



# *Council Meeting Agenda*

*18 November  
2021*

# SHIRE OF YILGARN NOTICE OF MEETING



Councillors:  
Please be advised that the

## **NOVEMBER 2021 ORDINARY MEETING OF COUNCIL**

Will be held in the Council Chamber on  
Thursday, 18 November 2021  
Commencing at **4pm**

### **COUNCILLORS PLEASE NOTE:**

- *The Discussion Session will start at 3pm*
- *A Citizenship Ceremony will take place at 3.45pm*
- *The Ordinary Meeting of Council will start at 4pm*
- *Mainroads will present to Council at the start of the meeting.*

**Nicholas Warren**  
**Chief Executive Officer**

12/11/2021

---

### **DISCLAIMER**

Please note this agenda contains recommendations which have not yet been adopted by Council. Any Plans or documents in agendas or minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material, as per the Copyright Act 1968.

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

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

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

---

Antares Street, SOUTHERN CROSS WA 6426  
Tel (08) 90491 001; Fax (08) 90491 429  
E-mail: - [yilgarn@yilgarn.wa.gov.au](mailto:yilgarn@yilgarn.wa.gov.au)

## Table of Content

1 Declaration of Opening/Announcement of Visitors .....	3
2 Announcements from the Presiding Member .....	3
3 Attendance .....	3
4 Declaration of Interest .....	3
5 Public Question Time .....	3
6 Confirmation of Minutes .....	5
7 Presentations, Petitions, Deputations .....	5
8 Delegates' Reports .....	5
9 Officers' Reports .....	7
9.1 Chief Executive Officer .....	7
9.1.1 2021/2022 Christmas/New Year Closure .....	14
9.1.2 Council Meeting Times 2022 .....	10
9.1.3 National Postal Saving Bank .....	13
9.1.4 2021/2022 Community Funding Program .....	20
9.1.5 Extraordinary Election .....	24
9.2 Executive Manager Corporate Services .....	28
9.2.1 Financial Reports October 2021 .....	28
9.2.2 Accounts for Payment .....	31
9.2.3 Records Management Policy .....	35
9.2.4 Budget Amendment-Refuse Site Operation .....	40
9.3 Executive Manager Infrastructure .....	n/a

14.4 Executive Manager Regulatory Services.....	46
<b>9.4.1 Development Application-15 Antares Street, Southern Cross.....</b>	<b>46</b>
<b>9.4.2 Proposal to Amend Management Order-Reserve 2863.....</b>	<b>54</b>
15 Application for leave of absence.....	60
16 Motions for which previous notice has been given.....	60
17 New business of an urgent nature introduce by decision of the meeting.....	60
18 Meeting closed to the public-Confidential Items.....	60
<b>13.1 Premier's Australia Day Active Citizenship Award.....</b>	<b>60</b>
<b>13.2 Chief Executive Officer Performance Criteria</b>	
<b>and Annual Appraisal.....</b>	<b>62</b>
19 Closure.....	62

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3. ATTENDANCE**

Members  
Cr W Della Bosca  
Cr B Close  
Cr G Guerini  
Cr P Nolan  
Cr L Rose

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	R Bosenberg	Executive Manager Infrastructure
	S Chambers	Executive Manager Regulatory Services
	L Della Bosca	Minute Taker

Apologies:

Observers:

Leave of Absence: Cr J Cobden

**4. DECLARATION OF INTEREST**

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

The following question was taken on notice at the Ordinary Meeting of Council of 21 October 2021. Mr Burro was provided with a written response from the CEO on the 10 November 2021. The response from the Shire is recorded accordingly.

***Question:***

*As the new Health and Safety Act 2020 is progressing to proclamation it will have implications for the Volunteer Bush Fire Brigade, which will include minimum training and PPE requirements. Heavy fines are to come into force for persons of authority, such as the CEO of the Shire and the Chief Bush Fire Control Officer, where administrative negligence has been determined. For example, should an untrained person be allowed to use a piece of DFES equipment without training or adequate direction, and an injury occurs, the persons of authority could be held liable, unless the person ignored cleared directions.*

*Mr Burro advised, untrained persons are permitted to participate on a BFB fire ground, but you must register and be under the direction of the Officer in Charge or a person delegated to direct you by the OIC, these persons should have undertaken minimum training standards.*

*Whilst a portion of the Yilgarn BFB volunteers have the minimum levels of training recorded with DFES, there are a number who do not. DFES have committed to undertaking training courses within the district, however there are a number of volunteers who have been fighting fires in the district for many years, some who have undertaken training previously, but without record with DFES, and others who have not undertaken training but have decades of experience.*

*The training requirement will lead to volunteers whom do not have recorded training, and who would usually attend a call-out, deciding not to. With a declining rural population, Yilgarn needs all the volunteers it can get on the fire grounds, as such, Mr Burro sought of the CEO to investigate, in conjunction with WA BFB Association Chair Mr Dave Gossage, to determine if there was a method of undertaking recognition of prior learning or Local Governments setting their own minimum training standards.*

**Response:**

*I refer to your question posed at the October Council meeting, whereby you sought the Chief Executive Officer of the Shire of Yilgarn to investigate, in conjunction with WA BFB Association Chair Mr Dave Gossage, to determine if there was a method of undertaking recognition of prior learning or Local Governments setting their own minimum training standards.*

*As requested, I have been in touch with Mr Dave Gossage, to discuss the options moving forward in relation to recognition of prior learning and minimum training standards. Mr Gossage gave a number of options available to Local Governments in relation to recognition of prior learning and minimum training standards, and offered his assistance where necessary. These options will now be investigated and reported back through the Yilgarn Bush Fire Advisory Committee and Shire of Yilgarn Council in due course.*

**5.1. PUBLIC QUESTION TIME**

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 21 September 2021- (Minutes Attached)

#### Recommendation

**That the minutes from the Ordinary Council Meeting held on the 21 October 2021 be confirmed as a true record of proceedings.**

**Voting Requirements:** Simple Majority

### 6.2 Shire of Yilgarn History Advisory Committee, Wednesday, 3 November 2021- (Minutes Attached)

#### Recommendation

**That the minutes from the Shire of Yilgarn History Advisory Committee held on the 3 November 2021 be received**

**Voting Requirements:** Simple Majority

### 6.3 Shire of Yilgarn Roads Committee, Tuesday, 9 November 2021-(Minutes Attached)

#### Recommendation

**That the minutes from the Shire of Yilgarn Roads Committee held on the 9 November 2021 be received**

**Voting Requirements:** Simple Majority

### **\*Recommendation contained within the Shire of Yilgarn Roads Committee Minutes**

#### Recommendation

**That the recommendation contained within the Shire of Yilgarn Roads Committee Meeting minutes being**

*Moved Cr Guerini, Seconded Cr Close*

*That the Roads Committee advise Council that the 360 Logistics proposal to run a temporary haulage campaign from Copperhead Mine in Bullfinch to the Marvel Loch processor, utilising Bullfinch Road, Three Boys Road, Great Eastern Highway, Emu Fence Road and the Barto Haul Road be rejected, with the following justifications:*

- Barto (Minjar) have been granted approval by Council in February 2019 to haul ore from Copperhead Mine to the Marvel Loch Processor, however were required to use Southern Cross South Road, with the existing haul road through Aquarius pit pushed through to the road;*
- Barto have made no efforts to address the upgrade requirements to utilise the Council approved route, despite having over 24 months to undertake; and*
- Allowing haulage campaigns through Southern Cross townsite, when suitable alternative routes exist, and against Council approvals sets a precedence of which will not be beneficial to Council.*

**Be endorsed**

**Voting Requirements:** Simple Majority

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

Ammar Mohammed, Regional Manager Wheatbelt, from Mainroads will attend to present to Council.

## **8. DELEGATES' REPORTS**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 2021/2022 Christmas/New Year Closure

<b>File Reference</b>	<b>2.4.1.10</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 approval, the closure of the Administration Office over the 2021/2022 Christmas and New Year holiday period.

#### Background

Over past years Council has closed the administration office over the Christmas and New Year period to allow staff to have time off with family and friends. This time of the year is normally quiet and the closure has little impact upon the community as it is now an accepted practice.

#### Comment

The recommended administration closure dates are as follows,

Monday	Tuesday	Wednesday	Thursday	Friday
20/12/2021	21/12/2021	22/12/2021	23/12/2021 Open in Morning	24/12/2021
Open	Open	Open	Closed Midday for Staff Function	Closed
27/12/2021	28/12/2021	29/12/2021	30/12/2021	31/12/2021
Public Holiday	Public Holiday	Closed	Closed	Closed
3/01/2022	04/01/2022	05/01/2022	06/01/2022	07/01/2022
Public Holiday	Open	Open	Open	Open

The above closure dates will be posted at the Shire Office, advertised in “Crosswords” and placed on the Shire website, to ensure the community have sufficient notice.

### Statutory Environment

Nil.

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Work fatigue of staff.	Low (3)	Closure period to allow good rest period and ability to refresh for 2022
Financial Impact	Nil	Nil	Nil
Service Interruption	Access to Shire administration Services will be reduced	Moderate (8)	Adequate public notice and accepted practice allows for community to ensure Shire administrative needs are addressed prior to closure
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council approves of the Shire Administration Office being closed over the 2021/2022 Christmas/New Year period subject to staff undertaking adequate advertising to inform the community of the closure.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Council Meeting Times 2022

<b>File Reference</b>	<b>2.1.2.4</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 determination, the time and date of Ordinary Council meetings for 2022.

#### Background

Council is required to determine the time and date of Council meetings for 2022 to allow public notice to be provided in accordance with the *Local Government (Administration) Regulations 1996*.

#### Comment

#### Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates, time and place at which

–

- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

#### 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	Nil	Nil	
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Regulations.	Moderate (6)	Once set, public notice to be undertaken to comply with Regulations.
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

*That in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2022 calendar year: -*

*Monthly Ordinary Council meetings to commence at 4:00pm on the following dates: -*

***January 2022***

***No Meeting Scheduled***

***Thursday, 17<sup>th</sup>***

***Thursday, 17<sup>th</sup>***

***Thursday, 21<sup>st</sup>***

***Thursday, 19<sup>th</sup>***

***Thursday, 16<sup>th</sup>***

***Thursday, 21<sup>st</sup>***

***Thursday, 18<sup>th</sup>***

***Thursday, 15<sup>th</sup>***

***Thursday, 20<sup>th</sup>***

***Thursday, 17<sup>th</sup>***

***Thursday, 15<sup>th</sup>***

***February 2022***

***March 2022***

***April 2022***

***May 2022***

***June 2022***

***July 2022***

***August 2022***

***September 2022***

***October 2022***

***November 2022***

***December 2022***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Mt. Hampton Hall***

***Council Chambers Southern Cross***

***Council Chambers Southern Cross***

***Prior to the commencement of the Council Meeting, a Councillor Briefing Session will be conducted at 3.00pm.***

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 National Postal Saving Bank

<b>File Reference</b>	<b>1.3.5.12</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Email Correspondence from Melissa Harrison</b>

#### Purpose of Report

To present to Council a request from the Australian Citizens Party regarding the establishment of a national Postal Savings Bank.

#### Background

As discussed at the October Councillor Discussion Session, Councillors received an email from a Melissa Harrison, who introduced herself as a researcher and reporter for the Australian Alert Service, the weekly magazine of the Australian Citizens Party.

The correspondence (attached) speaks about the “steady erosion of banking services in regional and rural Australia”, and details the following:

*Access to local banking services is critical in our regional communities. With the banks pulling out of regional Australia at a record pace, the public is increasingly relying on Australia Post to provide banking services. However, Australia Post is too vulnerable to the whims of the government of the day and commercial decisions from the Big Four banks.....*

*...Alarmingly, there are no written guarantees that the banking deal with the Licensed Post Offices will continue. The LPOs are vulnerable to the banks pulling out unexpectedly, leaving them where they were before the Bank@Post deal—on the edge of bankruptcy and being exploited by the government and the banks. The big banks are already throwing their weight around by charging exorbitant fees for their customers who want to bank through Australia Post. Without the banking services provided by Australia Post, many parts of regional Australia would not have access to banking at all.*

*We are calling on local councils and organisations to ask them to join us in fighting for federal legislation to create a Commonwealth Postal Savings Bank. A public postal savings bank will guarantee banking services at Australia Post, and support the Licensed Post Offices to provide financial services for regional and rural Australians.*

*We have drafted legislation for a public postal bank, the Commonwealth Postal Savings Bank Bill 2021.*

Councillors sought to have the matter referred to the November Council meeting for a determination.

### Comment

The correspondence seeks Councils to support the bill, and provided a suggested resolution as follows;

**1. *The Council notes that:***

- *Bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia;*
- *Since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all;*
- *A large proportion of the population, including the elderly, disabled, small businesses, and local schools and charities, will always have a need for face-to-face financial services, despite advances in technology;*
- *For hundreds of communities, their only access to cash and financial services is through Bank@Post at their local post office;*
- *Bank@Post is an essential service to all communities, but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation, and charge excessive fees on transactions;*
- *With four major banks controlling 80 per cent of the financial system, Australian consumers suffer from a lack of real banking competition;*

**2. *The Council calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.***

**3. *The Council will write to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the Commonwealth Postal Savings Bank Bill through Parliament. .***

The Yilgarn district has lost two banks in the last few years and the community, including the Shire, are reliant on the local Australia Post outlet, or must travel over 200km round trip for depositing and in person banking needs.

As requested by Council, the resolution has been provided for their consideration.

### Statutory Environment

Nil.

### 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	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

1. *The Council notes that:*
  - *Bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia;*
  - *Since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all;*
  - *A large proportion of the population, including the elderly, disabled, small businesses, and local schools and charities, will always have a need for face-to-face financial services, despite advances in technology;*
  - *For hundreds of communities, their only access to cash and financial services is through Bank@Post at their local post office;*
  - *Bank@Post is an essential service to all communities, but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation, and charge excessive fees on transactions;*
  - *With four major banks controlling 80 per cent of the financial system, Australian consumers suffer from a lack of real banking competition;*
2. *The Council calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.*
3. *The Council will write to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the Commonwealth Postal Savings Bank Bill through Parliament. .*

---

**From:** Melissa Harrison <melissah@citizensparty.org.au>  
**Date:** 15 September 2021 at 4:05:36 pm AWST  
**To:** Cr Wayne Della Bosca <cr\_wdellabosca@yilgarn.wa.gov.au>  
**Cc:** Cr Suzy Shaw <Cr\_Shaw@yilgarn.wa.gov.au>, Cr Gary Guerini  
<cr\_guerini@yilgarn.wa.gov.au>, Cr Phil Nolan  
<cr\_nolan@yilgarn.wa.gov.au>, Cr Jodie Cobden  
<cr\_cobden@yilgarn.wa.gov.au>, Cr Linda Rose  
<cr\_rose@yilgarn.wa.gov.au>  
**Subject: Att Councillors: In regards to a Postal Savings Bank**

Dear Councillors,

My name is Melissa Harrison. I am a researcher and reporter for the Australian Alert Service, the weekly magazine of the Australian Citizens Party. I'm writing to you because we are part of a grassroots campaign which is fighting for the establishment of a national Postal Savings Bank.

I am writing to local councils in Western Australia which have been impacted by the steady erosion of banking services in regional and rural Australia. Research by independent journalist Dale Webster has documented that since 1975, Australia's regional banking footprint has dwindled alarmingly, to a total loss of 60 per cent of the network. [1] The banking regulator, the Australian Prudential Regulation Authority (APRA), is shielding the big banks from the ire of the public by publishing false and distorted data about the scale of bank closures in regional Australia. [2]

Access to local banking services is critical in our regional communities. With the banks pulling out of regional Australia at a record pace, the public is increasingly relying on Australia Post to provide banking services. However, Australia Post is too vulnerable to the whims of the government of the day and commercial decisions from the Big Four banks. Although it was recently announced that the historic Bank@Post deal had been renewed, Australia Post is refusing to reveal the financial details of the deal that was struck with the Big Four banks. The Citizens Party has made freedom of information requests for clarity on these matters, but these have been rejected. The Citizens Party understands from reputable sources that the Community Access Fee to be paid by the big banks is now only \$10 million per year, half the amount that former Australia Post CEO Christine Holgate negotiated for the original deal. Alarmingly, *there are no written guarantees* that the banking deal with the Licensed Post Offices will continue. The LPOs are vulnerable to the banks pulling out unexpectedly, leaving them where they were before the Bank@Post deal—on the edge of bankruptcy and being exploited by the government and the banks. The big banks are already throwing their weight around by charging exorbitant fees for their customers who want to bank through Australia

Post. Without the banking services provided by Australia Post, many parts of regional Australia would not have access to banking at all.

We are calling on local councils and organisations to ask them to join us in fighting for federal legislation to create a Commonwealth Postal Savings Bank. A public postal savings bank will guarantee banking services at Australia Post, and support the Licensed Post Offices to provide financial services for regional and rural Australians.

We have drafted legislation for a public postal bank, the [\*Commonwealth Postal Savings Bank Bill 2021\*](#).

On 27 July, councillors at the Narrabri Shire Council (NSW) unanimously passed a resolution supporting the *Commonwealth Postal Savings Bank Bill*, and called on Parliament to pass the legislation. On the 28 July, the Banana Shire Council (QLD) passed a similar resolution. [3] We have been informed that the action of these local councils has made a strong impression on members of federal parliament.

We have drafted the following motion/resolution as a guide, which I am asking you to consider discussing and moving at your next meeting, to endorse the *Commonwealth Postal Savings Bank Bill*.

**Draft motion/resolution for a Commonwealth Postal Savings Bank**

**1. The Council notes that:**

- Bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia;
- Since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all;
- A large proportion of the population, including the elderly, disabled, small businesses, and local schools and charities, will always have a need for face-to-face financial services, despite advances in technology;
- For hundreds of communities, their only access to cash and financial services is through Bank@Post at their local post office;
- Bank@Post is an essential service to all communities, but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation, and charge excessive fees on transactions;
- With four major banks controlling 80 per cent of the financial system, Australian consumers suffer from a lack of real banking competition;

**2. The Council calls on the Commonwealth Parliament** to pass the *Commonwealth Postal Savings Bank Bill* to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.

**3. The Council will write** to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the *Commonwealth Postal Savings Bank Bill* through Parliament.

I live in a regional town myself, in Winneup Western Australia. The nearby towns of Boyup Brook, Balingup and Donnybrook have lost their last 'Big Four' bank. Access to banking services is essential for the functioning of our local businesses and tourism—markets, artists, craftspeople and local producers. A public postal bank would ensure these community businesses are supported in perpetuity.

If you would like more information, please feel welcome to contact me. We have been reporting on this matter for some time—numerous articles, background information and video content can be found here: [An Australia Post ‘people’s bank’—a win-win solution for the nation](#)

Kind regards,  
Melissa Harrison

[1] Dale Webster: [Why I spent a year counting every bank in regional Australia; ‘Big four’ banks casting a dangerous shadow in regional Australia; The Regional](#)

[2] Citizens Party: [‘Bank regulator shielding Big Four from scrutiny over regional branch closures’](#)

[3] Citizens Party: [An Australia Post ‘people’s bank’—a win-win for the nation, Narrabri Shire Council Motion and Rationale, Banana Shire Council Motion](#)

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 2021/2022 Community Funding Program

<b>File Reference</b>	<b>8.2.6.22</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To consider the Community Funding Grant applications for the 2021/2022 Financial year.

#### Background

The Shire of Yilgarn Community Funding Program was developed to:

- To provide a source of funding for non-profit community organisations operating within the district;
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

As part of the 2021/22 Budget Council resolved to make available \$12,500 (excluding GST), with two categories of Funding available - 'Essential Equipment' (up to \$2,000) and 'Travel & Training Assistance' (up to \$500).

#### Comment

For the 2021/2022 Community Funding program, the following eligible applications were received:

1. Yilgarn Motoring Enthusiast applied for \$2,000 to purchase six (6) gazebo's and sides to be utilised during events. Existing gazebos were found to be flimsy and unstable, with the new gazebo's believed to be a safer option.
2. Yilgarn Men's Shed Inc applied for \$2,000 to purchase two (2) x Milwaukee tool sets, one (1) Milwaukee circular saw and one (1) Milwaukee compact blower for use by members of the Men's Shed.
3. Southern Cross Motorcycle Club applied for \$2,000 for two (2) laptops with Microsoft and security software, for use by Secretary and Treasurer.
4. Moorine Rock Tennis Club applied for \$1,870 to purchase an Ipad, laptop, wifi hotspot and cases to support their square payment system and for general bookkeeping purposes.
5. Yilgarn Netball Association applied for \$2,000 for the purchase of a laptop and case for association secretary use, as well new dresses for the winter sports team for use during inter-district games.
6. Yilgarn Agricultural Society have applied for \$714 to purchase a Square Register for use during events to take payments.

7. Southern Cross Speedway applied for \$1,944 to purchase a laptop and printer for administrative purposes.
8. Mount Hampton Progress Association applied for \$1,376.49 to purchase new crockery, a vacuum cleaner, shelving and storage containers for use by members and hall users.

One application was received from the Southern Cross Aviators Inc, who sought \$2,000 for *“Pilot training for ab initio and conversion training for different aircraft types for student pilots and pilots holding RAA certificates (Recreational Aviation of Australia)”* with reasoning being *“for the benefit of being able to organise and hopefully offer”*.

The application from the Southern Cross Aviators Inc is to be denied due to it not meeting the relevant criteria, mainly, training is not for local officials or office bearers.

Copies of the applications received will be tabled at the Council meeting.

The total of funds required for all applications to be awarded is \$13,904.49 and whilst only \$12,500 is budgeted, it is deemed appropriate to allow all applications to receive their desired funds.

### **Statutory Environment**

Nil.

### **Strategic Implications**

#### **2020-2030 Strategic Community Plan**

An Inclusive, Secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire  
- Provide support to local sport, recreation and community groups  
.

### **Policy Implications**

Council Policy Manual 2020 - 6.9 Community Funding Program.

### **Financial Implications**

Council has included \$12,500 in the 2020/21 Budget. The total of eligible applications received totals \$13,904.49.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Community groups suffer due to lack of equipment or funding	Moderate (6)	Funding available to assist local clubs
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

## Officer Recommendation

*That Council*

*Approves the following grants from the Community Funding Program for the 2021/2022 financial year:-*

<i><b>Applicant</b></i>	<i><b>Equipment / item</b></i>	<i><b>Amount</b></i>
<i><b>Yilgarn Motoring Enthusiasts</b></i>	<i><b>Six (6) new gazebos.</b></i>	<i><b>\$2,000.00</b></i>
<i><b>Yilgarn Men's Shed Inc</b></i>	<i><b>Milwaukee tool sets, circular saw and compact blower.</b></i>	<i><b>\$2,000.00</b></i>
<i><b>Southern Cross Motorcycle Club</b></i>	<i><b>Two (2) laptops with Windows and security software.</b></i>	<i><b>\$2,000.00</b></i>
<i><b>Moorine Rock Tennis Club</b></i>	<i><b>Ipad, laptop, wifi hotspot, cases</b></i>	<i><b>\$1,870.00</b></i>
<i><b>Yilgarn Netball Association</b></i>	<i><b>Laptop, case and new netball dresses.</b></i>	<i><b>\$2,000.00</b></i>
<i><b>Yilgarn Agricultural Society</b></i>	<i><b>Square register payment system</b></i>	<i><b>\$714.00</b></i>
<i><b>Southern Cross Speedway</b></i>	<i><b>Laptop and printer</b></i>	<i><b>\$1,944.00</b></i>
<i><b>Mount Hampton Progress Association</b></i>	<i><b>Crockery, vacuum cleaner, shelving and storage containers</b></i>	<i><b>\$1,376.49</b></i>

*And*

*Endorses the total expenditure of \$13,904.49, noting it is \$1,404.49 over the originally budgeted amount.*

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Extraordinary Election

<b>File Reference</b>	<b>2.2.1</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 advise Council of the results from the call of nominations for the Shire of Yilgarn extraordinary election.

### Background

At the October 2021 Ordinary Council meeting, Councillors were made aware that during the 2021 ordinary election process, the Shire of Yilgarn had four Councillor vacancies to fill, with only three nominations received.

In order to fill the remaining vacancy, an extraordinary election was to be conducted, with the following motion being carried at the October 2021 Council meeting:

**194/2021**

**Moved Cr Cobden/Seconded Cr Close**

**That Council:**

- 1. Note the requirement to hold an extraordinary election and note the Electoral Commission, as per Section 4.9 of the Local Government Act 1995, will set a date for the poll to be conducted that allows enough time for the electoral requirements to be complied with;**
- 2. Endorse the Chief Executive Officer as Returning Officer for the next extraordinary election;**
- 3. Endorse holding the extraordinary election as a voting in person election.**
- 4. Endorse the CEO's intentions to seek the Electoral Commissions approval to use the same residents roll prepared for the 2021 Local Government Ordinary Elections.**

**CARRIED (6/0)**

Upon the Council resolution, the CEO wrote to the Electoral Commissioner on the 22 October 2021, to advise of the Council resolution, and seek the Commissioners approval to utilise the existing residents roll compiled for the 2021 ordinary election, and seeking to set the date for the election.

On the 25 October 2021, the Electoral Commission advised that the existing residents roll was approved for use and set the date of the election for the 18 December 2021.

As per statutory requirements, state-wide advertising of the call for nominations was to be conducted after the 9 October 2021 and prior to 3 November 2021. State-wide public notice

of the call for nominations was undertaken via the West Australian Newspaper on the 28 October 2021, in addition to adverts placed on the Shire's website and Facebook page.

Nominations opened on the 4 November 2021, and closed at 4:00pm on the 11<sup>th</sup> November 2021.

As at 4:00pm, 11 November 2021, the returning officer declared there were no nominations received.

In relation to the process to follow upon receiving fewer nominations than positions post an extraordinary election, the Local Government Act 1995 (the Act) states:

*4.57. Less candidates than vacancies*

- (1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*
- (2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —*
  - a. the candidate or candidates is or are elected; and*
  - b. an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.*
- (3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint\* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

*\* Absolute majority required.*
- (4) A person appointed under subsection (3) is to be regarded as having been elected.*

### Comment

As per Clause 4.57(3) of the Act, Council may appoint, via absolute majority, a person who is eligible to be a candidate for election to the office and who is willing to accept the appointment.

Councillors are requested to approach members of the community whom are eligible to hold the office of a Councillor, whom they believe would serve the community well as a Councillor and whom is willing to accept the position.

Council can then appoint the chosen person to fill the remaining vacancy at a future Council meeting.

### Statutory Environment

Local Government Act 1995.

### 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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Failure to adhere to LG Act requirements	Low (3)	Requirements of the Act followed
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

## Officer Recommendation

### *That Council:*

- 1. Note that at the close of nominations at 4:00pm, 11 November 2021, for the 2021 Shire of Yilgarn Extraordinary Election, which was held to fill one (1) vacancy, there were no nominations received.*
- 2. Note as per Clause 4.57(3) of the Local Government Act 1995, that if at the close of nominations for an extraordinary election there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint, via absolute majority, to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*
- 3. Undertake to canvas the community to find a person suitable and willing for the role, to be appointed at a future Council meeting.*

## 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 31 October 2021.

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

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

#### Comment

Nil

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

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

#### **Strategic Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

### Risk Implications

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

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

### Officer Recommendation

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

## 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 41075 to 41080 totalling \$4,171.00
- Municipal Fund- EFT Numbers 11862 to 11965 totalling \$986,795.80
- Municipal Fund – Cheque Numbers 1799 to 1815 totalling \$242,735.81
- Municipal Fund Direct Debit Numbers 16194.1 to 16194.11 totalling \$20,659.73
- Municipal Fund Direct Debit Numbers 16266.1 to 16266.11 totalling \$20,876.27
- Trust Fund - Cheque Numbers 402608 to 402612, totalling \$807.70

The above 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 fund

### 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

- *Municipal Fund – Cheque Numbers 41075 to 41080 totalling \$4,171.00*
- *Municipal Fund- EFT Numbers 11862 to 11965 totalling \$986,795.80*
- *Municipal Fund – Cheque Numbers 1799 to 1815 totalling \$242,735.81*
- *Municipal Fund Direct Debit Numbers 16194.1 to 16194.11 totalling \$20,659.73*
- *Municipal Fund Direct Debit Numbers 16266.1 to 16266.11 totalling \$20,876.27*
- *Trust Fund - Cheque Numbers 402608 to 402612, totalling \$807.70*

*The above are presented for endorsement as per the submitted list.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Records Management Policy

<b>File Reference</b>	<b>2.3.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Records Management Policy &amp; Guidelines</b>

#### Purpose of Report

Requests Councils endorsement of a new policy relating to the management of Councils corporate records.

#### Background

The *State Records Act 2000* requires Council to maintain a Record Keeping Plan (RKP) and have that plan reviewed every five (5) years. Councils current RKP was due for review in 2020. WEROC commissioned a consultant, Information Enterprises Australia Pty Ltd, to undertake a review of member Councils RKP's in mid-2019 and a "*Record Keeping Policies and Procedures Review Report*" for the Shire of Yilgarn was received in December of that year.

At the time, the intent was to have the recommendations incorporated in the consultant's review report progressively implemented in the early months of 2020 with an updated and finalised RKP forwarded to the State Records Office (SRO) for endorsement prior to the end of the 2019/2020 financial year.

With the start of the COVID-19 pandemic in early 2020 and the subsequent uncertainties this caused, this review and update process was not carried out. As a result, the SRO have allowed an extension to the RKP review and endorsement deadline until June 2022.

#### Comment

The "*Record Keeping Policies and Procedures Review Report*" received from Information Enterprises Australia Pty Ltd was commissioned to assess and address the compliance of Council's current RKP which was produced in 2015, against the principles included in the *State Records Principles and Standards 2002* regulations of the *State Records Act 2000*, being:

- Principle 2 – Policies & Procedures;
- Principle 3 – Language Control;
- Principle 4 – Preservation;
- Principle 5 – Retention & Disposal; and
- Principle 6 – Compliance

The key findings of the report are:

1. Record keeping policies and procedures have not been reviewed and updated to reflect contemporary record keeping practices;
2. There is limited training in record keeping responsibilities and practices;
3. There is inadequate monitoring of records keeping systems, practices and staff compliance to record keeping policies and procedures;
4. Annual reporting on records keeping activities does not meet the compliance requirements of *Principle 6 – Compliance*;
5. Disaster preparedness for records is lacking; and
6. Records are not disposed of on a regular basis.

This report is intended to adequately resolve point one (1) of the key findings list and go some of the way to resolving point two (2).

With the exception of point five (5), the remaining items are procedural in nature and should not require Council's involvement to act, point five (5) however will require Council to adopt either a records specific disaster recovery plan or an organisation wide disaster recovery plan that incorporates records. It is intended that this/these plan/s will be presented to Council early in the 2022 calendar year.

## **Statutory Environment**

### Local Government Act 1995

#### **2.7. Role of council**

- (1) The council —
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

*[Section 2.7 amended: No. 17 of 2009 s. 4.]*

### State Records Act 2000

#### **28. Review of plans**

- (1) A government organization may review its record keeping plan at any time.
- (2) A government organization must review its record keeping plan whenever there is any significant change to the organization's functions.
- (3) The Commission may require a government organization, other than a Schedule 3 organization, to review its record keeping plan.
- (4) The relevant Minister may require a Schedule 3 organization to review its record keeping plan.

- (5) Not more than 5 years is to elapse between the approval of a government organization's record keeping plan and a review of it or between one review and another.
- (6) When a government organization, other than the Commission or a Schedule 3 organization, has reviewed its record keeping plan it must submit a report of the review to the Commission.
- (7) When a Schedule 3 organization has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.

*State Records Principles and Standards 2002*

**Principle 2—Policies and Procedures**

**Government organizations ensure that record keeping programs are supported by policy and procedures.**

**Rationale**

A government organization's record keeping program is to be compliant with legislative requirements. It should be reliable, systematic and well managed within a framework for consistent and accountable implementation. To achieve this, policies and procedures governing record keeping matters in the organization should be in place.

A record keeping policy, in the form of one or more identifiable policy statements, should be authorized at an appropriate senior level, promulgated throughout the organization, and be available to all employees.

Record keeping policy statements should be comprehensive and provide the framework for underlying procedures. They should emphasize the corporate ownership of government records; that all records are corporate assets and as such, do not belong to individual employees. They should formally define the roles and responsibilities of all employees who manage or perform record keeping processes. Most importantly, they should establish an official position on the making and keeping of proper and adequate records of the organization's business activities.

Standard operating procedures for all staff to follow when carrying out record keeping tasks should be in accordance with the organization's record keeping policy and be based on best-practice standards.

**Minimum Compliance Requirements**

The record keeping plan must provide evidence to adduce that—

1. Policies and standard operating procedures governing record keeping in the organization are established, authorized at an appropriate senior level, and are available to all employees.
2. The policies and procedures define the roles and responsibilities of all employees who manage or perform record keeping processes.
3. The policies take into account relevant government policy and endorsed standards for the making and keeping of proper and adequate records.

4. The policies and procedures cover records in all formats and all aspects of their management, including—
  - creation of records;
  - capture and control of records;
  - security and protection of records;
  - access to records; and
  - appraisal, retention and disposal of records.
5. The organizational scope of the policies and procedures has been addressed, i.e. whether they are applicable to the entire organization, including divisions, regional branches and offices, and outsourced contractors.
6. The custodianship and management of government records has been addressed in regard to organizational restructures, the transfer of an organization's functions, the creation of new business units or the devolution of authority for managing government records.

The recommendation that follows is consistent with the legislative requirements.

### **Strategic Implications**

#### Strategic Goal

Civic Leadership Objective – Dynamic and visionary leadership guiding our community into the future.

#### Strategic Outcome

Civic Leadership Outcome 4.1 - A trustworthy and cohesive Council that functions efficiently and effectively.

#### Strategy

4.1.1 - Ensure compliance whilst embracing innovation and best practice principles.

4.1.2 - Maintain a high level of corporate governance, responsibility and accountability.

### **Policy Implications**

New Policy

### **Financial Implications**

Nil

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with State Records Act 2000 and associated Regulations	High (15)	Adopt Records Management Policy & associated Guidelines
Reputational	Demonstration of good governance	High (15)	Adopt Records Management Policy & associated Guidelines
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### Officer Recommendation

*That Council endorses the inclusion of new policy “Records Management” and its associated Staff and Councillor Guidelines in the Council Policy Manual.*

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Budget Amendment – Refuse site operations

<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>Nil</b>

#### Purpose of Report

Request Council to approve an amendment to the 2021/2022 Budget for superannuation owed to the operator of the Southern Cross refuse site.

#### Background

In certain industries, there has been a pervasive practice to categorize workers as contractors instead of employees, as the Superannuation Administration Guarantee Act 1997 (the Act), in its original form, only mandated superannuation to be paid to “employees”. As a result, there is substantial legal precedent regarding who is considered an “employee” for the purposes of employer superannuation guarantee.

Accordingly, for superannuation purposes, an “employee” is prescribed as any natural person that is engaged principally for their labour in a relationship that is substantially that of an employer and employee.

This is relevant to Council, as the Shire has engaged a contractor to act as the attendant for the Southern Cross refuse site, following an accepted tender, on a three-year contract.

The ongoing reality of the relationship between the Shire and the contractor has been substantially that of an employer and employee, on the basis of:

- Council ultimately being in control of the work done by contractor
- the contractor being paid without producing a specific, measurable result
- the contractor being paid principally for their labour
- the assets that the contractor uses to do their job are provided by Council
- the contractor being unable to sub-contract any work
- Council having full discretion as to whether or not the contractor may have employees
- the contractor’s risk being very limited.

This means that the Shire, as the employer, is liable for superannuation on the contractor’s Ordinary Times Earnings (normal/regular wages) under the Act, and the associated late payment interest and penalties.

## Comment

Determining if the substance of a relationship with a contractor is that of an employer and employee is done using the factors noted above, which ultimately serve to differentiate between legitimate commercial arrangements between businesses and arrangements with individuals simply contracted for labour.

Note that, in this situation, the employer/employee relationship only exists in relation to the contractor's capacity as the attendant of the refuse site and not work done by the contractor in any other capacity.

Further, it should be noted that the Act prescribes punitive interest rates (10% per annum) to be paid by the employer on unpaid superannuation, and that the interest accrues retroactively.

Accordingly, council is liable for superannuation, interest and fees on payments to the contractor since June 2018, which can be summarised as follows:

Type of expense	Amount
Superannuation	\$18,590.25
Interest*	\$3,465.38
Administration fees	\$280.00
<b>Total</b>	<b>\$22,335.63</b>

*\*\*interest will continue to accrue until the outstanding superannuation is reported and paid to the Australian Taxation Office (ATO).*

It should be noted that the unpaid superannuation is being voluntarily disclosed to the ATO after the non-compliance has been detected by management. Accordingly, it is unlikely that the ATO will raise any additional interest or penalties; although the ATO has the discretion to do so.

It should be further noted by Council that the contract with the landfill attendant expired as of 5 November 2021; the new contract will account for the additional cost of superannuation.

## Statutory Environment

### Superannuation Guarantee Administration Act 1997

#### **Part 2, Section 12 - Interpretation: employee, employer**

- (1) Subject to this section, in this Act, **employee** and **employer** have their ordinary meaning. However, for the purposes of this Act, subsections (2) to (11):

- expand the meaning of those terms; and
- make particular provision to avoid doubt as to the status of certain persons.

- (3) If a person works under a contract that is wholly or principally for the labour of the person, the person is an employee of the other party to the contract.

### **Part 3A, Section 46 - When superannuation guarantee charge becomes payable**

(1) Superannuation guarantee charge for a quarter is payable:

- (a) if, on or before the lodgement day for the quarter, the employer lodges a superannuation guarantee statement or a statement under section 34 indicating a superannuation guarantee shortfall for that quarter—on the lodgement day; or
- (b) if, after the lodgement day, the employer lodges a superannuation guarantee statement or a statement under section 34 indicating a superannuation guarantee shortfall for that quarter—on the day on which the statement is lodged.

### **Part 3, Section 31 – Nominal interest component**

The nominal interest component in relation to an employer for a quarter is the amount that would accrue by way of interest on the total of the employer's individual superannuation guarantee shortfalls for the quarter if interest were calculated at the rate applicable under the regulations for the purposes of this subsection from the beginning of the quarter in question until the date on which superannuation guarantee charge in relation to the total would be payable under this Act.

#### *Superannuation Guarantee Ruling 2005/1 (Ruling):*

10. The classification of a person as an employee for the purposes of the SGAA (*Superannuation Guarantee Administration Act 1997*) is not solely dependent upon the existence of a common law employment relationship. While the definition includes persons who at common law would be regarded as employees, it also extends to:
- a person who is entitled to payment for the performance of duties as a member of the executive body of a body corporate (subsection 12(2));
  - a person who works under a contract that is wholly or principally for the labour of the person (subsection 12(3)) (see paragraph 11).
11. For the purposes of subsection 12(3), where the terms of the contract in light of the subsequent conduct of the parties indicate that:
- the individual is remunerated (either wholly or principally) for their personal labour and skills;
  - the individual must perform the contractual work personally (there is no right of delegation); and
  - the individual is not paid to achieve a result.

the contract is considered to be wholly or principally for the labour of the individual engaged and he or she will be an employee under that subsection.

Local Government Act 1995

**6.8. Expenditure from municipal fund not included in annual budget**

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

*\* Absolute majority required.*

The recommendation that follows is consistent with the legislative requirements.

**Strategic Implications**

Strategic goal

Environmental objective – protecting, utilizing and enhancing our beautiful natural heritage

Strategic outcome

Environmental outcome 3.1 – satisfaction with waste management service and recycling process

Strategy

3.1.1 – Establish and maintain environmentally sound regional waste facilities to cater for the Shire's long-term waste disposal requirements.

**Policy Implications**

Nil

**Financial Implications**

Additional expenditure on the Southern Cross refuse site that originally budgeted for the year ended 30 June 2022.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Compliance audit imposing additional penalties	Moderate (6)	Voluntarily disclose non-compliance; pay superannuation guarantee charge to ATO.
Service Interruption	Potential loss of site operator	High (16)	Inform operator and pay superannuation
Compliance	Non-compliance with employer superannuation obligations	Extreme (20)	Voluntarily disclose non-compliance.
Reputational	Damaged perception within local community	Moderate (9)	Inform operator and pay superannuation
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

## Officer Recommendation

*That Council approves the following budget amendments:*

<i>Sub-Program</i>	<i>Account / Job</i>	<i>Current Budget \$</i>	<i>Amended Budget \$</i>
<u>Expenditure</u>			
101. Sanitation - Household	E10112 - SX Refuse Site -Maintenance	215,958	240,000

## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Development Application – 15 Antares Street, Southern Cross – Caretaker's Dwelling At Existing Commercial Building

<b>File Reference</b>	9.4.1
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Internal Layout Plan/Aerial Image

#### Purpose of Report

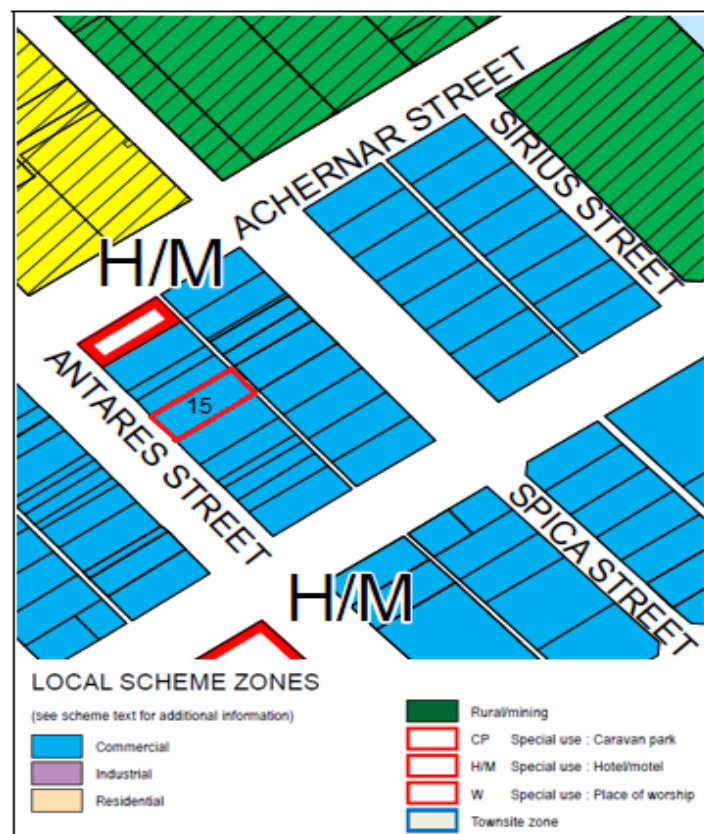
To consider a Development Application for a caretaker's dwelling to be constructed within the existing commercial premises located at 15 Antares Street, Southern Cross.

#### Background

The Shire is in receipt of a Development Application, seeking approval to convert the rear portion of 15 Antares Street into a caretaker's dwelling.

The property the application relates to is 15 Antares Street Southern Cross (the Property), and is currently zoned "Commercial" under the Shire of Yilgarn Town Planning Scheme 2 (TPS2). The property was previously occupied by Westpac Bank and has been vacant for several years.

The owner believes that on site accommodation will improve the marketability of the property and may appeal to someone wishing to operate a business whilst residing on site.



The TPS2 defines Commercial zoned land as:

*“The Commercial Zone is to be used for retail shopping, sales, hotels, offices, professional suites, restaurants and other business oriented uses. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the commercial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.”*

The building currently housed on the lot is zoned commercial. The “Zoning Tables” in the TPS2 specifies the uses permitted in various zones. The permissibility of any use is determined by cross reference between the list of classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

**TABLE 1 - ZONING TABLE**

		ZONES					
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
USE CLASSES							
1	Ancillary Accommodation	AA				AA	AA
2	Aged & Dependent Persons Dwelling	AA				AA	
3	Caravan Park						
4	Caretaker's Dwelling	P	AA	AA		AA	AA

Council is advised that the proposal meets the objectives of the scheme and the current Shire of Yilgarn Strategic –Community Plan 2016 -2026. The Plan states as an economic strategy “The Shire continue to provide an efficient and effective approval process” and “Support initiatives progressed by the local business community.”

#### Comment

Given that the “Zoning Table” categorises the application into AA use, Council has the ability to either approve or reject the application.

The application involves converting the existing rear portion of the building into a single bedroom caretaker's dwelling. The proposed development will be constructed within the footprint of the existing building. The only additional structure included in this application is a 6 m x 3 m shade awning attached to the rear portion of the building.

The proposed development will not alter the street appearance of the building as all activities associated with the development are confined to the rear of the property.

It is the reporting officer's opinion that the proposed caretaker dwelling subject to conditions, will have low impact on existing businesses.

## **Statutory Environment**

### ***SHIRE OF YILGARN TOWN PLANNING SCHEME 2***

#### ***PART III – ZONES***

##### ***3.2 ZONING TABLE***

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

#### ***PART VI - USE AND DEVELOPMENT OF LAND***

##### ***6.5 MATTERS TO BE CONSIDERED BY COUNCIL***

6.5.1 The Council in considering an application for planning approval shall have due regard to the following:

- a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- b) any relevant proposed new town planning scheme of the Council or amendment; insofar as it can be regarded as seriously entertained planning proposals;
- c) any approved Statement of Planning Policy of the Commission;
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.6 of this Scheme;
- f) the preservation of any object or place of heritage significance;
- g) the requirements of orderly and proper planning;
- h) the preservation of the amenities of locality;
- i) any other planning considerations which the Council considers relevant;
- j) any relevant submissions or objections received on the application.

### Strategic Implications

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

### Policy Implications

Nil

### Financial Implications

Applicable Development Application fees

### Risk Implications

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

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation


*That Council approve the proposed development for 15 Antares Street, Southern Cross, which seeks to incorporate caretaker's accommodation into the current "commercial" use to enable prospective business owners or employees to reside on site in conjunction with operating a business, subject to the following conditions;*


- *The caretaker's accommodation is to be contained within the footprint of the existing building and any internal alterations are to be referred to the Shire for approval prior to any works taking place ;*
- *No major maintenance or repair works are to be undertaken at the premises which may create a noise, odour, dust or vibrations nuisance to neighbouring properties;*
- *Vehicular access to the caretakers dwelling is restricted to rear lane access only.*
- *The accommodation is to be used in conjunction with operating a business on site.*

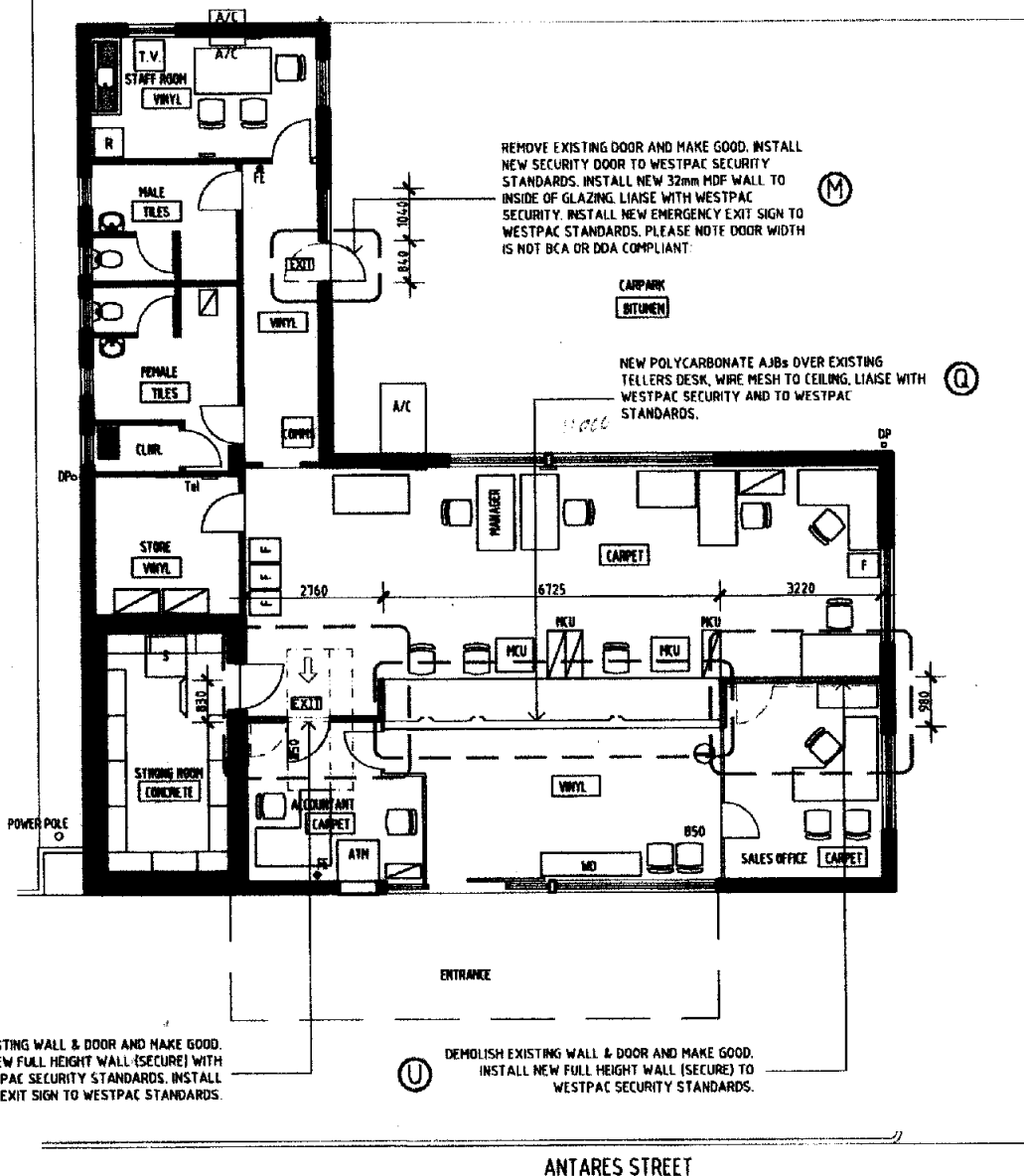
## 15 ANTARES STREET

Aerial Image Showing Proposed Caretaker's Accommodation & Shade Awning



 - Caretaker's Dwelling

 - Shade Awning



**PAINT SCHEDULE:**  
WESTPAC STANDARDS  
NEW WORKS WALL COLOUR TO BE  
DULUX 'VIVID WHITE' PW11H9

**LEGEND**

COL	COLUMN
S	SAFE
R	REFRIGERATOR
FE	FIRE EXTINGUISHER
DP	DOWNPIPE
MSB	MAIN SWITCH BOARD
CCTV	CLOSED CIRCUIT TV
SV	NETWORK SERVER
FG	FULL HEIGHT GLAZING
RED	BUSINESS EXPRESS DEPOSIT
RC	COINUS RACK CABINET
WD	WRITE UP DESK
FLC	FILE CABINET
ILL	ILLUMINATED EXIT SIGNS
FE	FIRE EXTINGUISHERS

PLEASE NOTE: ALL DIMENSIONS ARE NOMINAL.

CONTRACTOR to check all Dimensions on Site prior to commencing construction. DO NOT SCALE FROM ONE DRAWING. Use Given Dimensions.

**REVISION**

Date	No.	Description	By
24.01.07	A	ISSUED FOR CLIENT REVIEW	AL
12.02.07	B	TURNED FOR CLIENT REVIEW	AL

**NOTES**

NOT	SCOPE OF WORK	
A	AUTO ENTRY SYSTEM	
B	INTERCOM SYSTEM	
C	TOILET	
D	220-240V POWER	
E	ENTRY RAMP	
F	NEW WORK SYSTEM	
G	WALL COVERING	
H	GLASSING OVERHEAD	
I	GLASS OVERHEAD	
J	GLASS OVERHEAD	
K	GLASSING OVERHEAD	
L	GLASSING OVERHEAD	
M	GLASSING OVERHEAD	
N	GLASSING OVERHEAD	
O	GLASSING OVERHEAD	
P	GLASSING OVERHEAD	
Q	GLASSING OVERHEAD	
R	GLASSING OVERHEAD	
S	GLASSING OVERHEAD	
T	GLASSING OVERHEAD	
U	GLASSING OVERHEAD	
V	GLASSING OVERHEAD	
W	GLASSING OVERHEAD	
X	GLASSING OVERHEAD	

**GHD** CLIENTS | PEOPLE | PERFORMANCE

GHD Home, 220 Adelaide Terrace, Perth WA 6000 Australia  
T 61 8 9232 8222 F 61 8 9222 8000  
E perth@ghd.com.au W www.ghd.com.au

GHD Certificate of Use.  
"This document may only be used for the purpose for which it was developed & is not to be used in any other way without the written consent of GHD."

Client  
**Westpac**

Retail Property  
Level 31, 270 Kent Street, Sydney NSW 2000  
Telephone: (02) 8254 1138

Project  
**WESTPAC RETAIL SOUTHERN CROSS**

Address  
**15 ANTARES ST SOUTHERN CROSS**

Drawing Title  
**CONCEPT FLOOR PLAN**

Drawn 15.01.07  
Scale 1:100 (A3)  
Drawn AL  
Checked KA  
Plot Date  
Property No  
Job No. 6118973  
File Name  
Issue B  
SK01

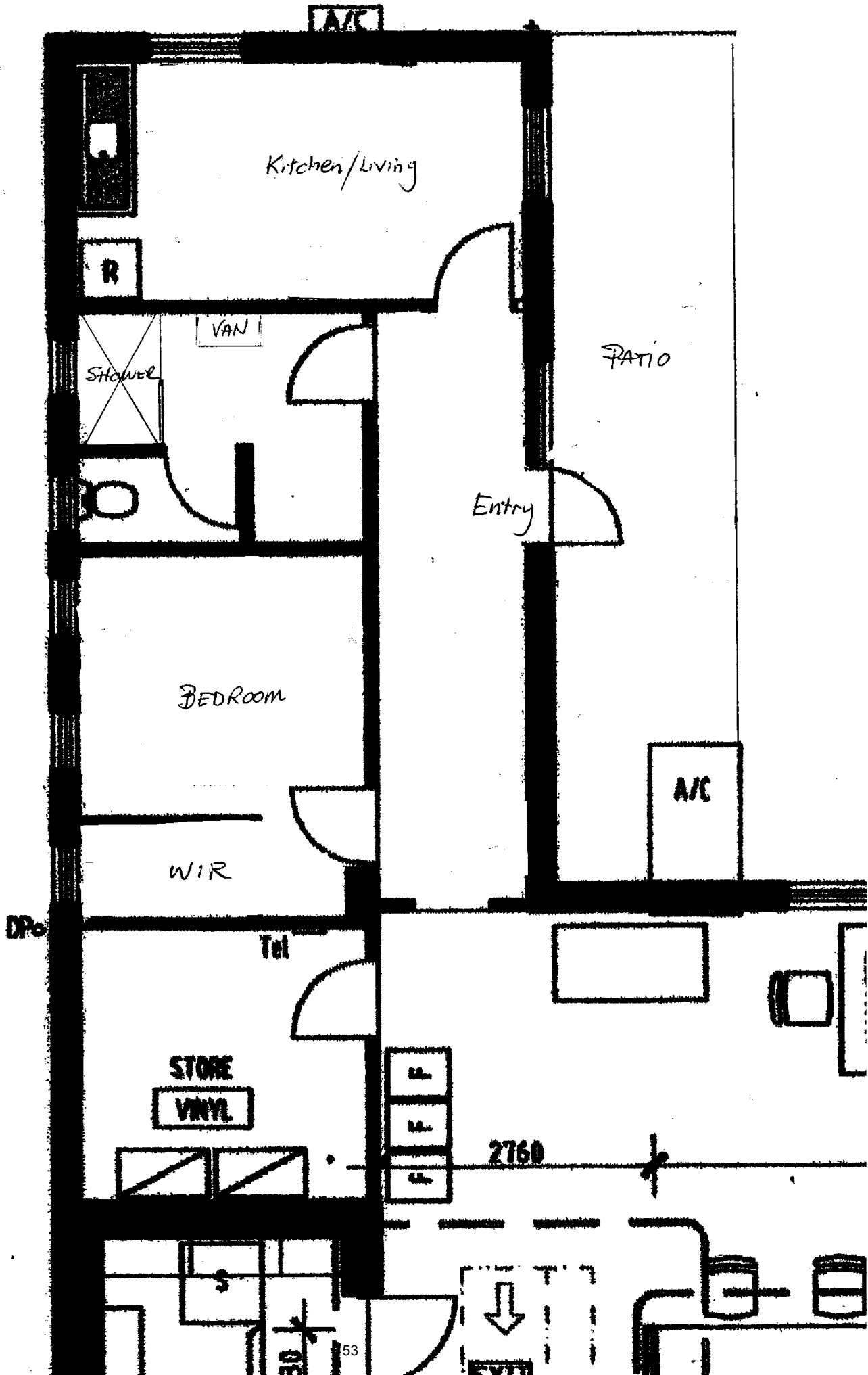
**General Notes**

- Do Not Scale Drawing
- All Dimensions To Be Checked On Site Prior To Construction
- Designer To Be Notified Of Any Discrepancy Prior To Construction
- Contractor To Ensure All Work Complies With Relevant Codes
- This drawing describes the design intent for the extent of the works, and shall be read in conjunction with all other drawings in the set. The design takes no account for the methods, techniques, skills, experience and ability of the contractor / supplier. It is the responsibility of the contractor / supplier of the works to ensure its performance with regards to structural adequacy, integrity, stability and fitness for purpose, with particular regard to the environment within which it will be located, whilst ensuring the design intent is maintained at all times.
- The contractor / supplier shall have with, prepare and provide the Project Architect / Designer with shop drawings where necessary, to ensure the design intent is understood and maintained, prior to the commencement of the works, for approval by the Project Architect / Designer.

SIGN OFF CHECK BOX (INITIAL & DATE)

BUSINESS		RETAIL PROPERTY		SECURITY	
BRAND		OHES		ATH	

PLAN "B"



## 9.4 Reporting Officer– Executive Manager Regulatory Services

### 9.4.2 Proposal to Amend Management Order (Reserve 2863) – Request for Comment

<b>File Reference</b>	<b>9.4.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>- Aerial Map</b> <b>- Tenure Map</b>

#### Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage – Lands Division, regarding a proposal to amend the management order over reserve 2863 to include the purpose of "Pipeline" granting power to lease or licence for a term not exceeding 21 years, Lot 375 and 1447 shown on Deposited Plan 77656 within the Shire of Yilgarn.

#### Background

The Shire has received email correspondence from the Department of Planning, Lands and Heritage – Lands Division, which states:

***PROPOSAL TO AMEND THE MANAGEMENT ORDER OVER RESERVE 2863 TO INCLUDE THE PURPOSE OF “ PIPELINE” GRANTING POWER TO LEASE/LICENCE FOR A TERM NOT EXCEEDING 21 YEARS TO WATER CORPORATION.***

*The Department of Planning, Lands and Heritage - Land Use Management has received a request from Water Corp proposing an amendment to the Management Order over reserve 2863 to include the purpose of "Pipeline" granting power to lease or licence for a term not exceeding 21 years, Lot 375 and 1447 shown on Deposited Plan 77656.*

*I have attached Tenure Maps and Aerial Image for your information and reference.*

*To facilitate this request further, please advise of any objections or comments that the Shire of Yilgarn may have regarding Water Corps request.*

#### Comment

Although limited information has been provided, Water Corporation currently maintain infrastructure within the reserve as the existing pipeline runs through the reserve.

Amending the management order serves to formalise the existing arrangement which is currently in place and has no impact on the Shire.

## Statutory Environment

Water Services Act 2012

## Strategic Implications

### Goal

A prosperous future for our community.

### Outcome

Businesses in the Shire remain competitive and viable.

### Strategy

Continue to provide an efficient and effective approval process.

## Policy Implications

Nil

## Financial Implications

Nil

## Risk Implications

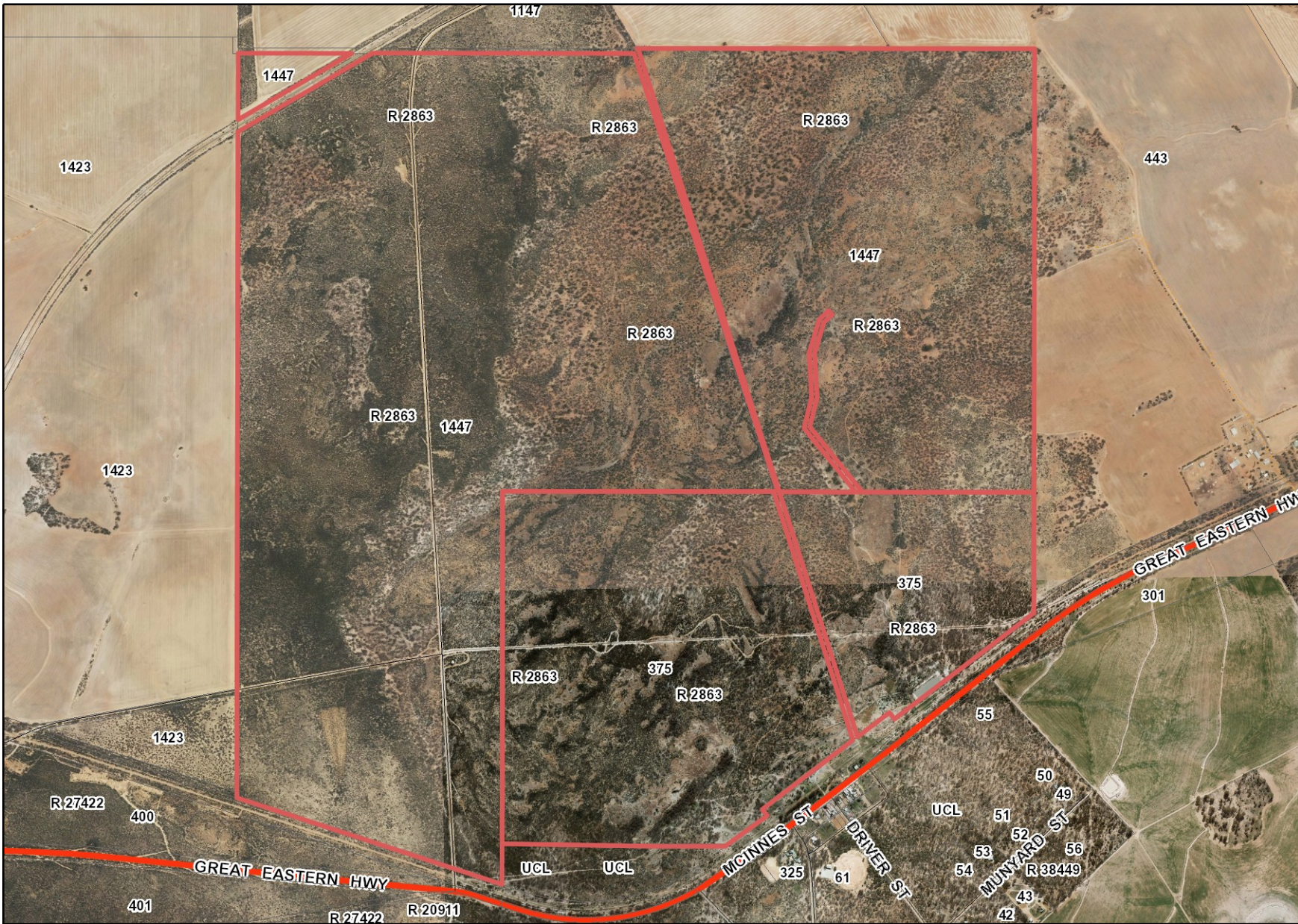
Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with current environmental legislation.	Moderate 6	Assessment and Approval Processes
Reputational	Nil	Nil	Nil
Property	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

*Council endorse the following response to the Department of Planning, Lands and Heritage – Lands Division:*

*The Shire of Yilgarn have no objection to the proposal to amend the management order over reserve 2863 to include the purpose of "Pipeline" granting power to lease or licence for a term not exceeding 21 years.*



Department of Planning,  
Lands and Heritage

## Legend

- ☐ Cadastre (View 1)
- Roads**
  - National Highway
  - Minor
  - Not Applicable

## Notes:

\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

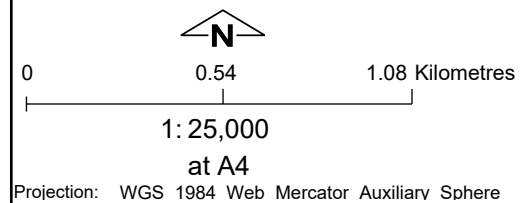
\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

## Aerial Map- Reserve 2863

**DPLH BUSINESS USE ONLY**

Internal Spatial Viewer

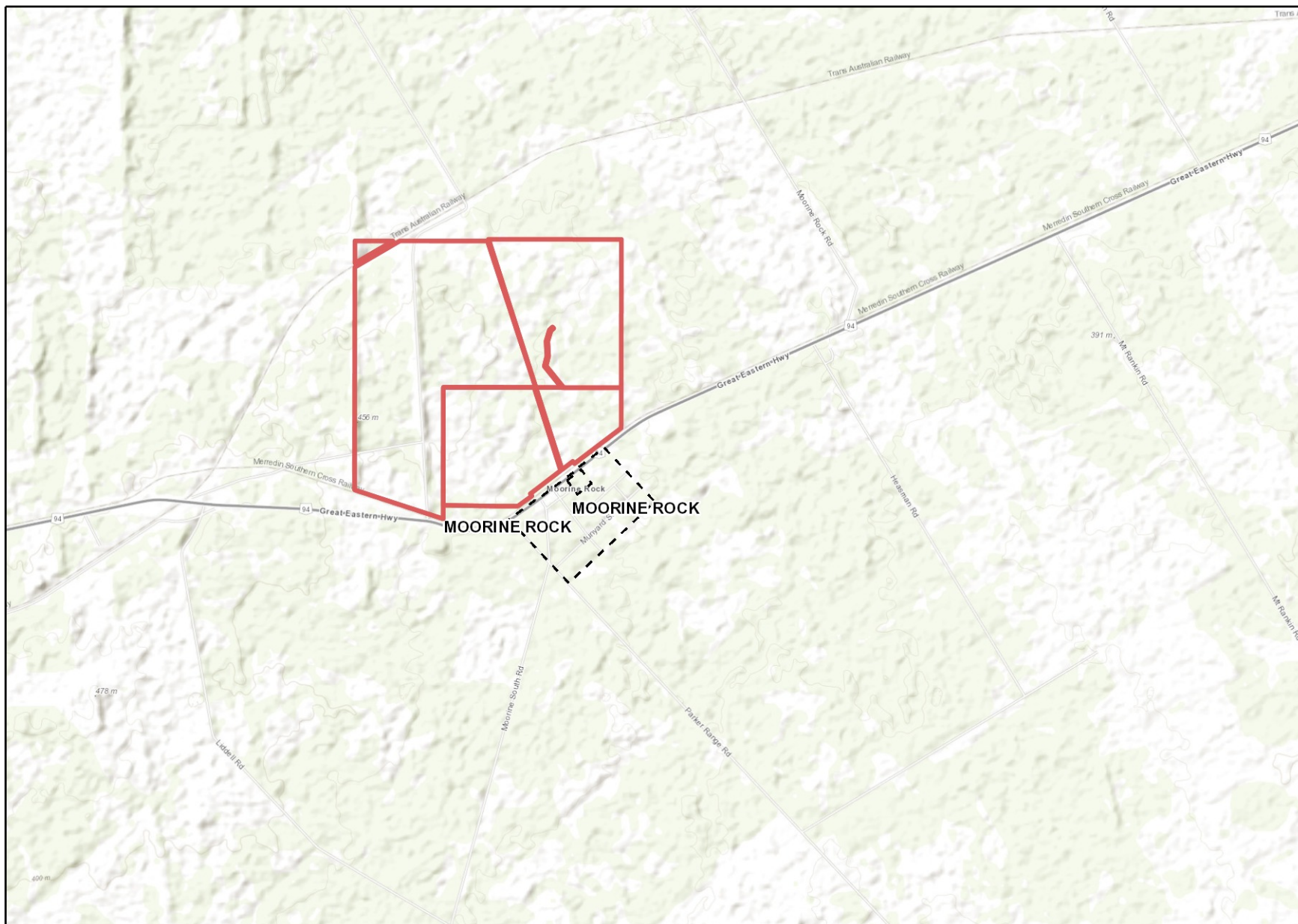


Date produced: 10-Aug-2021



## Legend

□ Townsites



## Map showing Reserve 2863 Outside Townsite Boundary

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



0 1.62 3.23 Kilometres

1: 75,000

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

## Notes:

\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Date produced:

10-Aug-2021



## Legend

Cadastral (View 2)

Lodged Layer

### Roads

National Highway

Minor

Track

Not Applicable

### Land Tenure Small Scale 256K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Unallocated Crown Land

Reserve

### Land Tenure Small Scale 64K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Railway

Public Road

Unallocated Crown Land

Lease

Reserve

### Land Tenure Small Scale 16K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Railway

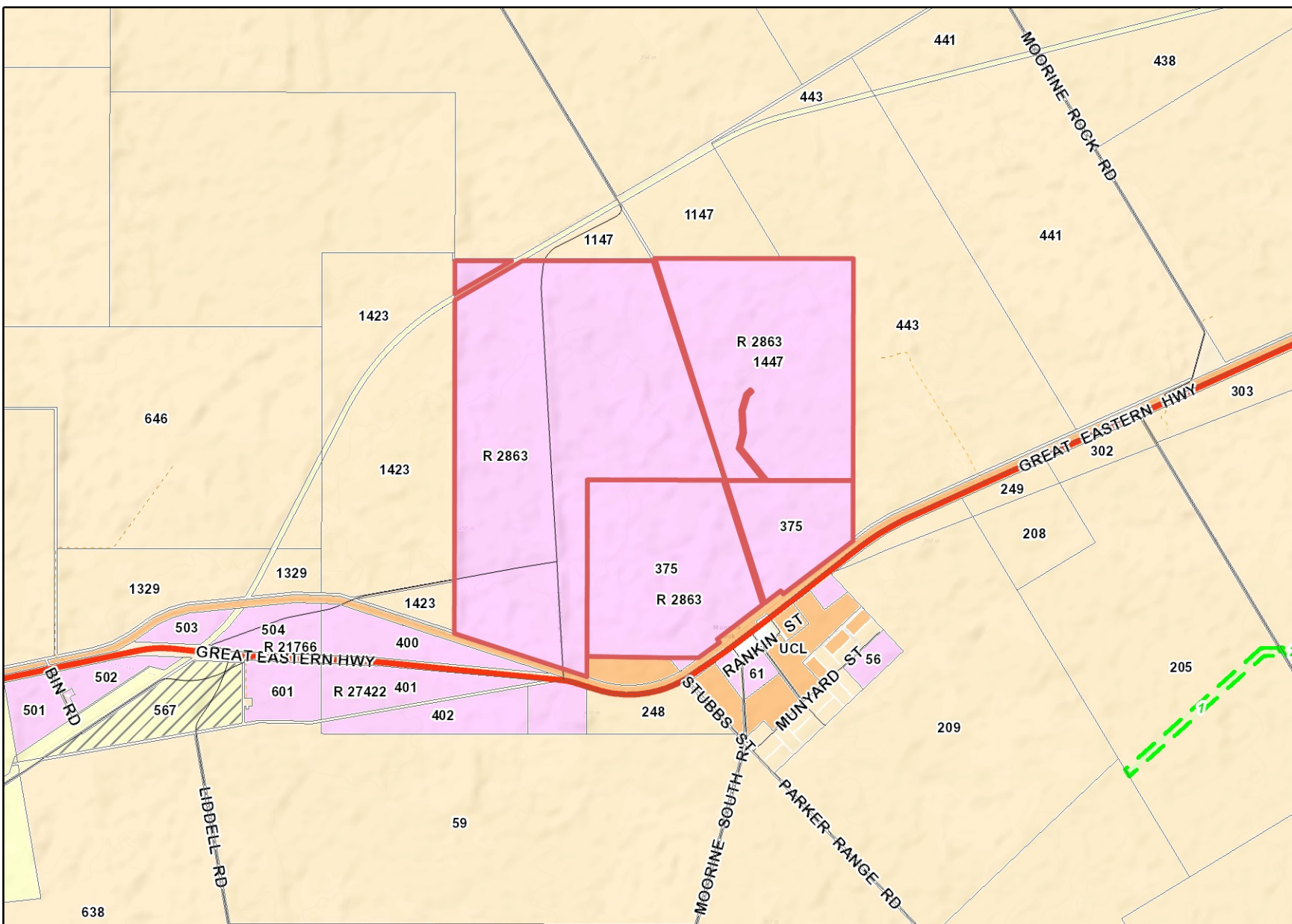
## Notes:

\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

Date produced: 10-Aug-2021



## Tenure Map- Reserve 2863

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



0 1.08 2.15 Kilometres

1: 50,000

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

**15 APPLICATION FOR LEAVE OF ABSENCE**

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

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

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

**Recommendation**

That the meeting be closed to the public in accordance with the Local Government Act 1995 s5.23 (2) (a)

**CONFIDENTIAL**

**13 Officers Report – Chief Executive Officer**

**13.1 Premier’s Australia Day Active Citizenship Awards**

<b>File Reference</b>	<b>1.3.6.2</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>CONFIDENTIAL</b>

**Purpose of Report**

To consider Premier’s Australia Day Active Citizenship Award nominations.

**Background**

Nominations for the following categories in the Premier’s Australia Day Active Citizenship Awards closed on Monday, 8 November 2021 in the following categories:

- a) Premier’s Australia Day Active Citizenship Award
- b) Premier’s Australia Day Active Citizenship Award for a person under 25 years
- c) Premier’s Australia Day Active Citizenship Award for a community group or event

**Comment**

Copies of the confidential nominations have been provided to Councillors for their consideration and to choose a worthy recipient/s, which will allow staff to request the Australia Day Council to prepare the certificate/s prior to the presentation on Tuesday, 26 January 2022.

**Statutory Environment**

Nil.

### 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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### Officer Recommendation

*That Council considers the nomination/s received for the Premier's Australia Day Awards.*

## 13 Officers Report – Chief Executive Officer

### 13.2 Chief Executive Officer Performance Criteria and Annual Appraisal Process

<b>File Reference</b>	<b>1.1.1.1 &amp; 1.1.10.107</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Draft CEO Performance Criteria and Annual Appraisal</b>

#### Purpose of Report

To present to Council, in accordance with the Chief Executive Officer's Contract of Employment, the proposed Performance Criteria and annual review process.

#### Background

As per section 4 of the Chief Executive Officers contract of employment it states:

#### 4.1 Performance Criteria

- (1) *The Performance Criteria is included at Appendix 1*
- (2) *The Performance Criteria must be reasonably achievable by You.*
- (3) *You must use every reasonable endeavour to comply with the Performance Criteria.*
- (4) *The Performance Criteria –*
  - (a) *must be reviewed annually by the parties; and*
  - (b) *may be amended, from time to time, by agreement in writing between the parties.*

#### 4.2 Performance Criteria and performance review

- Your performance under this Contract, must be reviewed and determined by the Reviewer –*
- (a) *by reference to the Performance Criteria;*
  - (b) *at least annually; and*
  - (c) *more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*

#### 4.3 Selection of Reviewer

- (1) *The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -*
  - (a) *who the Reviewer is to be; and*
  - (b) *whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) *For example, the Reviewer may be –*
  - (a) *the Council;*
  - (b) *a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or*
  - (c) *a person who is a HR professional who is agreed to by the Council to conduct the performance review.*

- (3) *For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in subclauses 4.3(1)(a), the Council is to make the relevant determination.*

The Performance Criteria listed in Appendix 1 includes, but is not limited to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to Councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

#### **Comment**

It is proposed that the full Council be determined as the "Reviewer" for all annual reviews under the contracted period.

The CEO has provided a draft Performance Criteria and Annual Appraisal process document for Councils consideration, feedback is welcomed and if there are any particular areas that Councillors would like to be included in the Criteria, these can be discussed at the Council meeting

#### **Statutory Environment**

CEO Contract of Employment

#### **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	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Contract of Employment and	Moderate (6)	Setting of annual review process in accordance with contract
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### Officer Recommendation

*That Council endorses the Chief Executive Officer's Performance Criteria and Annual Appraisal process in accordance with Section 4 of the CEO's Contract of Employment and determines the full Council will be Reviewers for the duration of the Chief Executive Officers contract period.*