



# *Minutes*

## *Ordinary Meeting of Council*

### *15 July*

### *2021*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 3. ATTENDANCE

Presiding Member	Cr W Della Bosca	President
Members	Cr B Close Cr J Cobden Cr G Guerini Cr P Nolan Cr L Rose Cr S Shaw	Deputy President
Council Officers	P Clarke C Watson R Bosenberg N Warren L Della Bosca	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker
Apologies:	Nil	
Observers:	Nil	
Leave of Absence:	Nil	

## 4. DECLARATION OF INTEREST

Nil

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

The Shire President advised the follow question was received from Mrs Kay Crafter and answered at the June 2021 Council Meeting,

**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.*

Further to the Acting Chief Executive Officers response the following is advised;

*The EMRS contacted Barto's Senior Environmental & Community Advisor to raise Mrs Crafter's question, and was advised that Barto will be providing information to the community via a stall at the Yilgarn Agricultural Show, however also advised they are happy to present to Council should Council request.*

## 5.1 PUBLIC QUESTION TIME

Nil

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday 17 June 2021

**117/2021**

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

***That the minutes from the Ordinary Council Meeting held on 17 June 2021 be confirmed as a true record of proceedings***

**CARRIED (7/0)**

### 6.2 Special Meeting of Council Meeting, Tuesday 6 June 2021

**118/2021**

***Moved Cr Shaw/Seconded Cr Nolan***

***That the minutes from the Special meeting of Council held on the 6 June 2021 be confirmed as a true record of proceedings.***

**CARRIED (7/0)**

### 6.3 Great Easter Country Zone Meeting (GECZ), Monday 28 June 2021

**119/2021**

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

***That the minutes from the GECZ meeting held on the 28 June 2021 be received.***

**CARRIED (7/0)**

6.5 Wheatbelt East Regional Organisation of Councils Meeting (WEROC), Wednesday 23 June 2021

**120/2021**

***Moved Cr Shaw/Cr Cobden***

***That the minutes from the WEROC meeting held on the 23 June 2021 be received.***

**CARRIED (7/0)**

6.6 Yilgarn Tourism Advisory Committee Meeting, Wednesday 7 July 2021

**121/2021**

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

***That the minutes from the Yilgarn Tourism Committee meeting the on the 7 July 2021 be received***

**CARRIED (7/0)**

6.7 Wheatbelt North-East Sub Regional Road Group Meeting (SRRG), Monday 5 July 2021

**122/2021**

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

***That the minutes form the Wheatbelt North-East SRRG meeting held on the 5 July be received.***

**Carried (7/0)**

## **7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

Nil

## **8. DELEGATES' REPORTS**

Cr Della Bosca announce the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the WEROC meeting on the 23 June 2021
- Attended the MRL community Information Evening on the 23 June 2021
- Attended the GECZ meeting on the 28 June 2021
- Attended the SRRG meeting on the 5 July 2021
- Attended the Special Council meeting on the 6 July 2021

Cr Close announce the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the MRL community Information Evening on the 23 June 2021
- Attended the Special Council meeting on the 6 July 2021
- Attended the Yilgarn Tourism Committee meeting on the 7 July 2021

Cr Guerini announce the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the Special Council meeting on the 6 July 2021

Cr Rose announce the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the Special Council meeting on the 6 July 2021
- Attended the Yilgarn History Museum Committee meeting
- Attended the Yilgarn Tourism Committee meeting on the 7 July 2021

Cr Nolan announced the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the Special Council meeting on the 6 July 2021
- Attended the Wheatbelt Ag Care meeting

Cr Cobden announce the following:

- Attended the MRL community Information Evening on the 23 June 2021
- Attended the Special Council meeting on the 6 July 2021
- Attended the Yilgarn Tourism Committee meeting on the 7 July 2021

Cr Shaw announced the following:

- Attended the CEO recruitment meeting on the 22 June 2021
- Attended the Special Council meeting on the 6 July 2021

## 9. OFFICERS REPORTS

### 9.1 Officers Report – Chief Executive Officer

#### 9.1.1 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 re-present information relating to the annual Local Government Convention that will be conducted at Crown Perth between Sunday, 19 and Tuesday, 21 September 2021 following Council's decision at the June Ordinary meeting to defer this matter for consideration at the July 2021 Council meeting.

#### 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		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

**123/2021**

**Moved Cr Cobden/Seconded Cr Shaw**

**That Council:-**

- 1. Authorises the Shire President and Deputy Shire President together with the CEO in attending the 2021 Local Government Convention at Crown Perth between Sunday, 19 and Tuesday, 21 September 2021; and*
- 2. That Crs Della Bosca and Close 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.*

**CARRIED (7/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Central East Accommodation & Care Alliance Inc. (CEACA)

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

#### Purpose of Report

To re-present to Council for consideration the matter of a financial contribution to CEACA in the 2021/2022 financial year.

#### Background

At the May 2021 Ordinary meeting of Council, the following was resolved in respect to continuing Council's association with CEACA via annual financial contributions:-

**80/2021**

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

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

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

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

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

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

### Comment

The CEO attended a CEACA Board meeting on Thursday 27 May, 2021 and conveyed Council's decision in respect to future financial contributions. Following this advice to CEACA, Board Members enquired whether Council would be receptive to receiving a delegation of CEACA's Executive Board Members to further discuss Council's decision with the view to convincing Council to reverse its decision.

Mr Raymond Griffiths and Mr Quentin Davies, CEACA Executive Board Members, attended the June 2021 Council meeting and presented to Council on the above matter. A decision was not made by Council at the June 2021 Ordinary meeting and therefore the matter is re-presented to this meeting for further consideration.

As a recap, the new Strategic Priorities set by CEACA's Executive Committee for the 2021/2022 financial year are as follows:-

- Investigate and develop proposals for the provision of care services, including NDIS and mental health support, for the citizens of CEACA members;
- Investigate the possible expansion of CEACA accommodation units in locations required by each CEACA member;
- Investigate and develop proposals for the provision of transport services for the citizens of each CEACA member;
- Investigate the availability of government funding to CEACA from both state and federal governments to implement strategic priorities 1 to 3 noted above;
- Examine the feasibility of CEACA taking over the management of accommodation units owned by each CEACA member; and
- Investigate the possibility of other Wheatbelt shires becoming a member of CEACA.

CEACA has advised that the above priorities can only be achieved by way of the majority of the 11 member shires continuing to contribute the annual contribution of \$20,000.

For Councillors information, the Shire of Trayning has withdrawn its commitment to future funding to CEACA.

### Statutory Environment

Nil



### Strategic Implications

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

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

### Policy Implications

Nil

### Financial Implications

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

### Risk Implications

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

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

#### Officer Recommendation AND Council Decision

124/2021

Moved Cr Close/Seconded Cr Cobden

That Council:-

1. *Reverses its decision from the May 2021 Ordinary meeting of Council (Minute No. 80/2021) based on the presentation by CEACA Executive Board Members at the June 2021 Ordinary Council meeting;*
2. *Re-commits to funding \$20,000 to CEACA for the 2021/2022 financial year to assist CEACA in meeting its Strategic Priorities.*
3. *In providing the above funding, Council advises CEACA that any future annual commitments will be determined on the progress of CEACA's Strategic Priorities in 2021/2022.*

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

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Covalent Lithium – Permission to Clear Road Reserve

<b>File Reference</b>	<b>3.2.1.23</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To present to Council for consideration, a request from Covalent Lithium to clear a 20 metre corridor of Shire Road Reserve on the Merenda North and Southern Cross South Roads to accommodate a power line for the water pipeline associated with the Mt. Holland Lithium Mine.

#### Background

It was proposed that the power line would traverse private land, in consultation with landholders however, one landholder has objected to the power line being constructed within their property and therefore, Covalent Lithium are now seeking Council approval for the 20 metre corridor of clearing to be undertaken to accommodate same.

#### Comment

Covalent Lithium were in the process of finalising their clearing permit application for submission when they noticed the supporting documentation required a signed letter providing authority from the Shire of Yilgarn as the landowner/responsible party.

The purpose of the permit is to enable a 20m corridor to be cleared in the road reserve (either side of the road) in two separate locations to support the construction of the new powerline for our booster pump station (located approximately 10km north of Meranda North Road).

The two locations are marked in the picture below:

- Location 1 (bottom left) – the new power line will ‘T’ off the line that runs along Meranda North Rd and head north in farm land on the east side of Southern Cross South Rd. The yellow box shows the total area surveyed, the approximate location of the power line and therefore the cleared area is marked in red.
- Location 2 (top left) – the new power line will cross from the east side of the road to the west between the area marked in yellow, a 20m corridor is required.

## **CLEARING LOCATIONS**



### **Statutory Environment**

Department of Water and Environmental Regulation relating to Clearing Permits.

### **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**

Nil

### **Financial Implications**

Nil

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Council approval required for the clearing of Shire Road Reserves in accordance with DWER guidelines	High (15)	In granting formal approval to this request it allows Covalent Lithium to meet its statutory obligations
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**

**125/2021**

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

***That to enable Covalent Lithium to progress the construction of the water pipeline from Moorine Rock to the Mt. Holland Lithium Mine Project and associated power requirements relating to same, Council supports Covalent Lithium's request in clearing required sections of the Merenda North and Southern Cross South Roads Road Reserves to accommodate the new powerline for the above purposes.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Financial Reports</b>

### Purpose of Report

To consider the Financial Reports

### Background

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

The following reports are attached and have been prepared as at the 30 June 2021.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

### Comment

Nil

### Statutory Environment

#### Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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



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

#### **Strategic Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil



### Risk Implications

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

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

### Officer Recommendation and Council Decision

126/2021

*Moved Cr Cobden/Seconded Cr Rose*

*That Council endorse the various Financial Reports as presented for the period ending 30 June 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 41032 to 41040 totalling \$4,833.50 Municipal Fund-EFT Numbers 11415 to 11519 totalling \$633,256.03 Municipal Fund – Cheque Numbers 1734 to 1747 totalling \$193,562.58 Municipal Fund Direct Debit Numbers 15790.1 to 15790.12 totalling \$24,201.21, Municipal Fund Direct Debit Numbers 15831.1 to 15831.11 totalling \$18,644.55, Trust Fund – Cheque Numbers 6291 to 6296 (DPI Licensing), totalling \$70,211.35 Trust Fund - Cheque Numbers 402570 to 402574, totalling \$3,595.85 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

**127/2021**

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

***Municipal Fund – Cheque Numbers 41032 to 41040 totalling \$4,833.50 Municipal Fund-EFT Numbers 11415 to 11519 totalling \$633,256.03 Municipal Fund – Cheque Numbers 1734 to 1747 totalling \$193,562.58 Municipal Fund Direct Debit Numbers 15790.1 to 15790.12 totalling \$24,201.21, Municipal Fund Direct Debit Numbers 15831.1 to 15831.11 totalling \$18,644.55, Trust Fund – Cheque Numbers 6291 to 6296 (DPI Licensing), totalling \$70,211.35 Trust Fund - Cheque Numbers 402570 to 402574, totalling \$3,595.85 are presented for endorsement as per the submitted list.***

**CARRIED (7/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2020/2021 Budget Adoption

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>2021/2022 Statutory Budget</b>

#### Purpose of Report

To consider and adopt the Municipal Fund Budget for the 2021 / 2022 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

#### Background

The 2021 / 2022 operating budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2021 / 2022 budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on the 6<sup>th</sup> of July 2021.

The rating structure proposed for the 2021 / 2022 financial year is based on a 0.5% increase in the Rate in the Dollar from those imposed in the previous year. The proposed differential rates for 2021 / 2022 are, as previously indicated, an across the board 0.5% increase in the rate in the dollar. This equates to 0% reduction from those advertised.

The advertising period closed on the 24<sup>th</sup> of May and resulted in 2 submissions being received.

#### Comment

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the budget include:

- **The Schedule of Fees & Charges.**

There has been one update to the Fees & Charges that Council considered in May. This update relates to the removal of fees applicable for the hire of the Community Car. These fees are removed because Council no longer offers this type of vehicle for hire.

- **General Rates and Minimums**

The general rate in the dollar will have a 0.5% increase with the general minimums remaining unchanged as follows:

Land Category	Rate in the Dollar		% Increase/ (Decrease)
	2021/22	2020/21	
<u>General Rate</u>			
GRV - Residential / Industrial	11.2894	11.2332	0.50%
GRV- Commercial	7.9469	7.9074	0.50%
GRV- Minesites	15.8938	15.8148	0.50%
GRV - Single Persons Quarters	15.8938	15.8148	0.50%
UV - Rural	1.7663	1.7575	0.50%
UV - Mining Tenements	17.4793	17.3923	0.50%
<u>Minimum General Rate</u>			
GRV - Residential / Industrial	\$500	\$500	0.00%
GRV- Commercial	\$400	\$400	0.00%
GRV- Minesites	\$400	\$400	0.00%
GRV - Single Persons Quarters	\$400	\$400	0.00%
UV - Rural	\$400	\$400	0.00%
UV - Mining Tenements	\$400	\$400	0.00%

There was a general revaluation carried out to UV rated assessments effective 1<sup>st</sup> July 2021. This revaluation resulted in the following:

COMPARATIVE VALUATIONS		Valuations as at 1st July of the given year.						
	2020/21			2021/2022			Change \$	Change %
	Rateable Valuation	Minimum Valuation	Total Valuation	Rateable Valuation	Minimum Valuation	Total Valuation		
Non-Rateable	-	-	337,864	-	-	293,644	(44,220)	(13.09%)
GRV - Mine Sites	529,565	2,408	531,973	529,565	2,408	531,973	0	0.00%
GRV - Single persons Quarters	774,619	1,713	776,332	816,219	1,075	817,294	40,962	5.28%
GRV - Residential / Industrial	3,405,586	150,582	3,556,168	3,399,106	152,317	3,551,423	(4,745)	(0.13%)
GRV - Commercial	981,205	20,061	1,001,266	981,205	20,061	1,001,266	0	0.00%
UV - Rural	104,151,617	282,645	104,434,262	103,935,117	282,645	104,217,762	(216,500)	(0.21%)
UV - Mining	8,567,598	252,874	8,820,472	8,648,469	259,902	8,908,371	87,899	1.00%

Sewerage Rate in the Dollar and household rubbish collection charges will remain unchanged from those imposed in 2020/2021.

- Major Income and Expenditure**

Capital expenditure totalling \$9.719M is budgeted, being made up of:

Land & Buildings	\$521,195
Furniture & Equipment	\$39,500
Plant & Equipment	\$1,488,700
Infrastructure - Roads	\$3,178,430
- Footpaths	\$60,453
- Drainage	\$14,427
- Parks & Ovals	\$374,000

- Sewerage	\$28,000
- Refuse Sites	\$7,500
Non-Operating grant income includes:	
Roads to Recovery	\$906,911
Regional Road Group	\$808,624
Main Roads WA Direct Grant	\$372,140
Federal Local Roads & Community Infrastructure Grant	\$1,512,847

Operating grant income includes:

Federal Equalisation Grant	\$810,013 (Est)
Federal Untied Roads Grant	\$671,828 (Est)

### Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2021 / 2022 budget as presented is considered to meet statutory requirements.

### Strategic Implications

The draft 2021 / 2022 budget has been developed based on the existing Plan for the Future and strategic planning documents adopted by council.

### Policy Implications

The budget is based on the principles contained in the Plan for the Future and the Corporate Business Plan.

### Financial Implications

Forms the basis for Income and Expenditure for the period 1 July 2020 to 30 June 2021.



## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Service delivery benefits the residents of the district.	Moderate (6)	Community Strategic Planning process.
<b>Financial Impact</b>	Funding deficit leads to cuts in service level provision.	Moderate (9)	Maintain adequate reserve funds for high-risk services such as sewers and waste disposal sites.
<b>Service Interruption</b>	Variable from minor inconvenience to significant health issue.	High (12)	For high-risk services such as sewerage and transport infrastructure, continue to maintain to a suitable standard.
<b>Compliance</b>	Local Government Act 1995 and applicable Regulations	Low (1)	Nil
<b>Reputational</b>	Service delivery not meeting community expectations.	Moderate (9)	Ensure services are adequately resourced.
<b>Property</b>	Various significant community buildings identified.	Moderate (6)	Ensure buildings are adequately maintained and resourced.
<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 1

### **GENERAL & MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

1. *For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Resolution 7 below, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, impose the following differential general rates in the dollar and minimum payments on Gross Rental and Unimproved Values*

#### **General Rate**

GRV - Residential / Industrial	11.2894
GRV- Commercial	7.9469
GRV- Minesites	15.8938
GRV - Single Persons Quarters	15.8938
UV - Rural	1.7663
UV - Mining Tenements	17.4793

#### **Minimum Payments**

GRV - Residential / Industrial	\$500
GRV- Commercial	\$400
GRV- Minesites	\$400
GRV - Single Persons Quarters	\$400
UV - Rural	\$400
UV - Mining Tenements	\$400

2. *Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full or by instalments:*

#### *Single Full Payment:-*

- *Full payment due date 17<sup>th</sup> September 2021*

#### *Payment by Two Instalments:-*

- *First instalment due date 17<sup>th</sup> September 2021*
- *Second instalment due date 26<sup>th</sup> January 2022*

#### *Payment by Four Instalments:-*

- *First instalment due date 17<sup>th</sup> September 2021*
- *Second instalment due date 22<sup>nd</sup> November 2021*
- *Third instalment due date 26<sup>th</sup> January 2022*
- *Fourth instalment due date 1<sup>st</sup> April 2022*

3. *Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears, waste and service charges, within 35 days of the issue date of the rate notice.*

4. Pursuant to section 6.45 of the Local Government Act 1995, regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995, regulation 68 of the Local Government (Financial Management) Regulations 1996 and clause 13 of the Local Government (COVID-19 Response) Ministerial Order 2021 effective on 2 June 2021, council adopts an interest rate of 0% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and section 6.51(4) of the Local Government Act 1995, regulation 70 of the Local Government (Financial Management) Regulations 1996 and clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2021 effective on 2 June 2021, council adopts an interest rate of 7% for all overdue rates (and service charges) and costs of proceedings to recover such charges subject to:
  - a. This interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2021 that has been determined by the Shire of Yilgarn as suffering financial hardship as a consequence of the COVID-19 pandemic.

Voting Requirements Absolute Majority Required

## Officer Recommendation 2

### SEWERAGE RATES & CHARGES

*That Council impose the following Sewerage Rates and Charges under s41 of the Health Act 1911, on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:*

1. Southern Cross Sewerage Scheme Charge (Residential/Industrial):  
7.3 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Town-site.
  - Minimum Charge per vacant land \$210.00
  - Minimum Charge per residential property \$276.00
  - Non-Rated Class 1st Fixture \$176.00
  - Non-Rated Class Additional Fixtures \$89.00
  - Non-Rates Class 2 and 3 Fixture \$937.00

2. ***Southern Cross Sewerage Scheme Charge (Commercial):***  
***5.0 cents in the dollar on GRV (Commercial) properties within the Southern Cross Town-site.***
  - ***Minimum Charge per commercial property \$583.00***
3. ***Marvel Loch Sewerage Scheme Charge (Commercial/SPQ):***  
***12.0 cents in the dollar on GRV (Commercial/SPQ) properties within the Marvel Loch Town-site.***
  - ***Minimum Charge per property \$300.00***
  - ***Non-Rated Class 1st Fixture \$138.00***
  - ***Non-Rated Class Additional Fixtures \$62.00***
4. ***Marvel Loch Sewerage Scheme Charge (Residential):***  
***6.4 cents in the dollar on GRV (Residential) properties within the Marvel Loch Town-site.***
  - ***Minimum Charge per property \$300.00***

**Voting Requirements Absolute Majority Required**

### **Officer Recommendation 3**

#### ***SANITATION HOUSEHOLD REFUSE - RATES AND CHARGES***

***That Council impose the following Sanitation Rates and Charges on a per annum basis:***

- ***Domestic Collection per bin, per service \$340.00***
- ***Commercial Collection per bin, per service \$364.00***
- ***Non-Rateable Collection per bin, per service \$561.00***

**Voting Requirements Absolute Majority Required**

### **Officer Recommendation 4**

#### ***ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2021 / 2022***

1. ***Pursuant to section 5.98 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996, council adopts the following sitting fees for individual meeting attendance:***
  - ***Shire President \$600 per Council meeting attended***
  - ***Councillors \$400 per Council meeting attended***
  - ***Shire President and Councillors \$200 per Committee Meeting attended***
2. ***Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:***

- **Travel Allowance**

<i>Engine Displacement (in cubic centimetres)</i>			
<i>Area &amp; Details</i>	<i>Over 2600cc</i>	<i>Over 1600cc to 2600cc</i>	<i>1600cc and under</i>
	Cents per Kilometre		
Rest of State	99.01	70.87	58.37

- **ICT Allowance**

*Annual allowance for hardware upgrades and data usage - \$1,180 per Councillor per annum*

**3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**

- **Shire President \$12,000**

**4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:**

- **Deputy Shire President \$4,000**

**Voting Requirements** Absolute Majority Required

**Officer Recommendation 5**

**MATERIAL VARIANCE REPORTING FOR 2021 / 2022**

*In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021 / 2022 for reporting material variances shall be +/- 10% or \$30,000, whichever is the greater.*

**Voting Requirements** Absolute Majority Required

#### **Officer Recommendation 6**

##### ***OTHER STATUTORY COMPLIANCE***

*That Council confirms it is satisfied the services and facilities it provides: -*

- 1. Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;*
- 2. Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and; and*
- 3. Are managed efficiently and effectively.*

*In accordance with Section 3.18 (3) of the Local Government Act 1995.*

**Voting Requirements Absolute Majority Required**

#### **Officer Recommendation 7**

##### ***MUNICIPAL FUND BUDGET FOR 2021 / 2022***

*Pursuant to the provisions of section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996 and clause 7 of the Local Government (COVID-19 Response) Ministerial Order 2021 effective on 2 June 2021, the council adopt the Municipal Fund Budget which recognises the consequences of the COVID-19 pandemic on the local community, for the Shire of Yilgarn for the 2021 / 2022 financial year which includes the following:*

- Statement of Comprehensive Income by Nature and Type*
- Statement of Comprehensive Income by Program*
- Statement of Cash Flows*
- Rate Setting Statement*
- Notes to and forming part of the Budget*
- Budget Program Schedules*
- Transfers to / from Reserve Accounts*

**Voting Requirements Absolute Majority Required**

The Shire President advised that Council was still awaiting advice from the Department of Local Government as to whether the Minister was prepared to grant approval in applying the Differential Rating for the 2021/2022 financial year. If advice was not received prior to the conclusion of this meeting, the adoption of the Budget would have to be deferred until Ministerial approval was obtained.

The Shire President therefore suggested that this item be deferred until the end of the meeting as such advice may be received prior to the conclusion of the meeting.

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.1 Barto Gold Mining Pty Ltd – Referral of a Clearing Permit Amendment 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>Maps 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 clearing permit amendment 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 an application to amend a granted clearing permit held by Barto Gold Pty Ltd, being CPS 8966/3. The permit covers Mining Leases 77/186, 77/224, 77/352, 77/408, 77/424, 77/721 and Miscellaneous Licence 77/281. The relevant map provided by the Department are attached.

The clearing permit was for the Leviathan and Victoria Vinto La Projects, and was for the purpose of mineral production and associated activities, with the area included being 99.1 hectares.

The amendment seeks to remove condition 8 from the permit, which states:

#### *8. Flora management*

*Where priority flora have been identified and their written location(s), provided to the CEO, within report 'Leviathan and Victoria Vinto La Targeted Flora Survey Memo Final, Unpublished report by Stantec Australia Pty Ltd for Tianye SXO Gold Mining Pty Ltd, Western Australia, August 2020' as retained on DMIRS file A1192/202001, the Permit Holder shall ensure that:*

- a) no clearing of the identified priority flora occurs, unless first approved by the CEO;*
- b) no clearing occurs within 10 metres of identified priority flora unless first approved by the CEO*

#### Comment

The below extract is taken from the submission by Barto, as justification for the amendment. The full submission can be viewed via <https://ftp.dwer.wa.gov.au/permit/8966/>



*This condition applies to the two priority flora that have been recorded during the surveys undertaken by Stantec (2020 and 2021a); Rinzia fimbriolata (P1) and Stenanthemum bremerense (P4).*

*During a pre-clearance survey undertaken by Stantec in April 2021 (Stantec, 2021b) several new populations of these species were recorded both within and outside the proposed disturbance footprint. In addition to the surveys undertaken over the project area, there are number of other occurrences of these species across the SXO tenure which have been recorded during previous surveys undertaken (Stantec 2019-2020, historical surveys 2005-2007 and DBCA database results).*

*The number of total records across the tenure and number of records within the disturbance footprint and survey area are summarised in Table 2 below and shown in Figure 1 and Figure 2. These regional records (Figure 1 and Figure 2) are distributed across the Barto's Life of Mine tenure and are not exclusively local to the Glendower project area.*

**Table 2: Number of total records of the two priority species across the Barto tenure<sup>1</sup>**

Species	Footprint		Survey Area		Regional		Total	
	Indiv*	locations	Indiv*	locations	Indiv*	locations	Indiv*	locations
<i>Rinzia fimbriolata</i> (P1)	69	9	287	44	2808	154	3164	207
<i>Stenanthemum bremerense</i> (P4)	121	13	471	72	1225	269	1817	354

\*Regional records estimate "Unknown" and "Not recorded" as single species count.

\*\*no. individuals within 20x20 m<sup>2</sup> quadrat.

*In the light of new information, it can be argued that the two species of priority flora are common in the region and are not locally significant. Consequently, we are asking that the Condition 8 is to be removed from the CPS.*

As the Shire's reporting officer is not an expert in the flora preservation space, it is deemed pertinent to rely on experts from the relevant Departments to assess the suitability of the request, with the officers recommendation to Council indicating as such.

## Statutory Environment

Mining Act 1978

## 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

Nil

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with relative environmental and mining legislation.	Moderate 6	DMIRS Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Moderate 6	DMIRS Assessment and Approval Processes

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

**Officer Recommendation and Councillor Decision**

**128/2021**

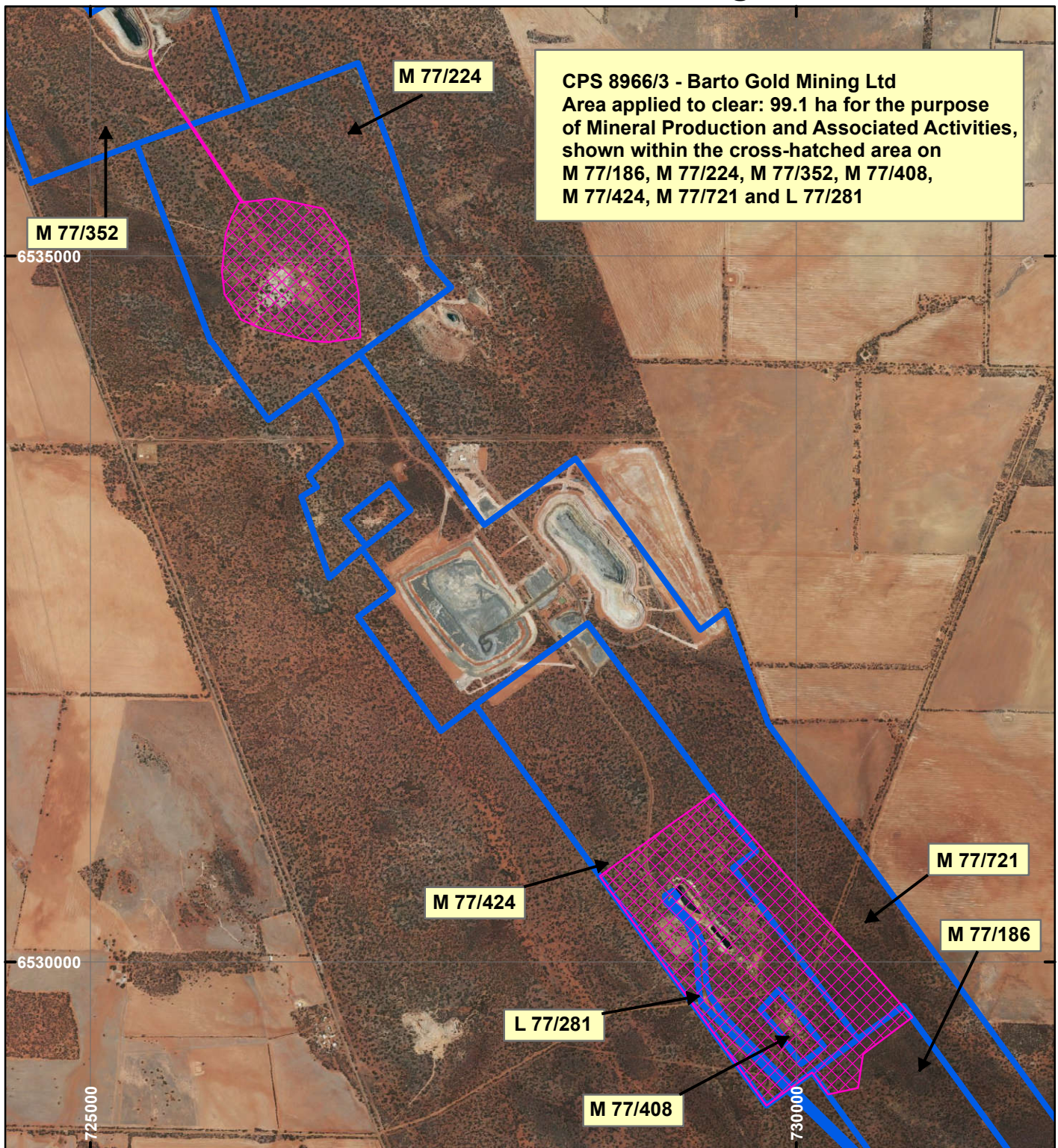
***Moved Cr Close/Seconded Cr Guerini***

***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 seeking to amend clearing permit CPS 8966/3 to remove condition 8, the Shire of Yilgarn has no objections to the application, on the provision the Department of Mines, Industry Regulation and Safety; Department of Water and Environment Regulation; and any other relevant state agency deems the proposal suitable in terms of priority flora preservation.***

**CARRIED (7/0)**

# CPS 8966/3 - Barto Gold Mining Ltd



## LEGEND

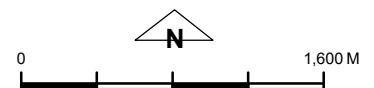


**Clearing Instruments**



**Mining Tenements**

Orthophotography sourced from Landgate



Scale 1:40,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

..... Date .....

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

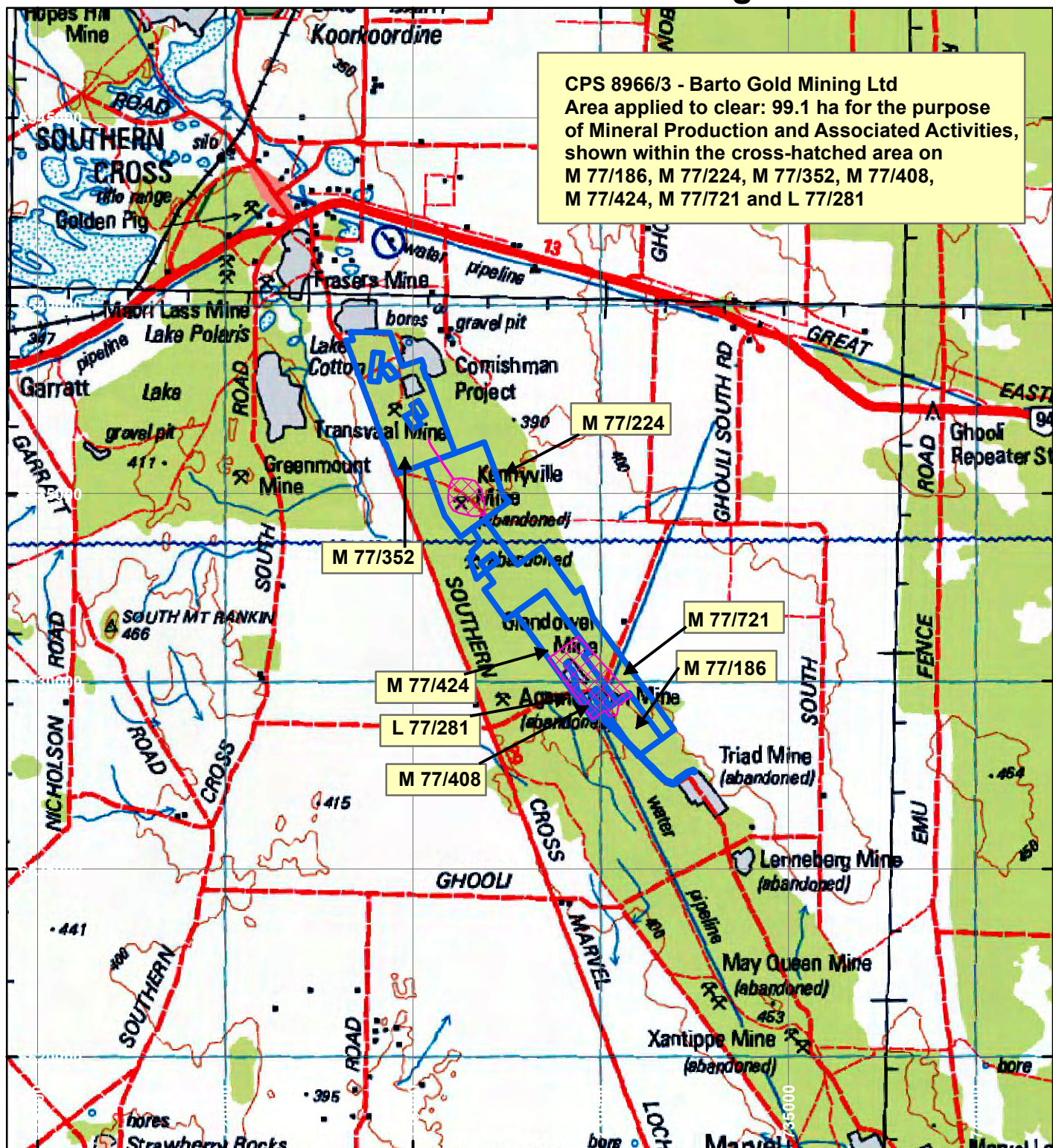
Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



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# CPS 8966/3 - Barto Gold Mining Ltd



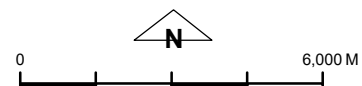
## LEGEND



Clearing Instruments



Mining Tenements



Scale 1:150,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

..... Date .....

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

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



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## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Use of Common Seal - Disposal of Lots 5 & 6, 50 Antares Street, Southern Cross

<b>File Reference</b>	<b>3.1.3.1</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 submit to Council for endorsement, the Use of the Common Seal of the Shire of Yilgarn.

#### Background

Since the inception of CEACA, and following its success in obtaining Government funding to construct the 71 Independent Living Units in the 11 CEACA Member Local Governments, it has always been under the premise that participating Shires would relinquish control of the land and buildings and transfer the ownership of the Units to CEACA.

The Shire of Yilgarn has been progressing through the process of obtaining a survey strata subdivision of the existing lot to enable the transfer of Lot 5 and 6 to CEACA. The subdivision has been completed and the Shire is now progressing through transfer of ownership of the two lots.

At the December 2020 ordinary Council meeting, the following was carried:

**194/2020**

***Moved Cr Guerini/Seconded Cr Shaw***

***Council endorses the disposal of Lots 5 and 6, 50 Antares Street, Southern Cross to the Central East Aged Care Alliance for Nil payment, on the provision that no contentious or substantiated objections are received during the public notice period for the disposal.***

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

As of the closing of the public notice period, no submissions were received, and as such, staff progressed with the disposal of the lots.

#### Comment

Delegation LGA13 relating to the "Executing and Affixing of the Common Seal to Documents" delegates to the Shire President and the CEO the power to affix the Common Seal of the Shire of Yilgarn to a variety of documents but subject to Council being notified via a report at a subsequent Council meeting.

To progress the transfer of land, staff engaged the services of BKS Conveyancing who supplied the appropriate Sale of Land documentation for signing and affixing the Shire of Yilgarn Common Seal by the Shire President and CEO, which was undertaken on the 22<sup>nd</sup> June 2021.

### Statutory Environment

Shire of Yilgarn Delegation Register LGA13 relating to the "Executing and Affixing of the Common Seal to Documents".

Local Government Act 1995 – Section 3.58 relating to Disposition of Property.

### Strategic Implications

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

**OUTCOME:** High Quality and well maintained Ages Care facilities.

**STRATEGY:** Support the Central East Aged Care Alliance (CEACA) Independent Living Unit's precinct in Southern Cross.

### Policy Implications

Council Policy 1.4 relating to "Use of Council's Common Seal"

### Financial Implications

Sale of land settlement costs: \$875.06

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure housing is available for those in need	Low (1)	Two individual Units available for rental
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Section 3.58 of LGA relating to Disposition of Property	Low (2)	Meet necessary requirement of the Act
<b>Reputational</b>	Nil	Nil	Nil



<b>Property</b>	Disposal of Council owned land	Moderate (6)	As per Agreement in transferring land to CEACA
<b>Environment</b>	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

**129/2021**

**Moved Cr Cobden/Seconded Cr Shaw**

***That Council endorses the actions of the Shire President and CEO in signing and affixing the Shire of Yilgarn's Common Seal on sale of land documents relating to the disposal of Lots 5 and 6, 50 Antares Street, Southern Cross to the Central East Accommodation and Care Alliance Inc. (CEACA).***

**CARRIED (7/0)**

**10 APPLICATION FOR LEAVE OF ABSENCE**

*130/2021*

*Moved Cr Shaw/Seconded Cr Cobden*

*That Cr Close be granted Leave of Absence for the August 2021 Ordinary Meeting of Council.*

**CARRIED (7/0)**

**11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

*131/2021*

*Moved Cr Guerini/Seconded Cr Cobden*

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

**CARRIED (7/0)**



### 13 Officers Report – Chief Executive Officer

#### 13.1 Appointment - Chief Executive Officer Position

<b>File Reference</b>	<b>1.1.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Human Resource Consultants Reports Draft Employment Contract</b>

### 14 MEETING RE-OPENED TO THE PUBLIC

**134/2021**

**Moved Cr Guerini/Seconded Cr Close**

***That the meeting be reopened to the public.***

**CARRIED (7/0)**

#### 13.1 Appointment - Chief Executive Officer Position

<b>File Reference</b>	<b>1.1.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Human Resource Consultants Reports Draft Employment Contract</b>

**132/2021**

**Moved Cr Guerini/Seconded Cr Rose**

***That in accepting the recommendation of the CEO Selection Panel for the appointment of Chief Executive Officer position with the Shire of Yilgarn, Council;***

- 1. Makes a formal offer of employment to Mr Nicholas Warren to the position of Chief Executive Officer with the Shire of Yilgarn; and***
- 2. That Mr Nicholas Warren be offered the 3 year Contract of Employment as presented to Council.***

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

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2020/2021 Budget Adoption

File Reference	8.2.5.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	2021/2022 Statutory Budget

*135/2021*

*Moved Cr Close/Seconded Cr Shaw*

*That Agenda Item 9.2.3 relating to the adoption of the 2021/2022 Budget be deferred to a Special Meeting of Council upon advice from the Minister for Local Government that the application of Differential Rating for the 2021/2022 financial year has been approved.*

**CARRIED (7/0)**

## 15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.13pm

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 15 July 2021, are confirmed on Thursday, 19 August 2021 as a true and correct record of the July 2021 Ordinary Meeting of Council.

**Cr Wayne Della Bosca**  
**SHIRE PRESIDENT**