



Minutes

Ordinary Meeting of Council

19 August 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

Nil

3. ATTENDANCE

Presiding Member Cr W Della Bosca President

Members Cr J Cobden
Cr G Guerini
Cr P Nolan
Cr L Rose
Cr S Shaw

Council Officers C Watson Executive Manager Corporate Services
R Bosenberg Executive Manager Infrastructure
N Warren A/Chief Executive Officer
L Della Bosca Minute Taker

Apologies: P Clarke Chief Executive Officer

Observers: Mrs. Kay Crafter, Mr. Guy Simpson and Ms. Sarah Kristy

Leave of Absence: Cr B Close

4. DECLARATION OF INTEREST

Nil

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1 PUBLIC QUESTION TIME

Mrs. Kaye Crafter attended Public Question time and posed the following question:

Question: When will the areas around the newly constructed skate park be finished off? The new skate park is a wonderful asset to the town being enjoyed by many, however, the area needs to be finished in order to ensure safety for all as well as for aesthetics.

The Shire President deferred the above question to the Executive Manager Infrastructure for an appropriate response.

Response: *There is currently electrical work being carried out at the park to provide lighting to the area and reticulation being laid in preparation for the turf. Once the weather conditions are correct, in roughly 3 to 4 weeks, the turf will be laid, this will ensure the surrounding sand is stabilized providing a safer environment.*

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 15 July 2021

144/2021

Moved Cr Shaw/Seconded Cr Cobden

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

CARRIED (6/0)

6.2 Special Meeting of Council Meeting, Tuesday 28 July 2021

145/2021

Moved Cr Rose/Seconded Cr Guerini

That the minutes from the Special meeting of Council held on the 28 July 2021 be confirmed as a true record of proceedings.

CARRIED (6/0)

6.3 Wheatbelt East Regional Organisation of Councils Inc. (WEROC), Wednesday, 11 August 2021

146/2021

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the WEROC Inc. Board Meeting held on the 11 August 2021 be received.

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr Guy Simpson, General Manager and Ms Sarah Kristy, Senior Environmental and Community Advisor, from Barto Gold Mining attended the Council meeting and gave an update on Barto Gold's current activities.

Guy Simpson outlined the final stages for the completion of implementation of the replacement crushing circuit which has been under construction at Barto Gold's Marvel Loch site since December 2020. Dry commissioning is planned to start in the coming weeks followed by wet

commissioning and an opening ceremony to be conducted on the 17 September 2021. Barto is currently estimating that \$18M will be spent on exploration and resource drilling in this current year. The next open pit project is Windmills, located 11km southeast from Marvel Loch, the mine is estimated to have a 10-12 month life producing 500,000 tonnes of ore for 26,000 oz gold. Currently Barto is conducting exploration activities on the Bullfinch stockpile and surrounding Copperhead area. The low-grade stockpile at Bullfinch/Copperhead is earmarked as ore feed for the Marvel Loch processing plant in September 2021, it is proposed that the tailings will be hauled by B Double configurations with the route yet to be confirmed. Open pits Glendower, Victoria and Vinto La are in the early stages of mining with the three pits predicted to produce 360,000 tonnes of ore for 21,000oz gold. The Jaccolleti underground development is progressing with little impact on the Marvel Loch community from blasting, all vibration monitoring has been well below the license requirements to date. Mining at Aquarius concluded in November 2020 with rehabilitation well underway.

Barto Gold has also been involved in community projects including donating to the Moorine Rock Tennis Club, SX Darts Club and the Yilgarn Mixed Basketball and attending the Southern Cross District High School NAIDOC Day providing a sausage sizzle, ice-cream and taste testers including kangaroo, emu and crocodile.

Guy Simpson then thanked Council for their time and invited questions.

With no questions forthcoming the Shire President thanked Guy Simpson and Sarah Kristy for their time.

Guy Simpson and Sarah Kristy left the meeting at 4.25pm

8. DELEGATES' REPORTS

Cr Della Bosca announced the following:

- Attended a meeting with the newly appointed Wheatbelt Regional Development Commission Principal Regional Development Officer, Renee Manning, on the 22 July 2021
- Attended the Wheatbelt North Regional Road Group meeting on the 26 July 2021
- Attended a meeting with the Premier of Western Australia Hon Mark McGowan MLA, Hon Rita Saffioti MLA, Hon Paul Papalia MLA, Hon Darren West MLC and Hon Shelly Payne MLC on the 27 July 2021
- Attended the Covalent Community Information Evening on the 27 July 2021
- Attended the Special Meeting of Council on the 28 July 2021
- Attended the WEROC meeting on the 11 August 2021

Cr Guerini announce the following:

- Attended the Special Meeting of Council on the 28 July 2021

Cr Rose announce the following:

- Attended the Special Meeting of Council on the 28 August 2021

Cr Nolan announced the following

- Attended the Special Meeting of Council on the 28 July 2021
- Attended a Webinar with the Minister for Local Government on the 2 August 2021

Cr Cobden announce the following:

- Attended the Special Meeting of Council on the 28 July 2021
- Attended the Yilgarn Community Support Group meeting on the 8 August 2021
- Attended the Local Health Advisory Committee meeting on the 2 August 2021

Cr Shaw announced the following:

- Attended the District Health Advisory Committee meeting on the 18 August 2021

9. OFFICERS REPORTS

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 July 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

147/2021

Moved Cr Nolan/Seconded Cr Cobden

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

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

Municipal Fund – Cheque Numbers 41041 to 41055 totalling \$7,187.85 Municipal Fund-EFT Numbers 11520 to 11664 totalling \$858,268.60 Municipal Fund – Cheque Numbers 1748 to 1764 totalling \$222,874.19 Municipal Fund Direct Debit Numbers 15887.1 to 15887.12 totalling \$20,633.89, Municipal Fund Direct Debit Numbers 15923.1 to 15923.12 totalling \$21,013.85, Trust Fund - Cheque Numbers 402575 to 402577, totalling \$7,263.20 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

- (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
- 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

Risk Matrix						
Consequence 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

148/2021

Moved Cr Shaw/Seconded Cr Rose

Municipal Fund – Cheque Numbers 41041 to 41055 totalling \$7,187.85 Municipal Fund-EFT Numbers 11520 to 11664 totalling \$858,268.60 Municipal Fund – Cheque Numbers 1748 to 1764 totalling \$222,874.19 Municipal Fund Direct Debit Numbers 15887.1 to 15887.12 totalling \$20,633.89, Municipal Fund Direct Debit Numbers 15923.1 to 15923.12 totalling \$21,013.85, Trust Fund - Cheque Numbers 402575 to 402577, totalling \$7,263.20 are presented for endorsement as per the submitted list.

CARRIED (6/0)

9.3 Reporting Officer– Executive Manager for Infrastructure

9.3.1 Supply and Spray Bitumen for 2021-2022 Financial Year

File Reference	6.6.8.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Supply and Spray Hot Bitumen for 2021/2022 Financial Year Road Construction Program

Background

Quotations were invited through WALGA Preferred Supply Contract for the supply and spraying of hot bitumen for the 2021/2022 Financial Year Road Construction Program. Bitumen required for the 2021/2022 Road Construction Program is for, Cramphorne Road, Bodallin South Road, Moorine South Road, Bodallin North Road, Koolyanobbing Road, Southern Cross South Road, Arcturus Street and Archeneer Street.

It is estimated 559,000 litres of bitumen is required for 2021/2022 of which 525,000 litres will be sprayed in lots of above 25,000 litres and the remaining 34,000 litres will be sprayed in lots off between 10,000 to 25,000 litres.

Included in the quotation request is a requirement to submit a cost per tonne to carry out pre-coating of 4500 tonnes of aggregate.

Comment

Three companies were invited to submitted quotations (Boral, Bitumen Surfacing and Bitutek) to supply and spray bitumen for 2021-2022 Financial Year, Bitutek supplied quotes, Boral and Bitumen Surfacing did not submit a quote.

1. Bitutek (GST exclusive)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$1.35 per litre	\$1.35 per litre
10,000 - 25,000	\$1.15 per litre	\$1.15 per litre
over 25,000	\$1.10 per litre	\$1.10 per litre

Pre-coating Aggregate *\$2.50 per tonne*

Expected total cost to Council's Construction Program

34,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 39,100.00
525,000 litres in job lots above 25,000 litres of 98/2:	\$577,500.00
4500 tonnes aggregate x \$2.50 per tonne	<u>\$ 11,250.00</u>
Total	<u>\$627,850.00</u>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Bitutek:

- 1) Loader
- 2) Wetting agent (diesel) for the pre-coating

Bitutek have also included an hourly rate for spreader trucks: \$125.00/hour

Council utilized Bitutek for the supply and spraying of bitumen in the 2020/2021 Financial Year. The service and quality of goods supplied was to a good standard.

When setting the 2021/2022 Financial Year Construction Budget an estimated monetary allocation of \$655,000 (*GST exclusive*) was allowed for in council's construction program for the supply and spray of hot bitumen and pre-coating of aggregate.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	There is significant financial cost to council with initial indications showing costs to supply and spray hot bitumen is estimated \$655,000	Moderate (9)	When setting the 2021/2022 Financial Year Construction Budget an estimated monetary allocation of \$680,000 has been allowed for in council's construction program for the supply and spray of hot bitumen and pre-coating of aggregate.
Service Interruption	Lack of funding to maintain Council roads will result in deterioration of council's road network affecting agriculture, mining and transport industries. It will also have an impact on safety for	Moderate (9)	Adequate Funding has been included in the 2021/2022 budget consideration to maintain council's road network.

	motorists utilising these roads if left to deteriorate		
Compliance	Quotation for the Supply and Spraying of Hot Bitumen was sourced through WALGA Preferred Supply Panel	Moderate (9)	In accordance with the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services(1) and section 3
Reputational	Nil	Nil	Nil
Property	Lack of funding to maintain Councils roads will result in deterioration of councils road network	Moderate (9)	Adequate funding has been included in the 2021/2022 budget consideration to maintain council's road network
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)

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

2021/2022 Construction Program

Policy Implications

In line with Council's Policy, *"Finance 3.5 Purchasing Quotes and Tenders"*

Financial Implications

Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in Council's 2021/2022 Construction Program Budget

Officer Recommendation and Council Decision

149/2021

Moved Cr Rose/Seconded Cr Nolan

That Council accepts the Quotation submitted by Bitutek for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2021/2022 Financial Year.

CARRIED (6/0)

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.1 Development Application – Shed Extension – 3-5 Antares Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development Proposal

Purpose of Report

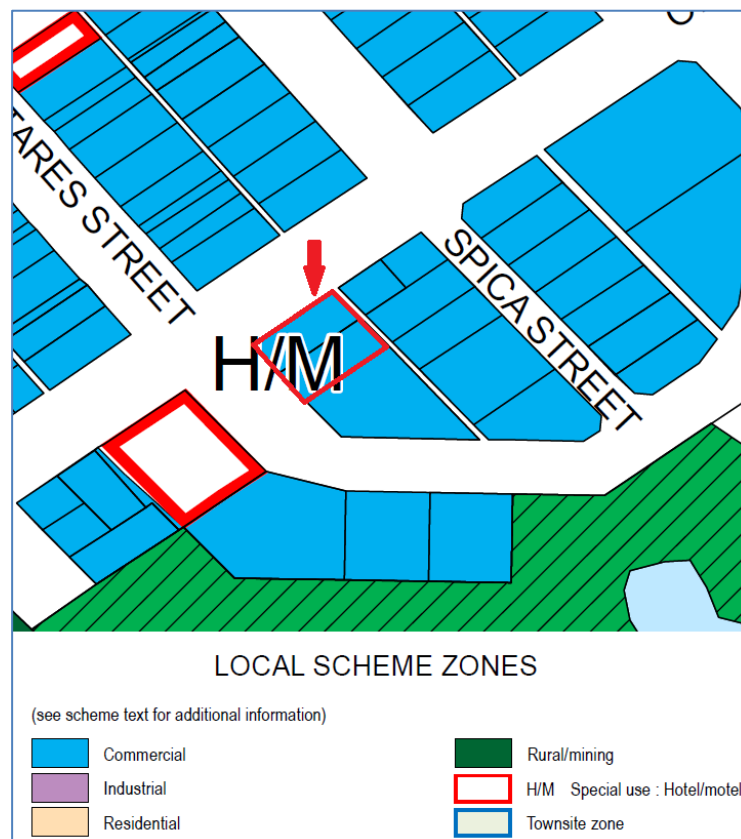
To consider a Development Application for the installation of a shed for commercial purposes at 3-5 Antares Street, Southern Cross.

Background

The Shire is in receipt of a Development Application for 3-5 Antares Street, Southern Cross. The Applicant seeks to install an 11 metre by 9 metre shed, with 4.5 metre wall heights and 5.29 metre pitched roof, including a chemical bund and 2,000 litre sump.

The purpose of the Shed is for the storage of chemicals and dangerous goods, as part of the existing commercial retail outlet.

The site is zoned “Commercial” under the Shire of Yilgarn Town Planning Scheme 2.



As the site is currently operational as a "Commercial" use, and the storage of chemicals is in keeping with Commercial zoning, Council are not required to determine if the use of the site is suitable, however, Council are to determine if the proposed setbacks, plot ratios, landscaping and car parking is adequate for the proposal.

The TPS2 development table details the following requirements for a "Shop" use:

Use Class	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Car Parking Bays
	Front	Rear	Sides			
Shop	*	*	*	*	*	1 for every 15msq of gross floor area.

*means 'to be determined by the Council' in each particular case.

Comment

Setbacks

The proposal seeks a 3.8 metre setback from the front street boundary, being Antares Street. The proposed setback is greater than the existing building setback, and is deemed in keeping with the current aesthetics of the area and commercial zone.

The proposal seeks a 0.5 metre setback from the side street boundary, which is Orion Street (Great Eastern Highway). The proposed setback is greater than the existing building setback, and is deemed in keeping with the current aesthetics of the area and commercial zone.

Plot Ratio

Council have the discretion to approve any plot ratio (which is the percentage of built area versus open space). The proposed plot ratio is intended to increase from approximately 61% to 66%. The plot ratio increase is insignificant and is deemed sufficient for the type of use.

Landscaping

The proposal will remove the existing tree and some other shrubbery from the existing Western corner of the lot, and as such there will be no landscaping on the lot, however as per the development table, Council have the discretion to endorse this. There are Shire managed landscaped areas bordering the Western Corner of the lot, and as such, the aesthetics will not be detracted from in a significant manner as a result of the proposal.

Car Bays

The proposed extension does not reduce the number of existing car bays, and it is not thought that the addition will create an increase on patron numbers that would require addition car bays, and as such, it is deemed existing street side parking is adequate.

Traffic Management

It is deemed pertinent that Council consider traffic management, as access to the new addition will be from Antares Street, however it is not envisaged that large vehicles will be accessing

the site for deliveries, and access via the existing crossover will be sufficient. As such, it is not thought that a detailed traffic management plan is required.

Aesthetics

The structure will be a new build and as such, with a condition that the colour scheme must be in keeping with the surrounds, it is deemed the proposal will not detract from the aesthetics of the commercial zone.

Summation

It is the reporting officer opinion that the proposed development will assist the owner of the premises to enhance their viability and competitiveness within the Yilgarn area and will not detract from the aesthetics of the commercial area. It is also deemed that the proposal is in keeping with the commercial zone, and as such, it is recommended that Council approve the proposal as submitted.

It should be noted that a building permit will still be required to be sought by the applicant, and that as per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.

Statutory Environment

Planning and Development Act 2005
Town Planning Scheme 2

Strategic Implications

Goal
A prosperous future for our community.

Outcome
Businesses in the Shire remain competitive and viable.

Strategy
Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Planning and building application fees.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Development Application approved via Council decision.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with discretionary clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

150/2021

Moved Cr Nolan/Seconded Cr Cobden

That Council approve the installation of an 11 metre by 9 metre shed, with 4.5 metre wall heights and 5.29 metre pitched roof, including a chemical bund and 2,000 litre sump at 3-5 Antares Street, Southern Cross, as per the submitted plans, on the provision the colour scheme is in keeping with current surrounds.

Advice Notes for applicant:

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

CARRIED (6/0)

Proposed Boundary

EXISTING shed
BUILT to existing
Boundary on
Nth side.

SUMP
DRAIN

PROPOSED New SHED
11000 length
x 9000 width
x 4500 height.

500mm

2000

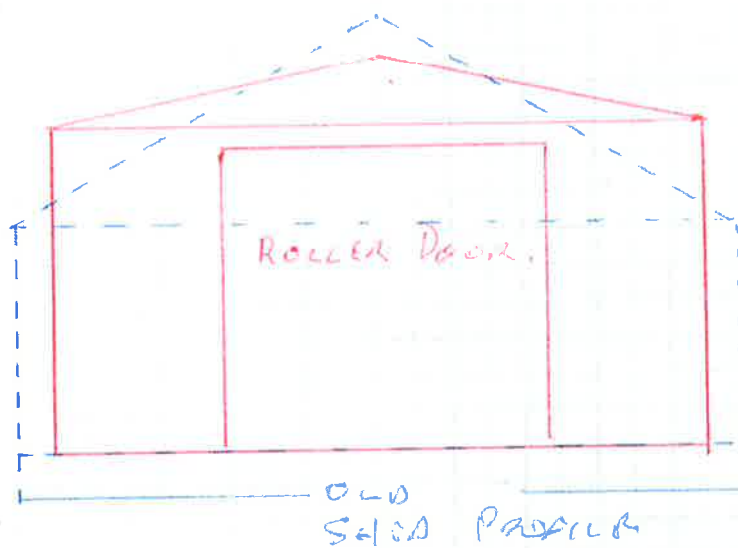
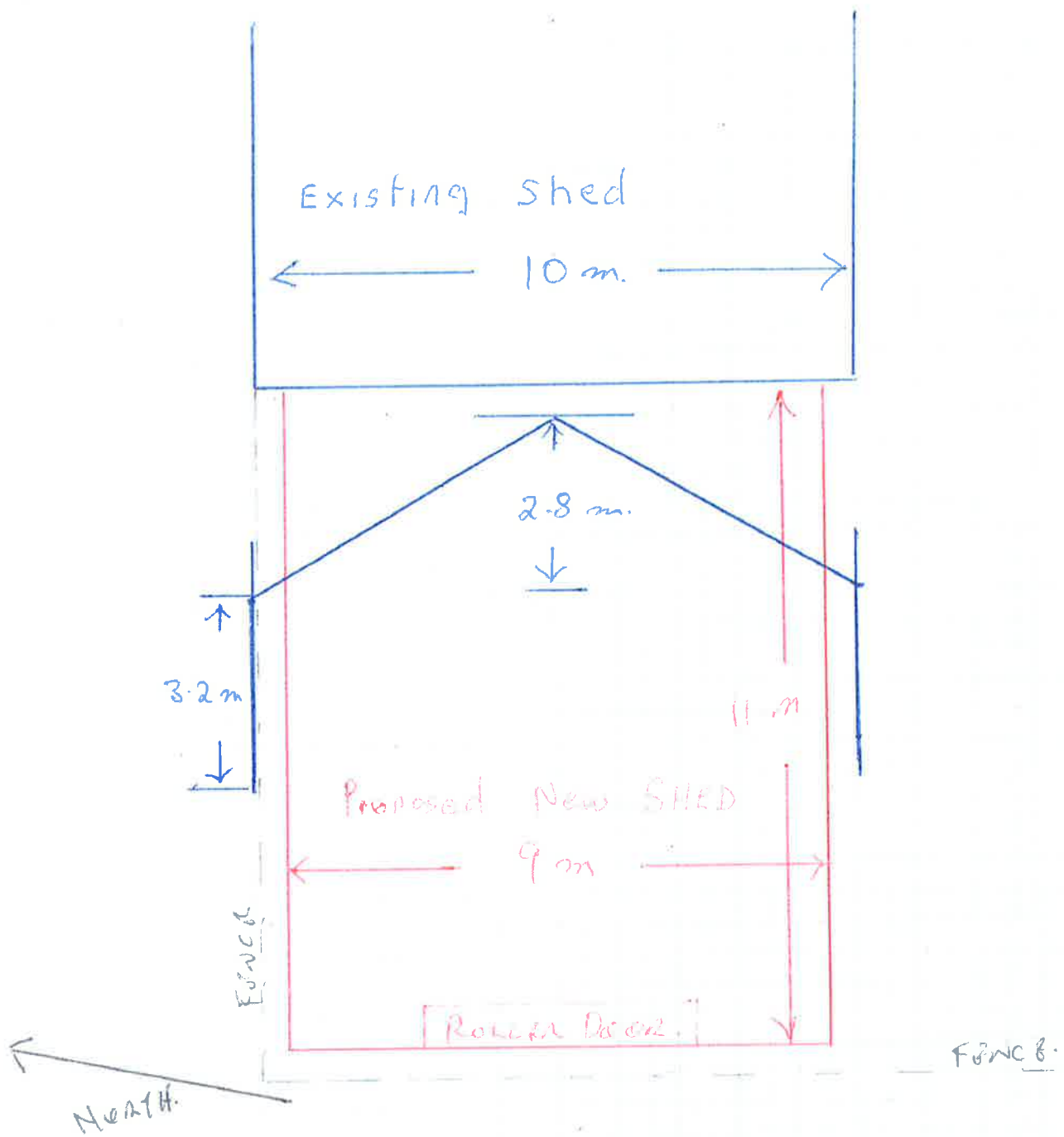
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FENCE

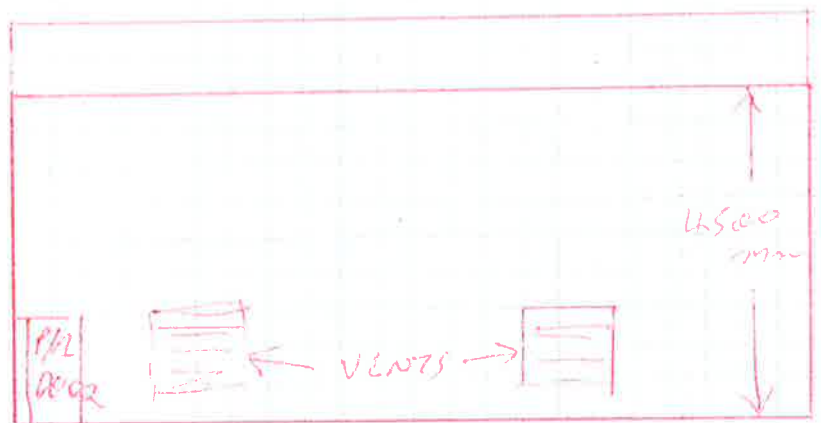
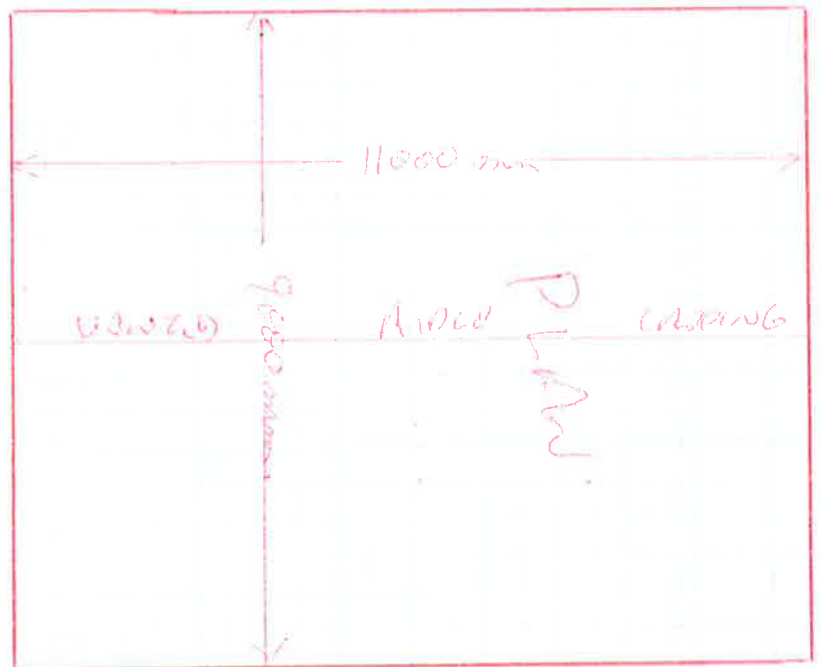
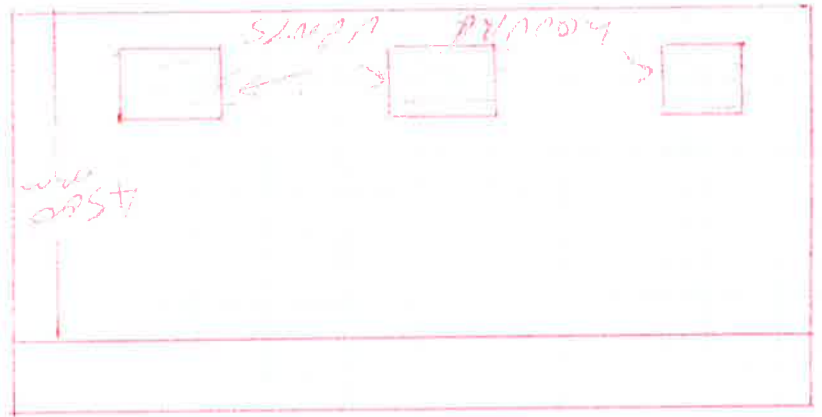
EXISTING
BUILDING
OFFICE &
DISPLAY
Boundary

ANTARES ST.

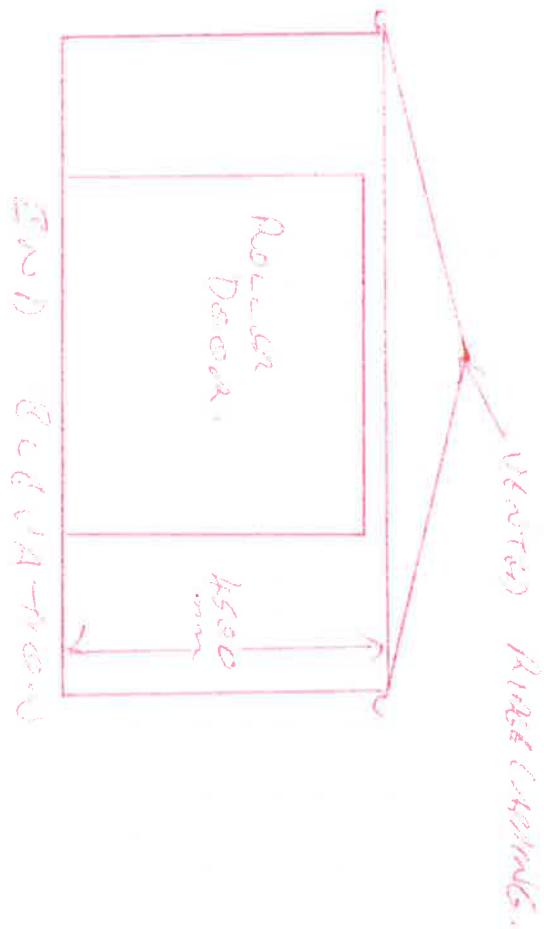
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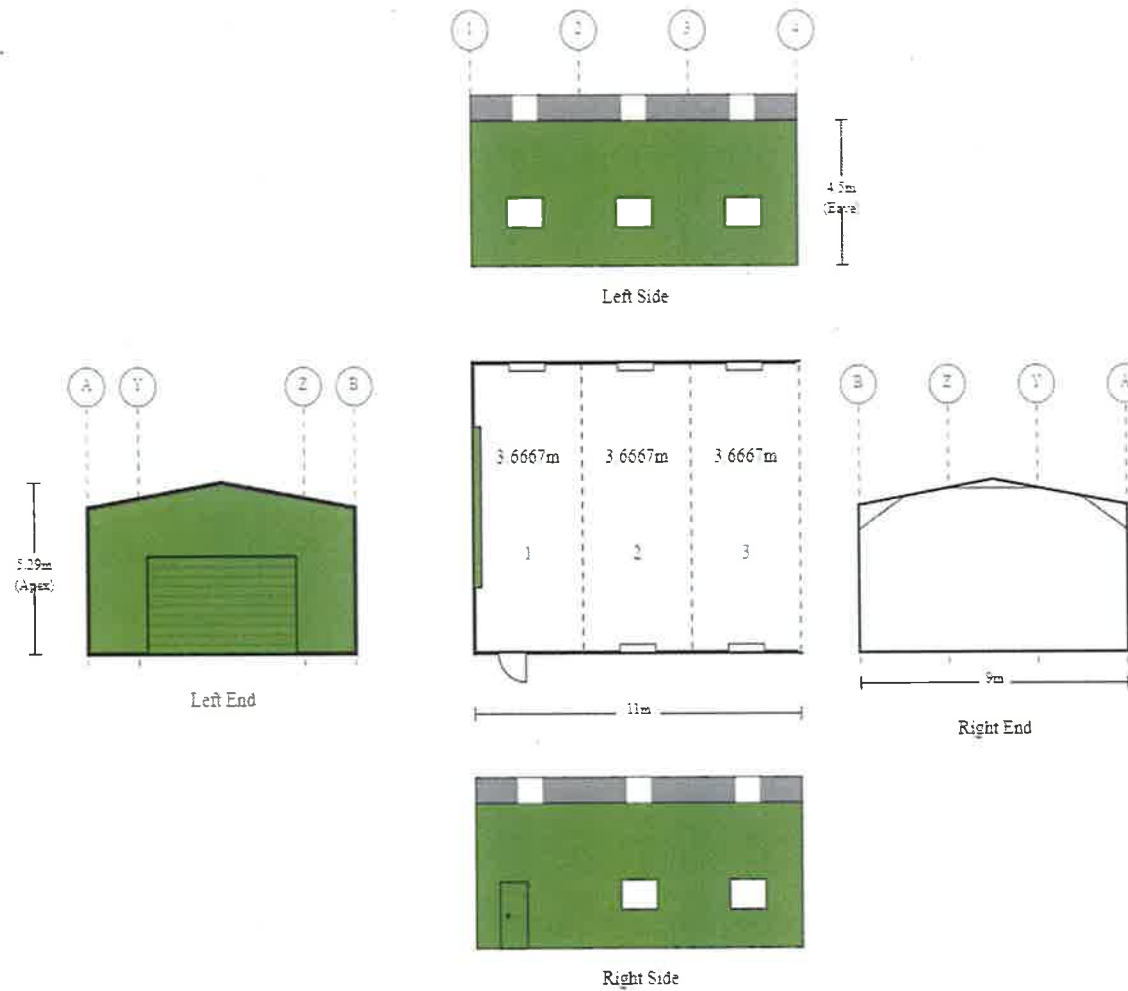


NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION





Purchaser Name: ylgam agencies

Site Address: 3 Antares St Southern Cross WA 6426 Australia

Drawing # WSS213010 - 3

Print Date: 22/06/21

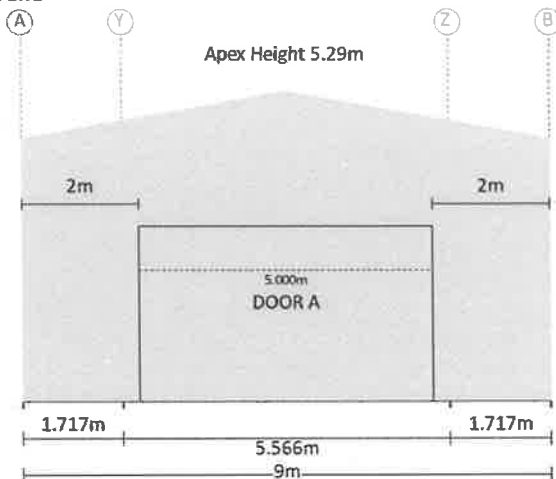
Layout
NOT FOR CONSTRUCTION
 Not to Scale
 © Copyright Steelx IP Pty Ltd

Seller: Wide Span Sheds Pty Ltd
 Wide Span Sheds Pty Ltd
 Phone: 07 5657 8888
 Fax: 07 5657 8699
 Email: admin@sheds.com.au

Apex Engineering Group PTY LTD
 ACN 632 588 562
 ME Aust. (Registered NER Structural) 5276680
 QLD : RPEQ No. 24223; TAS : 185770492; VIC : EC67493; N.T : 303557ES;
 Practising Professional Structural & Civil Engineers

Signature: *J. Ronaldson* J. Ronaldson
 Date: 22/06/21

Left End



Measurements are from the outside of side girts to the inside of component opening size.

Purchaser Name: yligam agencies

Site Address: 3 Antares St Southern Cross WA6426 Australia

Drawing # WSS213010 - 10

Print Date: 22/06/21

Component Position
NOT FOR CONSTRUCTION

Not to Scale
Page 2 of 2
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Seller: Wide Span Sheds Pty Ltd
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ME Aust (Registered NER Structural) 5276690
QLD : RPEQ No. 24223; TAS : 185770492; MC : EC67493; N.T : 303557ES;
Practising Professional Structural & Civil Engineers

Signature:

J. Ronaldson

Date: 22/06/21

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.2 Development Application – Sea Container – 43 Taurus Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	-Proposed Layout -Policy 4.7– Sea Containers & Other Similar Storage Structure

Purpose of Report

To consider a Development Application for a sea container at 43 Taurus Street, Southern Cross.

Background

The Shire is in receipt of a Development Application for 43 Taurus Street, Southern Cross, seeking to install a twelve (12) metre sea container upon the residential lot. The proposed layout plan is attached for Councillors perusal.

The Shires Council Policy 4.7 – Sea Containers & Other Similar Storage Structures (the Policy), details the requirements for the placement, use, size, and construction of sea containers, and is also attached for Councillors perusal.

The Policy states:

The location of sea containers and other similar structures within the Shire is regarded as development and will require planning approval.

All applicants will also be required to obtain both Planning Approval and a Building Permit for the sea container or structure.

For the purpose of assessment and approval, the local government will classify a sea container or other similar relocatable storage units as an outbuilding ancillary to the approved use of the land.

No sea container or other similar structure is permitted to be used for human habitation.

In relation to its placement, the Policy states:

The sea container or other similar structure is to be located in the rear yard of the property (that is behind the dwelling on the property) so that it will not readily be seen from the main access road or thoroughfare. If the property is a corner block then the sea container or other similar structure needs to be setback from the secondary street

frontage to meet this same condition for the secondary street, or may need to be screened to the satisfaction of Council.

The sea container is to be setback from the rear and side boundaries at least 1.0 metre or greater, with the doors opening into the residential yard.

The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.

The structure is to be in good condition and well maintained, painted one uniform colour to match the dwelling or nearby buildings on the property, professionally painted, and is to be treated to control rust.

That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

Comment

The proposed location of the sea container meets the requirements of Policy 4.7, and with a condition of approval being compliance with all conditions contained within the Policy, it is deemed the proposal will not create a significant aesthetic nuisance.

Statutory Environment

Planning and Development Act 2005

Town Planning Scheme 2

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Policy 4.7– Sea Containers & Other Similar Storage Structure

Financial Implications

Planning and building application fees.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Development Application approved via Council decision.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with Policy 4.7 clauses of TPS2.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

151/2021

Moved Cr Nolan/Seconded Cr Cobden

That Council approve the installation of a 12 metre sea container within the rear yard of 43 Taurus Street, Southern Cross, on the condition the installation and use of the sea container complies with Policy 4.7– Sea Containers & Other Similar Storage Structure

Advice Notes

1. Applicant must apply for and obtain a Building Permit for the sea container or structure prior to it being installed on the property; &
2. As per Clause 8.5.1 of the Shire of Yilgarn Town Planning Scheme 2, an applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Planning and Development Act 2005 and the rules and regulations made pursuant to the Act.

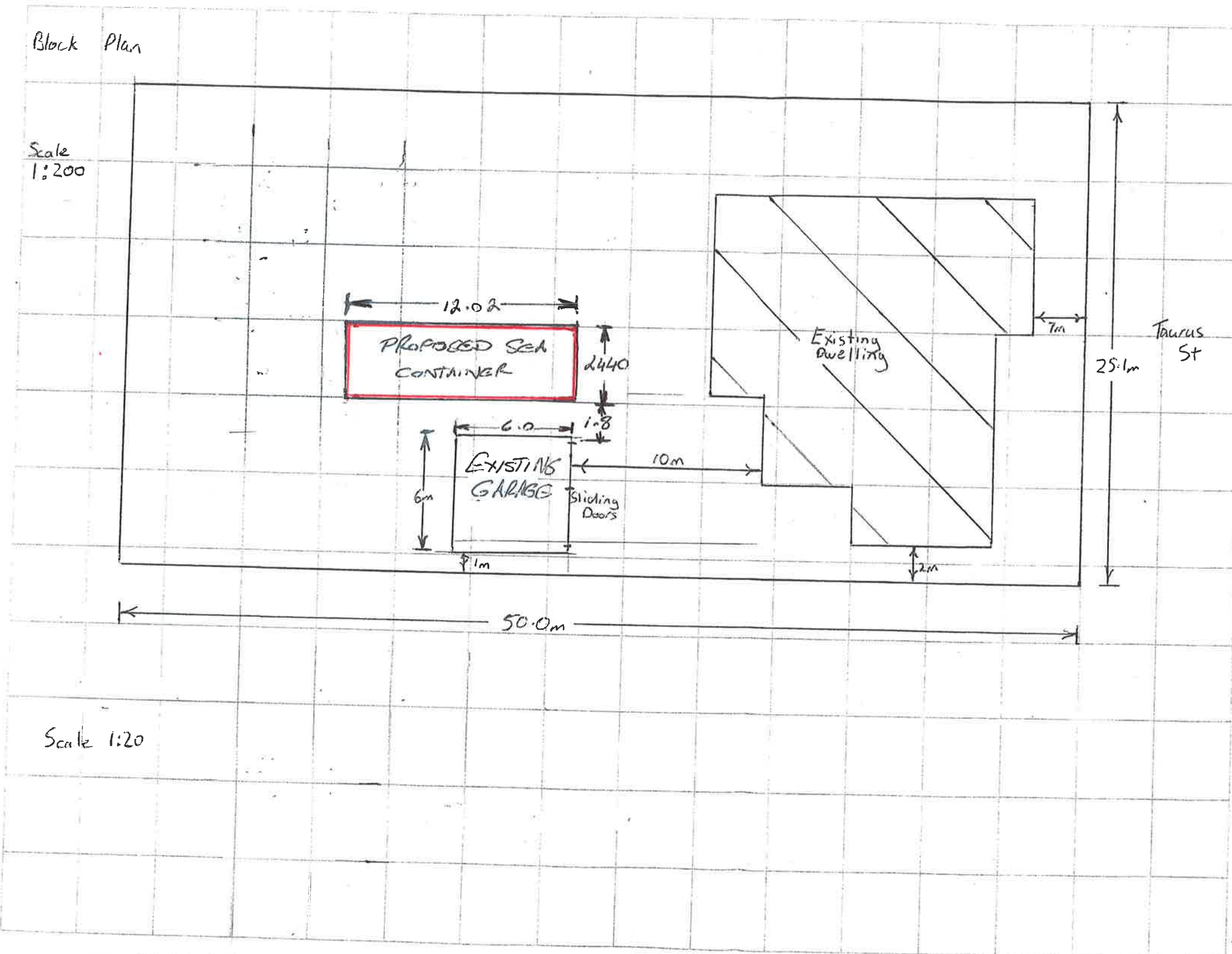
CARRIED (6/0)

Plan of SEA CONTAINER proposed to be erected on Lot No. 886 Street Taurus St Southern Cross
 Loc. No. _____ House No. 4B

PLANS MUST BE DRAWN IN INK AND IN DUPLICATE

Block Plan

Scale
1:200



PLAN: When separate plans showing sections, elevations, etc., are provided, standard Sheet is to be used for Locality Plan and is to be drawn to a scale of not less than 1:500. For Garages, Outbuildings, Sleepouts, or any Temporary Structure, ground plan, sections and elevations are to be drawn hereon to a scale of not less than 1:100. Plan should show the size and height of all rooms and covered floor area of all buildings; also the relative positions of all boundaries and outbuildings. Locality Plan should show Original Lots or re-subdivision (if any), position of existing buildings and street trees and should be drawn to a scale of not less than 1:500.

Address _____
 Builder _____
 Address _____
 Signature of _____
 Applicant _____

SCHEDULE OF MATERIALS

Item	Size	Spacing
Sole Plates		
Stumps		
Bearers		
Floor Joists		
Bottom Plates		
Studs		
Corner Studs		
Top Plates		
Braces		
Ceiling Joists		
Hangers		
Beams		
Lintels		
Rafters		
Ridge		
Hips and Valleys		
Valley Boards		
Purlins		
Under Purlins		
Struts		
Wind Braces		
Collar Ties		
Fascia		
Barges		
Guttering		
Downpipe		
Ventilators		
Windows		
Doors		
Footings		

Materials:

Floor _____
 Walls, Exterior _____
 Walls, Interior _____
 Ceiling _____
 Roof _____

Estimated Cost of Work:

Materials _____ \$
 Labour _____ \$
 Total _____ \$

POLICY:	SEA CONTAINERS & OTHER SIMILAR STORAGE STRUCTURES
POLICY NO:	4.8
SECTION:	COUNCIL
LAST REVIEW DATE:	JULY 2015
DATE TO BE REVIEWED:	JULY 2016

OBJECTIVES

The primary objectives are to:

- (c) To provide guidelines for the placement, use, size, and construction of sea containers or other similar storage structures.
- (d) To maintain a high level of visual amenity in the areas in which the sea containers will be located.

DEFINITIONS

The following are definitions that may be used as part of this policy in addition to the definitions in the Shire of Yilgarn Town Planning Scheme No 2.

"Council" means the elected members of the Shire.

"Dwelling" means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

"Donga" means a transportable building typically utilised as workers' accommodation throughout the mining industry and/or utilised as site offices and/or has the general appearance of mine site accommodation.

"Other similar storage structure" means a prefabricated structure with a flat roof, regular in shape and is capable of being readily transported (including a donga and a railway carriage).

"Residential Design Codes" or "R Codes" means State Planning Policy 3.1 issued by the Department of Planning.

"Sea Container" means a large metal container originally manufactured to carry goods on a sea vessel, and now used to transport or carry goods by rail and roads as well.

"Setback" means the distance from boundaries as defined in the Shire of Yilgarn Town Planning Scheme No 2 or the Residential Design Codes.

“Shire” means the Shire of Yilgarn.

POLICY STATEMENTS

The location of sea containers and other similar structures within the Shire is regarded as development and will require planning approval.

All applicants will also be required to obtain both Planning Approval and a Building Permit for the sea container or structure.

For the purpose of assessment and approval, the local government will classify a sea container or other similar relocatable storage units as an outbuilding ancillary to the approved use of the land.

No sea container or other similar structure is permitted to be used for human habitation.

EXISTING SEA CONTAINER OR OTHER SIMILAR STRUCTURES

At the time of endorsing this Policy in December 2014 Council is aware of several existing sea containers situated on “Residential” zoned land within the Shire District as well as on “Commercial” and “Industrial” zoned land.

Council has agreed to allow these pre-existing sea containers to remain on-site on these blocks on the following conditions:-

1. That the owner of an existing sea container must apply for Planning Approval for each sea container, if not previously obtained.
2. That the owner of an existing sea container must apply for a Building Permit for the structure to remain on the property as a storage shed or outbuilding, if not previously obtained.
3. The sea containers are able to be used for the current purpose until they are no longer required for this purpose.
4. If a current owner wishes to keep the sea container on the property and use it for another quite different purpose, then the owner will need to apply to Council for permission to keep the sea container for the new purpose(s).
5. Plus all existing sea containers must also comply with the conditions set-out below for proposed sea containers or other similar structures.

PROPOSED SEA CONTAINER OR OTHER SIMILAR STRUCTURES

On “Residential” Zoned Land:-

Council will consider the approval of such a structure on “Residential” zoned land based on the following conditions:-

- a) That the owner wishing to install a sea container on his/her property must apply for and obtain Planning Approval for each sea container prior to it being installed on the property.
- b) That the owner wishing to install a sea container on his/her property must apply for and obtain a Building Permit for the sea container or structure prior to it being installed on the property.
- c) The structure is only to be used for the secure storage of household items including vehicles, collectables and the like, but is not to be for the carrying out of a commercial activity on the property, unless approved by Council.
- d) The sea container or other similar structure is to be located in the rear yard of the property (that is behind the dwelling on the property) so that it will not readily be seen from the main access road or thoroughfare. If the property is a corner block then the sea container or other similar structure needs to be setback from the secondary street frontage to meet this same condition for the secondary street, or may need to be screened to the satisfaction of Council.
- e) The sea container is to be setback from the rear and side boundaries at least 1.0 metre or greater, with the doors opening into the residential yard.
- f) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
- g) The structure is to be in good condition and well maintained, painted one uniform colour to match the dwelling or nearby buildings on the property, professionally painted, and is to be treated to control rust.
- h) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

The only exception to the above is a structure for temporary storage during the conduct of building works which will be exempt from this requirement, provided that the following criteria are achieved:-

- 1. The structure is only being used for the secure storage of materials, plant, machinery, or building equipment on a building site.
- 2. The building site has a current building permit, and when necessary, planning approval.
- 3. Construction works are actively being undertaken on the site and do not lapse for any period greater than 30 days.
- 4. The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines.
- 5. The structure may not be permitted on the building site for a period longer than 6 months, unless specific approval from the Shire is obtained.
- 6. The structure is removed from the building site at the completion of the building works.

On Other Zoned Land:-

Such structures may be permitted on land zoned "Commercial" on the following conditions:-

- i) That the structure is only being used for the secure storage of items or materials used or sold as part of the commercial activity carried out on the property.
- ii) The structure is located at the rear of the property, generally out of sight of the main access road or thoroughfare.
- iii) The sea container or similar structure shall not be located over or within 3.0 metres of any wastewater drains, deep sewer connection points, septic tanks or leach drains.
- iv) The structure is in good condition and is well maintained so that is one uniform colour to match the main building or adjoining buildings on the property, and is treated to control rust.
- v) That if the sea container or other similar structure falls into disrepair and/or becomes unsightly, the Shire will require its removal by the owner.

Sea containers or other similar structures are permitted on "Industrial" zoned land within or outside a gazetted townsite but the owner will still need to seek planning approval from Council and a building permit needs to be obtained from the Shire prior to the structure being placed on-site.

This Policy does not pertain to structures situated on "Rural/Mining" zoned land outside of a gazetted townsite.

No sea container or other similar structure is permitted on Council roads /footpaths or Reserve land unless approved by Council.

9.4 Reporting Officer – Executive Manager Regulatory Services

9.4.3 Public Works Proposal – Grouped Dwellings - 117 Altair Street, Southern Cross

File Reference	3.1.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Development Proposal

Purpose of Report

To consider a public works development proposal for two dwellings at 117 Altair Street, Southern Cross.

Background

The Shire of Yilgarn is in receipt of a proposal, lodged on behalf of the Department of Communities – Housing branch (the Department), to develop and construct two (2) grouped dwellings at Lot 776 & 100 (No. 117) Altair Street, Southern Cross.

The proposal does not comply with the Shire's current Town Planning Scheme 2 (TPS2), zoning requirements, however, as the proposed development is being undertaken by the Department of Communities, and is classed as "Public Works", the Planning and Development Act 2005 (the Act) exempts this work from requiring Development Approval from the Shire.

In complying with the exemption permitted under the Act, the Department must show due regard for the intentions of the Shire's Town Planning Scheme, and must undertake relevant public consultation of the proposed development.

On behalf of the Department, the Shire advertised the proposal on the Shire website and Shire notice board on the 4th August 2021 and included it in the local Crosswords edition on the 5th August 2021, allowing until the 19th August 2021 for submissions to be received. A verbal report will be provided at the Council meeting to detail any submissions received. At the time of writing this report, there had been one general enquiry and no submissions.

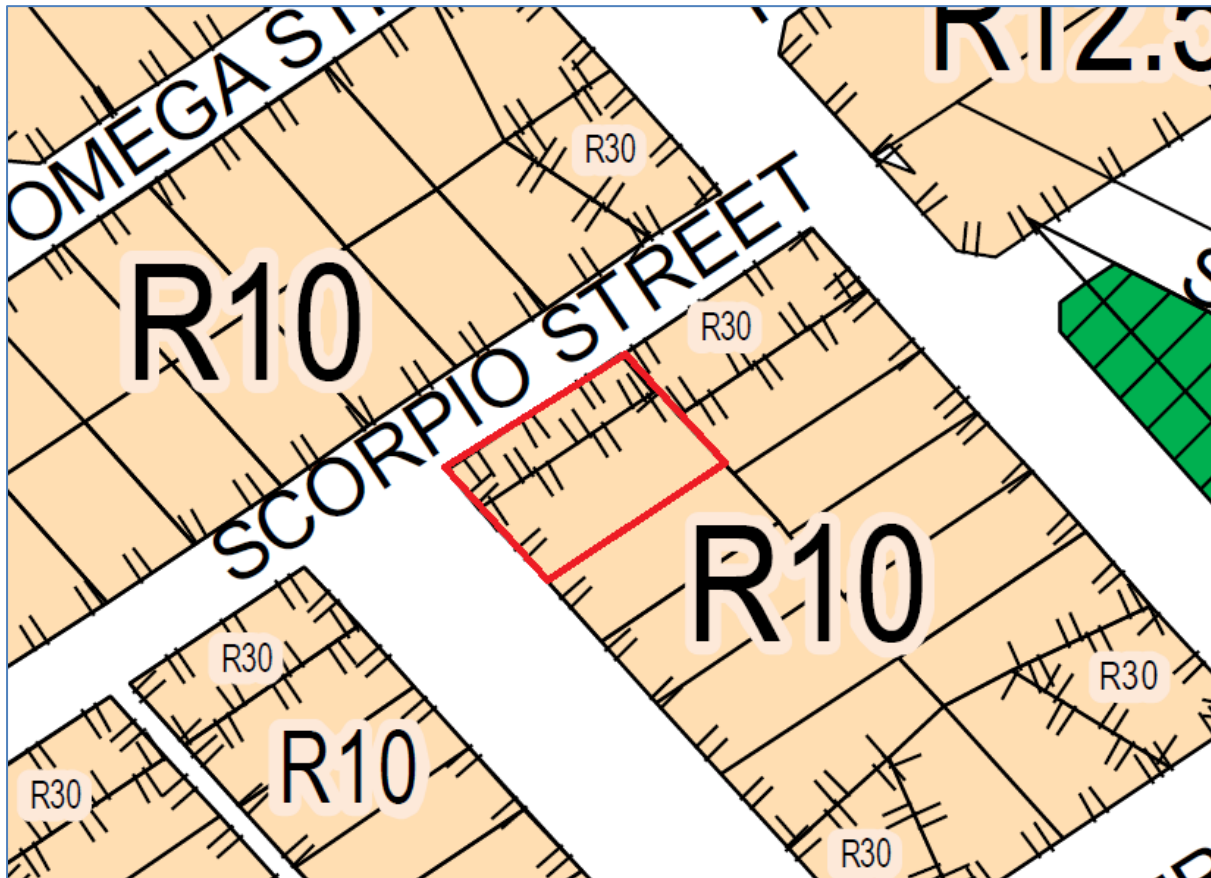
Comment

As mentioned, the proposed development does not comply with the current density zoning of the Shire's TPS2. The Scheme currently zones the residential lots as R10, which for a grouped dwelling requires a minimum site area per dwelling of 1000 m². However, the proposal seeks a minimum site area per dwelling of 869 m².

This type of development would require a zoning of R12,5, however the Department is seeking adoption of R20 zoning, this is to allow a reduced setbacks.

During the last amendment of the Town Planning Scheme, the majority of corner blocks within the Southern Cross townsite were rezoned to R30, however lots 100 and 776 Altair Street were

not rezoned, most likely due to the configuration of the smaller lot on the corner as per the image below.



The proposed zoning of R20 over both lots, of which the Department have advised will be subdivided at a later date, will be in keeping with other corner block zoning levels within the Southern Cross townsite.

The Department's consultant Dynamic Planning have provided a Development Proposal document, which details the proposed development, and justifications for the non-compliances with the Shire's TPS2.

There is a current demand for quality Government Regional Officer Housing properties, and it is the reporting Officers opinion that, subject to any submissions received prior to the closing date for public notice, that Council endorse the proposed development.

Statutory Environment

Planning and Development Act 2005
Town Planning Scheme 2

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Unable to attract professional government staff due to poor housing	Moderate (8)	Endorse proposal to permit additional GROH properties.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning legislation	Moderate 6	Compliance with Planning and Development Act 2005.
Reputational	Approval of non-compliant development	Moderate 6	Compliance with Planning and Development Act 2005.
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

152/2021

Moved Cr Shaw/Seconded Cr Nolan

Council endorse the proposal, submitted on behalf of the Department of Communities, to construct two dwellings upon Lots 776 and 100 Altair Street, Southern Cross, as per the submitted plans, noting that whilst it may not meet the allocated Residential Design Code zoning, the proposal has given due regard to:

- 1. The purpose and intent of the Shire of Yilgarn Town Planning Scheme No. 2;**
- 2. The order and proper planning, and the preservation of the amenity, of that locality at that time; and**
- 3. Submissions received during the public consultation period.**

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.4 Renewal of Lease L962268 - Grazing

File Reference	1.6.17.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Aerial View and Tenure Map

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage regarding a request to renew lease L962268, located East of Lake Baladjie.

Background

The Shire is in receipt of correspondence from the Department of Planning, Lands and Heritage (the Department), seeking comments in regards to a proposal to renew lease L962268, consisting of the following Lots:

- Lot 1069 as on Deposited Plan 203752
- Lot 1070 as on Deposited Plan 203752
- Lot 1071 as on Deposited Plan 203752
- Lot 1571 as on Deposited Plan 203752
- Lot 1580 as on Deposited Plan 243168

Comment

The aerial and tenure maps from the Department are attached for Councillors perusal.

There are no outstanding issues relating to the property, and the reporting officer can see no issues relating to the renewal of the lease.

Statutory Environment

Nil

Strategic Implications

Goal

A prosperous future for our community.

Outcome

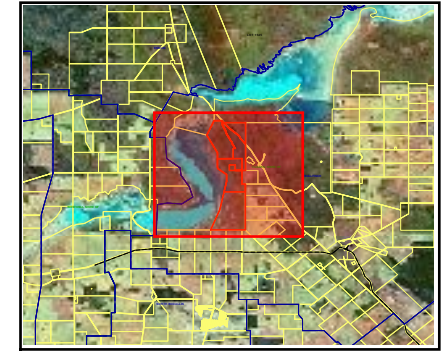
Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Lease Area

Created 10 Nov 2016



Scale: 1:75,000

Description

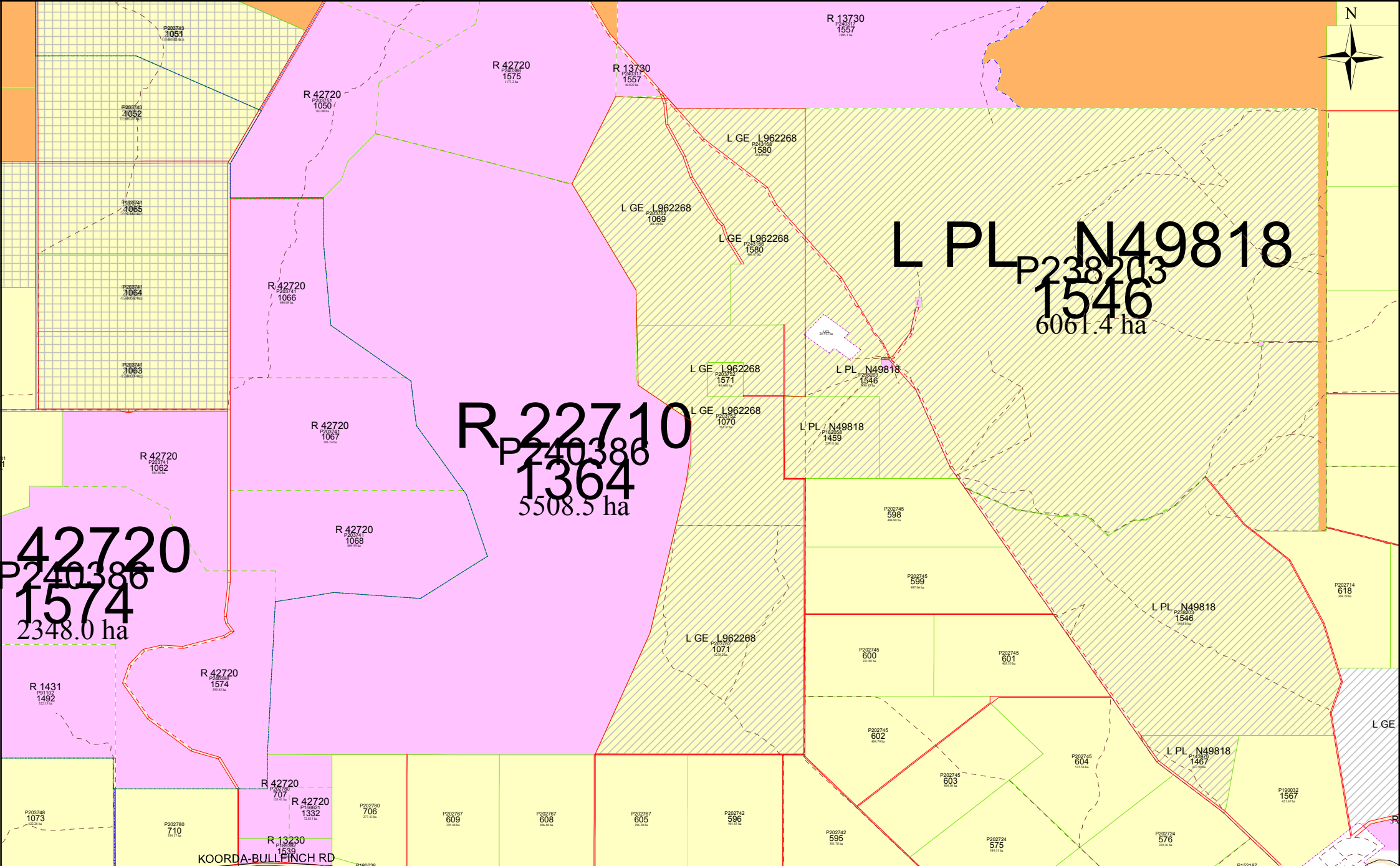
Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia 1994

1 Midland Square
Midland WA 6056
(08) 9273 7341
customerservice@landgate.wa.gov.au
www.landgate.wa.gov.au



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Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

153/2021

Moved Cr Shaw/Seconded Cr Guerini

Council endorse the following response to the Department Planning Lands and Heritage:

In relation to the proposal to renew lease L962268, the Shire of Yilgarn holds no objections.

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.5 Site Lease Agreement – WA Billboards – Lot 88 Great Eastern Highway

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

Purpose of Report

To present to Council the proposed Site Lease Agreement to utilise the billboard located upon Lot 88 Great Eastern Highway, Southern Cross.

Background

The billboard located on Lot 88 Great Eastern Highway, Southern Cross, better known as the Southern Cross Airstrip, is currently leased for advertising purposes by WA Billboards.

The current agreement is due to expire and as such, the Shire and WA Billboards are seeking to sign a new agreement.

The proposed site lease agreement is attached for Councillors perusal.

Comment

The proposed agreement is for the Freestanding Double Sided Static 6 metre by 3 metre billboard located on Lot 88 Great Eastern Highway, Southern Cross.

The agreement is to commence on the 01/08/2021 and will continue for five (5) years, with a five (5) year option.

The annual rental, payable to the Shire of Yilgarn by WA Billboards is \$1450.

Statutory Environment

Site Lease Agreement.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

\$1450 income per annum.

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 and Council Decision

154/2021

Moved Cr Rose/Seconded Cr Guerini

That Council agree to the terms and endorse the President and Chief Executive Officer signing the Site Rental Agreement, as presented, between the Shire of Yilgarn and WA Billboards, for use of the billboard located upon Lot 88 Great Eastern Highway Southern Cross, for the purpose of advertising.

CARRIED (6/0)

10 APPLICATION FOR LEAVE OF ABSENCE

156/2021

Moved Cr Cobden/Seconded Cr Guerini

That Cr Rose be granted Leave of Absence from the September Ordinary Meeting of Council

CARRIED (6/0)

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

157/2021

Moved Cr Guerini/Seconded Cr Rose

That the new business of an urgent nature be accepted for consideration by Council

CARRIED (6/0)

12 Officers Report – Chief Executive Officer

12.1 Mineral Resources Ltd. – Interim Haulage Proposal – Parker Range Mine to Koolyanobbing Operations

File Reference	3.2.1.29
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Journey Management Plan as submitted by MRL-Confidential

Purpose of Report

To submit to Council a proposal put forward by Mineral Resources Ltd (MRL) to undertake an interim haulage proposal from its Parker Range Iron Ore Mine to the Koolyanobbing Operations.

Background

As Council would be aware, MRL has been constructing and sealing the southern section of the Emu Fence Road for the haulage of ore from its Parker Range mine and had initially proposed, once the Emu Fence Road was constructed to the Great Eastern Highway (GEH), to transport the ore east on GEH to its Carina Operations.

Discussions with MRL representatives have indicated that they have been liaising with the WA Government's Department of Finance in relation to works on the Mt. Walton Road in the Shire of Coolgardie, which is to be used as the final leg to get MRL's ore to the Carina Operations. It is understood that negotiations have been ongoing regarding road upgrades/rail crossings etc., over the past 6 months and whilst close to reaching an agreement with the Department, there will be delays of approximately 1 month.

Comment

On Thursday, 5 August 2021 the CEO received the following email from Mr Josh Thurlow, Executive General Manager – Project Development with MRL, proposing the following:-

As discussed, we proposing the following for your urgent consideration:

- *Approval from the Shire for an interim haulage program from the Parker Range Mine to Koolyanobbing*
- - o *The haulage program would run for up to 4 weeks upon Council approval.*
 - o *The program would require RAV7 access to haul ore from the Parker Range Mine via:*
 - o *Parker Range Road*
 - o *Emu Fence Road*
 - o *Great Eastern Highway*
 - o *Three Boys Road*
 - o *Bullfinch Road*
 - o *Cameron Road*
 - o *Koolyanobbing-Southern Cross Road*

MRL would pay the Shire a maintenance and service fee for each week of the haulage program, as compensation for any damage/costs incurred.

We would be incredibly grateful for your urgent consideration of this proposal, which will allow us to commence haulage from our Parker Range Mine whilst our longer-term haulage solutions are being finalised.

MRL also submitted an application to Main Roads WA's Heavy Vehicle Operations (HVO) Division seeking appropriate approvals to alter RAV ratings on the roads in question. HVO did contact the CEO seeking the Shire of Yilgarn's comments in relation to the request as per the following:-

As you are aware, we have received the application below from MRL for temporary access for a 4 week period on Koolyanobbing - Southern Cross Road for 36.5 metre tri drive combinations operating at level 3 AMMS mass limits (Tri Drive Network 4.3).

We have looked at our records and back in 2011 RAV access on Koolyanobbing - Southern Cross Road was reviewed at the request of the Shire, due to safety concerns. An assessment was completed by Main Roads at the time and subsequently RAV access was downgraded from RAV Network 7 to RAV Network 5, due to inadequate road widths and poor shoulders.

*If there has been significant upgrades to the road since 2011, we are happy to come and conduct an onsite assessment with the intention of adding the road to the relevant RAV networks. However, if the road hasn't changed since 2011, I see little value in conducting an onsite assessment. If there have been no changes to the road and the Shire supports the temporary access for the proposed 4 week period, it would be better to allow the access under **Restricted Local Access Permits and mitigate the risks via an appropriate TMP that will need to be implemented at MRL's expense.***

Can you please advise if Cameron Road and Koolyanobbing-Southern Cross Road are likely to be suitable for Tri Drive Network 4.3 and if not, would the Shire support temporary access with an appropriate TMP?

The CEO responded to MRWA HVO with the following:-

"The Shire of Yilgarn, via Regional Road Group Funding, has been upgrading sections of the Southern Cross-Koolyanobbing Road over a number of years, and in the 2021/2022 financial year will be continuing this program by way of re-constructing and prime-seal 3km to 7m width to SLK 17. Currently beyond SLK 14 to Koolyanobbing, there is still the inadequate road width and poor shoulders and therefore, the RAV Network 5 applies as per MRWA's previous assessment.

Whilst the Shire appreciates MRL's current predicament in getting its product to the Koolyanobbing Operations, even though they have only requested a 4 week operational period under special provisions, the concerns that Council has is that there are multiple road users utilising the Southern Cross-Koolyanobbing Road and the request for RAV 7 configurations poses safety issues based on the conditions of the road beyond SLK 14. MRL has indicated that TMP's would be applied if special approval was granted, but again, the Shire is concerned that management would be difficult based on the difficulty of managing multiple road users.

MRL's request also includes the use of Three Boys Road, Southern Cross/Bullfinch Road and Cameron Road under special provisions for RAV 7 rating. Previous requests from other mining companies for the use of these roads has resulted in swept path analysis determining

that the Three Boys Road/Southern Cross Bullfinch Road and Southern Cross-Bullfinch/Cameron Road "T" intersections did not meet RAV 7 requirements.

Based on the above comments, the Shire of Yilgarn is reluctant to support MRL's request for temporary access".

In response to the CEO's email, MRWA HVO advised that it would support the Shire's position.

On Wednesday, 11 August 2021 the CEO and EMRS met with Mr Thurlow and the newly appointed General Manager of Operations at MRL's Koolyanobbing Operations, Mr Scott Oakley, to further discuss the above request.

Mr Thurlow, whilst acknowledging the CEO's response to MRWA HVO, advised that RAV7 trucks have the same physical dimensions as RAV5 trucks (length and width), the only difference being axle loading. Therefore, the only additional risk posed by running RAV7 operations on the Koolyanobbing-Southern Cross Road is the increased potential for damage to the road and shoulder surface. MRL are proposing to mitigate this risk by operating for no more than 4 weeks (thereby limiting damage) and compensating the Shire of Yilgarn for maintenance of the road.

The CEO and EMRS indicated their concerns to Mr Thurlow regarding management of traffic if a **Restricted Local Access Permit** was to be granted and suggested that if a comprehensive Traffic Management Plan (TMP) was presented, then Council's Officers would refer the matter to Council for final consideration.

A Journey Management Plan has been submitted by MRL and is attached for Council's consideration.

Statutory Environment

Restricted Local Access Permit can be issued by Council.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives – 2.2.2 Support the local business community and promote further investment in the district, including opportunities for industry growth and development.

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives – 2.5.1 Continue to maintain and upgrade our road network.

Policy Implications

Nil

Financial Implications

MRL have advised that they would pay the Shire a maintenance and service fee for each week of the haulage program, as compensation for any damage/costs incurred.

Officer Recommendation

The following two options of recommendations are submitted for Council's consideration:-

OPTION 1

That Council rejects the application submitted by MRL to operate RAV 7 configurations on the route requested as it considers that the route is suitable only for RAV 5 type vehicles as per Main Roads WA Heavy Vehicle Operations previous assessments, and that Council would be setting an unwanted precedent if it were to grant such approval.

OR

OPTION 2

That Council approves the issuing of a Restricted Local Access Permit, as per the advice from Main Roads WA Heavy Vehicle Operations, to MRL for a 4-week period (dates to be negotiated with MRL by the CEO and EMI) to allow the haulage of ore on the following route utilising RAV 7 configurations:-

- *Parker Range Road*
- *Emu Fence Road*
- *Great Eastern Highway*
- *Three Boys Road*
- *Bullfinch Road*
- *Cameron Road*
- *Koolyanobbing-Southern Cross Road*

The above approval is granted on the proviso that:-

1. *MRL adheres at all times to the approved Journey Management Plan (JMP), as approved by the EMI and Main Roads WA Heavy Vehicle Operations, in order to mitigate any risks and that failure to adhere to the JMP will render the Restricted Local Access Permit invalid immediately; and*

2. *That the CEO, EMI and EMRS be granted approval to negotiate with MRL a maintenance and service fee for each week of the haulage program, as compensation for any damage/costs incurred to the roads in question.*

Council Decision

158/2021

Moved Cr Shaw/Seconded Cr Cobden

OPTION 1

That Council rejects the application submitted by MRL to operate RAV 7 configurations on the route requested as it considers that the route is suitable only for RAV 5 type vehicles as per Main Roads WA Heavy Vehicle Operations previous assessments, and that Council would be setting an unwanted precedent if it were to grant such approval.

CARRIED (6/0)

12 Officers Report – Chief Executive Officer

12.2 Appointment of Executive Manager Regulatory Services

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

Purpose of Report

To advise Council of the appointment of Mr Shane Chambers in the Executive Manager Regulatory Services position in accordance with Section 5.37(2) of the *Local Government Act 1995*.

Background

With the incumbent Executive Manager Regulatory Services being promoted to the Chief Executive Officer position effective Monday, 6 September 2021, it was necessary to commence the recruitment process for Mr Nic Warren's replacement.

Comment

Advertisements were placed in the "*West Australian*" newspaper and circulated on other media platforms during the month of July with applications for the position closing on Wednesday, 4 August 2021.

At the close of the application period, six (6) applications were received, with four (4) being considered for interviews on Monday, 9 August 2021, which were conducted by the CEO and Mr Warren.

At the conclusion of this process, the CEO and Mr Warren unanimously agreed to appoint Mr Shane Chambers to the position. Mr Chambers has held similar roles in rural and regional centres and is currently the Manager Regulatory Services at the Shire of Katanning. Mr Chambers will commence duties on Monday, 6 September 2021.

Statutory Environment

Local Government Act 1995

5.37. Senior employees

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

- (2) **The CEO is to inform the council of each proposal to employ or dismiss a senior employee**, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Strategic Implications

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

Policy Implications

Nil

Financial Implications

In accordance with Budget allocations.

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

159/2021

Moved Cr Cobden/Seconded Cr Shaw

That in accordance with Section 5.37(2) of the Local Government Act 1995, Council acknowledges the CEO and Mr Warren's decision in appointing Mr Shane Chambers to the Executive Manager Regulatory Services position for the Shire of Yilgarn based on an initial 3 year Contract of Employment

CARRIED (6/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

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

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 19 August 2021, are confirmed on Thursday, 16 September 2021 as a true and correct record of the August 2021 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT