategic Implications

<b>Goal</b>	A prosperous future for our community.
<b>Outcome</b>	Safety and quality of transport networks are maintained and improved.
<b>Strategy</b>	Continue to maintain and upgrade our road network.

#### Policy Implications

Nil

### Financial Implications

All costs associated with temporary arrangement to be borne by Mineral Resources.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Safety of persons utilising Parkers Range Road	Moderate 9	Assessment of signage and safety by Shire prior to opening.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with relevant road safety standards	Moderate 9	Assessment of signage and safety by Shire prior to opening.
Reputational	Perception over road safety	Low 3	Shire approval for temporary arrangement
Property	Nil	Nil	Nil
Environment	Clearing for line of sight safety requirements.	Moderate 9	Requirement for MRL to obtain all relevant approvals prior to commencement of clearing.

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)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation and Council Decision

**116/2021**

**Moved Cr Close/Seconded Cr Cobden**

***That Council endorse the temporary intersection of Parkers Range Bypass Road into the existing Parkers Range Road with a T Intersection, for a period of six (6) months, to enable Mineral Resources to undertake the relevant environmental approvals, in order to clear and construct the final curved section of the bypass road.***

***And***

***Mineral Resources are required to undertake clearing to improve site distance and install relevant signage prior to the bypass road opening. All relevant approvals are to be obtained by Mineral Resources prior to clearing commencing.***

**CARRIED (7/0)**

#### **13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS**

Nil

#### **14 CLOSURE**

As there was no further business to discuss, the Shire President declared the meeting closed at 5pm

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 17 June 2021, are confirmed on Thursday, 15 July 2021 as a true and correct record of the June 2021 Ordinary Meeting of Council.

Cr Wayne Della Bosca  
SHIRE PRESIDENT