



Minutes

Ordinary Meeting of Council

*16 December
2021*

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.05pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

Members

Cr W Della Bosca
Cr B Close
Cr J Cobden
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
	S Chambers	Executive Manager Regulatory Services
	B Forbes	Finance Manager
	L Della Bosca	Minute Taker

Apologies: Nil

Observers: Mrs. Kaye Crafter

Leave of Absence: Nil

4. DECLARATION OF INTEREST

The Chief Executive Officer declared an impartiality interest for item 9.1.2 relating to the local government reform responses as the reform references how Chief Executive Officer Key Performance Indicators might be handled into the future and changes to the role of a CEO.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice at the Ordinary Meeting of Council of 18 November 2021. Mrs Crafter was provided with a written response from the CEO on the 10 December 2021. The response from the Shire is recorded accordingly.

Question

Why is there no adequate easy access parking outside the Supermarket? I have observed that there is limited parking close to the supermarket and believe it would be beneficial to those of limited mobility to have, what is available, marked for priority use.

Cr Rose also noted that due to the gutter along the main street ramps are provided to help cross with shopping trolleys, however there are only two ramps close to the supermarket and both lead onto designated car parking spots leaving them hard access if a car is parked in the bay. Would it be beneficial to mark these spots as no parking?

Response

The Executive Manager Infrastructure Mr Glen Brigg along with the Chief Executive Officer, Mr. Nic Warren inspected the “commercial strip” of Antares Street in response to your question. Whilst there are accessible parking bays within the vicinity, it is agreed that that additional designated accessible parking bays on both sides of Antares Street are required. Designated trolley access points were also identified as being required.

Mr. Brigg has undertaken further assessments of the street and is now planning to install a number of designated accessible parking bays in multiple locations along Antares Street, and additional designated trolley access points near to the supermarket.

Mr. Brigg, will continue the designs and planning for this project, and will report to Council for endorsement in due course.

5.1. PUBLIC QUESTION TIME

Mrs. Kaye Crafter attended Public Question Time and posed the following Question;

Question

Can Council please get in touch with Main Roads regarding the hazardous curbing situated between the Great Eastern Highway and the Shell service station? It appears the curbing that is situated between the edge of the Great Eastern Highway and Shell Service Station court yard has, over time, been run over by heavy traffic braking up the curbing and leaving large chunks of concrete which are easy to see during the day and avoid but are less visible at night and may cause an incident and/or damage. Would it be possible to have these curbs painted for better visibility?

Answer

The Shire president passed to the CEO for comment. The CEO confirmed that Shire staff would take a look at the curbing to ensure immediate safety for traffic then pass along to Main Roads for a more permanent solution.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 18 November 2021

223/2021

Moved Cr Rose/Seconded Cr Cobden

That the minutes from the Ordinary Council Meeting held on the 18 November 2021 be confirmed as a true record of proceedings.

CARRIED (6/0)

6.2 Shire of Yilgarn Tourism Advisory Committee, Wednesday, 1 December 2021

224/2021

Moved Cr Cobden/Seconded Cr Rose

That the minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 1 December 2021 be received

CARRIED (6/0)

6.3 Westonia/Yilgarn Local Emergency Management Committee (LEMC), Thursday, 25 November 2021

225/2021

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the LEMC meeting held on the 25 November 2021 be received

CARRIED (6/0)

6.4 Wheatbelt East Regional Organisation of Councils Inc. (WEROC) Annual General Meeting, Monday, 22 November 2021

226/2021

Moved Cr Rose/Seconded Cr Close

That the minutes from the WEROC Annual General Meeting held on the 22 November 2021 be received

CARRIED (6/0)

6.5 Wheatbelt East Regional Organisation of Councils Inc. (WEROC) Board Meeting, Monday, 22 November 2021

227/2021

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the WEROC Board Meeting held on the 22 November 2021 be received

CARRIED (6/0)

6.6 Great Eastern Country Zone (GECZ), Monday, 22 November 2021

228/2021

Moved Cr Close /Seconded Cr Guerini

That the minutes from the GECZ Meeting held on the 22 November 2021 be received

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

Cr Della Bosca announce the following;

- Attended the WEROC Board meeting on the 22 November 2021
- Attended the WEROC Annual General meeting on the 22 November 2021
- Attended the GECZ meeting on the 22 November 2021
- Attended the LEMC meeting on the 25 November 2021
- Attended the Skate Park opening on the 4 December 2021
- Attended the St Joseph's Catholic Primary School Christmas Concert and awards night on the 8 December

Cr Close announce the following;

- Attended the LEMC meeting on the 25 November 2021
- Attended the audit exit meeting on the 15 December 2021

Cr Rose announce the following;

- Attended the Moorine Rock Primary School Christmas Concert and awards night on the 11 December 2021

Cr Nolan announce the following;

- Attended the MRL Community Reference Group event at Koolyanobbng on the 8 December 2021
- Attended the December 2021 Ag Care meeting

Cr Cobden announce the following;

- Attended the Skate Park opening on the 4 December 2021
- Attended the Shire of Yilgarn Tourism Committee Meeting on the 1 December 2021

9.1 Officers Report – Chief Executive Officer

9.1.1 Draft Management of Bushfire Volunteers Policy

File Reference	2.3.3.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Draft Management of Bushfire Volunteers Policy Competency Certificate

Purpose of Report

For Council to consider the implementation of the draft Management of Bushfire Volunteers Policy.

Background

With the introduction of the Work Health and Safety Act 2020 (the Act), all registered bushfire volunteers are deemed to be employees of the Shire of Yilgarn, to whom the Shire has a duty of care with respect to safety, training, performance and compliance.

The Shire has the responsibility to ensure all registered volunteers have the competency to attend bushfire incidents with minimal risk to themselves and others.

Whilst DFES provides training for bushfire volunteers, in rural local governments there is a cohort of experienced volunteers who are unlikely to engage with this training or who have previously undertaken training, but without records available as proof.

The proposed policy aims to capture these volunteers and also outline a list of basic competencies that all volunteers should attain. The Shire of Yilgarn is aware that the Bushfire Volunteers (formerly the Association of Volunteer Bush Fire Brigades) endorsed its approach to this initiative through discussion with President Mr Dave Gossage.

Comment

Whilst the Shire of Yilgarn encourages ongoing training for all bushfire volunteers, it understands the hesitancy of some volunteers that have been fighting fires for many years in undertaking DFES or other training.

The knowledge and experience of these volunteers is too valuable to lose on the ground, and as such, this Policy proposes to recognise prior learnings, in a structured and agreed process, to ensure these volunteers have the ability to attend fires, in compliance with the Act.

In the absence of any other record of training held for bushfire volunteers, adoption and implementation of the policy will go some way towards managing the Shire's obligations under the Act.

The draft policy and proposed competency certificate are attached.

Statutory Environment

Work Health and Safety Act 2020

Bush Fires Act 1954

Strategic Implications

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

Outcome 1.4 Maintain a liveable, safe and secure community

1.4.2 Advocate and actively support emergency management and services in the district

Policy Implications

Implementation of new Management of Bushfire Volunteers Policy into the Council Policy Manual.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Liability under WHS Act relating to untrained personnel attending bushfire	High (12)	Recognition of Prior Learning process to assist in meeting minimum standards
Financial Impact	Liability costs for not adhering to WHS Act	High (12)	Policy intended to assist in meeting the needs of competency requirements for volunteers
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with WHS Act.	High (12)	Policy intended to assist in meeting the needs of competency requirements for volunteers

Reputational	Community perception of restricting experienced volunteers from attending incidents	Moderate (6)	Policy allows experienced volunteers to attend incidents and still comply with WHS Act
Property	Damage to property as a result of limited volunteer availability.	High (12)	Policy will ensure experienced
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

229/2021

Moved Cr Cobden/Seconded Cr Guerini

That Council:

- 1. Adopt the Management of Bushfire Volunteers Policy; and*
- 2. Approve the inclusion of the Policy in the Shire of Yilgarn Council Policy Manual*

CARRIED (6/0)

POLICY:	MANAGEMENT OF BUSHFIRE VOLUNTEERS POLICY
POLICY NO:	2.5
SECTION:	BUSHFIRE
LAST REVIEW DATE:	DECEMBER 2021
DUE FOR REVISION:	DECEMBER 2022

OBJECTIVE

This policy is designed to give guidance in managing the Shire's valuable bushfire volunteers in relation to their competency in fighting fires and the Shire's expectations and requirements when attending a bushfire.

POLICY STATEMENT

The Work Health and Safety Act 2020 (the Act) impacts on the Shire's bushfire volunteers through the new Industrial Manslaughter provisions. The legislation states that all registered bushfire volunteers are deemed to be employees of the Shire of Yilgarn, to whom the Shire has a duty of care with respect to safety, training, performance and compliance.

The Act requires the Shire to adopt a more structured approach to managing its registered bushfire volunteers.

The Shire is liable for the safety of volunteers as well as any employee attending a fire.

Shire of Yilgarn is adopting a protocol that recognises and addresses the issue of training. Recognition of Prior Learning (RPL), that is extensive on-ground experience in fire situations, will be recognised and registered as a competency level.

Inexperienced volunteers will need undertake a basic introduction to fire safety and procedure training to be eligible to receive a Shire Bushfire Competency Certificate.

All volunteers are encouraged to expand their knowledge through ongoing training.

The Shire of Yilgarn deems that the Chief Bush Fire Control Officer in conjunction with either a Deputy Chief Bush Fire Control Officer or Fire Control Officer are competent to assess a volunteer's recognition of prior learning status and to approve and sign a Shire of Yilgarn Bushfire Competency Certificate.

Volunteers who attend bushfires are expected to have knowledge of, and agree to, the following:

- Follow orders of a Fire Control Officer (FCO)
- Wear appropriate firefighting PPE (minimum of long sleeves and pants, boots, gloves)
- Understand and use the correct communication methods
- Notify when arriving and leaving a fire ground
- Ensure firefighting plant and equipment they use is operational and they are either trained in its use, or have been directed to and are operating it under the instructions of someone trained in its use;



RECOGNITION OF PRIOR LEARNING ASSESSMENT FORM/COMPETENCY CERTIFICATE

Name: _____

BF Personal ID _____

Address: _____

Email: _____

Mobile Ph: _____

Date: _____

The Shire of Yilgarn recognises that you have sufficient firefighting experience and knowledge to be deemed a person who is competent in bushfire fighting.

The Shire's minimum standard for a BFB volunteer are:

- Follow orders of a Fire Control Officer (FCO)
- Wear appropriate firefighting PPE (minimum of longs sleeves and pants, boots, gloves)
- Understand and use the correct communication methods
- Notify when arriving and leaving a fire ground
- Ensure firefighting plant and equipment they use is operational and they are either trained in its use, or have been directed to and are operating it under the instructions of someone trained in it's use;

Should you become aware of any reason why you no longer have the capacity to hold this certificate, it is your obligation to surrender it forthwith.

I, _____ acknowledge and understand the above requirements of a bushfire brigade volunteer.

Signed: _____ Date: _____

<p>Signed by the Shire of Yilgarn Chief Bushfire Control Officer</p> <p>_____ Signed</p> <p>_____ Name</p> <p>_____ Date</p>	<p>Signed by the Shire of Yilgarn Deputy BFCO or FCO</p> <p>_____ Signed</p> <p>_____ Name</p> <p>_____ Date</p>	<p>Signed by the Shire of Yilgarn Chief Executive Officer</p> <p>_____ Signed</p> <p>_____ Name</p> <p>_____ Date</p>
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9.1 Officers Report – Chief Executive Officer

9.1.2 Local Government Legislative Reform

File Reference	2.3.1.1
Disclosure of Interest	The Author has an Impartiality Interest that requires disclosure as the reform references how Chief Executive Officer (CEO) Key Performance Indicators might be handled into the future and changes to the role of a CEO.
Voting Requirements	Simple Majority
Attachments	Local Government Proposed Reforms WALGA Submission

Purpose of Report

For Council to endorse submission to WA Local Government Association (WALGA) and the Department of Local Government, Sport & Cultural Industries (the Department) relating to the proposed Local Government reforms.

Background

On the 10 November 2021, the Minister for Local Government announced a number of Local Government legislative reform initiatives and advised of a consultation period, which is due to close on 25 February 2021.

WALGA has drafted a consultation paper in relation to the proposed reforms and has sought Local Governments feedback on WALGA's position and have encouraged Local Governments to submit their own comments to the Department.

The WA Local Government Association (WALGA) is the peak industry body for Western Australian Local Governments. WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia.

The following is the timeline and process for a sector submission on the Local Government Legislative Reform Program developed by WALGA:

- Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm;
- February 2022 – Zone Meetings to consider a draft sector submission;
- Wednesday 23 February at 4pm – WALGA Special Meeting of State Council via video conference to endorse submission; and
- Friday 25 February - WALGA to present submission to the State Government.
-

Comment

The Department of Local Government, Sport and Cultural Industries notes the following:

“Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change*
- continuous focus on the effective delivery of services*
- respectful and constructive policy debate and democratic decision-making*
- an environment of transparency and accountability to ensure effective public engagement on important community decisions.*

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

- 1. Earlier intervention, effective regulation and stronger penalties*
- 2. Reducing red tape, increasing consistency and simplicity*
- 3. Greater transparency and accountability*
- 4. Stronger local democracy and community engagement*
- 5. Clear roles and responsibilities*
- 6. Improved financial management and reporting.*

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector”.

Attached is the WALGA position statement, with Shire of Yilgarn comments added to the end column. In general, the Shire’s comments are supportive of WALGA’s position

Several initiatives proposed by the Minister are potentially impactful, including;

- a maximum number of elected members (five) for smaller local governments up to 5,000 population;
- reversion to preferential voting for election of elected members; and
- compulsory audio recording of meetings, including confidential meetings.

Councillors are free to alter any or all of the comments listed as “Shire of Yilgarn Comments”.

Statutory Environment

Local Government Act 1995

Strategic Implications

Civic Leadership Objectives: Dynamic and visionary leadership guiding our community into the future

Outcome 4.1 A trustworthy and cohesive Council that functions efficiently and effectively

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

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Failure to comment on matters affecting Shire of Yilgarn	Moderate (6)	Responses provided advocating for Shire of Yilgarn position.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

230/2021

Moved Cr Close/Seconded Cr Cobden

That Council endorses the Shire of Yilgarn's responses to the Minister for Local Government's Local Government Reform Proposals, in accordance with the attachments and endorses the submission to the WA Local Government Association (WALGA) and the Department of Local Government, Sport & Cultural Industries.

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Great Eastern Highway Road Dedication

File Reference	1.6.14.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Main Roads Correspondence and Maps

Purpose of Report

To present to Council information from Main Roads WA's Goldfields-Esperance Region pertaining to the proposed realignment and reconstruction project on the Great Eastern Highway between Southern Cross and Ghooli.

Background

Ms Rene Shipp, Main Road WA's Land Assembly Officer for the Goldfields-Esperance Region, has written to Council advising that Main Roads seeks the consideration of Council in respect to underlying land tenure associated with the realignment and reconstruction of Great Eastern Highway, between Southern Cross and Ghooli, being 367.29 – 378.3 SLK.

Attached for consideration by Council are plans depicting land required for the realignment and reconstruction of Great Eastern Highway Stage 2, 367.29 - 378.3 Straight Line Kilometre (SLK). In order for the project to proceed, the land shown shaded on the enclosed Land Dealing Plans (LDP) 2160-104-1 and 2160-105, is required for inclusion in the road reserve.

Comment

Main Roads Western Australia (MRWA) is currently working through the process with all stakeholders for acquisition to be finalised. To enable the land to be dedicated as road reserve, it is a requirement of the Land Administration Act 1997 that local government resolve to dedicate the road.

MRWA have sought Council to endorse "*the dedication of the land the subject of Main Roads Land Dealing Plans 2160-104-1 and 2160-105 as a road pursuant to Section 56 of the Land Administration Act 1997*".

MRWA have also sought the following:

Shire Managed Reserve 5917

The Shire is the management body for Reserve 5917 (Recreation and Municipal Purposes), Lot 989 on Deposited Plan 53821. It is requested that the Shire:

- agree to the excision of 1.5546ha of land from Reserve 5917 for road widening purposes as shown on LDP 2160-104-1.

- advise whether any interests have been granted over Reserve 5917 that would be affected by the proposed road widening and dedication.
- consent to Main Roads and its contractors to enter onto Reserve 5917 to carry out any construction and accommodation works and relocation of existing services that may commence prior to the excision from the reserve being completed.

Southern Cross Airport

Yilgarn Road Board of Southern Cross is the Registered Proprietor of Lot 88 on Deposited Plan 161201, being the Southern Cross Airport. It is requested that the Yilgarn Road Board:

- agree to the excision of 3.2529ha of land from Lot 88 on as shown on LDP 2160-107.
- advise whether any interests have been granted over Lot 88 that would be affected by the proposed road widening and dedication.
- consent to Main Roads and its contractors to enter onto Lot 88 to carry out any construction and accommodation works and relocation of existing services that may commence prior to the excision from the reserve being completed.

The relevant correspondence and maps are attached for Councillors perusal.

There is a previous lease between Airservices Australia and the Shire for a portion of Lot 88 Great Eastern Highway. The lease was surrendered in 2017, however Landgate is still showing the interest on their system. This is a procedural matter, which is currently being dealt with and will hold no effect on Main Roads project.

The Southern Cross Football Club hold a cropping lease over Lot 88 Great Eastern Highway. The President has been notified of the project.

Statutory Environment

Land Administration Act 1997 (LAA)

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic Objectives 2.5 Safety and Quality of transport networks are maintained and improved.

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	<i>Land Administration Act 1997</i>	Low (1)	Council supporting the road dedication and MRWA covering all costs and claims that may arise
Reputational	Nil	Nil	Nil
Property	Land acquisition associated with upgrades	Low (4)	All acquisitions responsibility of MRWA
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

231/2021

Moved Cr Rose/Seconded Cr Close

That Council endorses the dedication of the land the subject of Main Roads Land Dealing Plans 2160-104-1 and 2160-105 as a road pursuant to Section 56 of the Land Administration Act 1997.

And

In relation to Reserve 5917, Council:

- ***Agrees to the excision of 1.5546ha of land from Reserve 5917 for road widening purposes as shown on LDP 2160-104-1;***
- ***Advises that there are no interests granted over Reserve 5917 that would be affected by the proposed road widening and dedication; and***
- ***Consent to Main Roads and its contractors entering onto Reserve 5917 to carry out any construction and accommodation works and relocation of existing services that may commence prior to the excision from the reserve being completed. However, access outside of the excised area is at the discretion of the Shire of Yilgarn Chief Executive Officer.***

And

In relation to Lot 88 on Deposited Plan 161201, Council:

- ***Agree to the excision of 3.2529ha of land from Lot 88 on as shown on LDP 2160-107;***
- ***Advise that the Southern Cross Football Club hold a cropping lease for the land parcel, however the Shire has contacted the President to advise of land excision, and that otherwise there are no other current interests granted over Lot 88 that would be affected by the proposed road widening and dedication; and***
- ***Consent to Main Roads and its contractors to enter onto Lot 88 to carry out any construction and accommodation works and relocation of existing services that may commence prior to the excision from the reserve being completed. However, access outside of the excised area is at the discretion of the Shire of Yilgarn Chief Executive Officer.***

CARRIED (6/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Barto Gold/360 Logistics Copperhead Ore Haulage Proposal

File Reference	3.2.1.30, 6.1.1.086, 6.1.1.006 & 6.1.1.201
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Haulage Route Maps

Purpose of Report

To inform Council of the ongoing discussions/negotiations relating to Barto Gold/360 Logistics proposal to utilise the Southern Cross-Bullfinch Road, Three Boys Road, Great Eastern Highway and Southern Cross South Road for the haulage of ore from the Copperhead Mine in Bullfinch.

Background

Barto Gold and 360 Logistics previously sought Council approval to undertake a haulage campaign from Copperhead mine, utilising Bullfinch Road, Three Boys Road, Great Eastern Highway and Emu Fence Road.

The campaign was to cart 300kT to 500kT of ore, utilising 8 trucks doing 5 trips per day.

At the November Ordinary Council meeting, a recommendation from the Yilgarn Roads Committee was endorse as follows:

206/2021

Moved Cr Close/Seconded Cr Nolan

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

CARRIED (5/0)

Barto have since responded to the Shire indicating they are willing to utilise Southern Cross South Road, but have determined that the original location for the haul road entry onto Southern Cross South Road needs to be altered to a location further South, as per attached designs.

The Executive Manager Infrastructure has also advised that where the haul road intersects with Southern Cross South Road, the approach will need to be raised to ensure there is no incline upon approach, otherwise this will cause damage to the Southern Cross South Road seal.

At the February 2019 Ordinary Council meeting, the following resolution was passed regarding this route:

6/2019

Move Cr Close/Seconded Cr Della Bosca

That Council grants approval for Minjar Gold to utilise the following Council Controlled Roads associated with its haulage of ore from their Copperhead Bullfinch Mine Site to the Marvel Loch Mill subject to the following conditions: -

- 1. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);***
- 2. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);***
- 3. That a 50 metre Asphalt seal be prepared and laid on Three Boys Road prior to the intersection with the Great Eastern Highway;***
- 4. That a 50 metre Asphalt seal be prepared and laid on Southern Cross South Road prior to the intersection with the Great Eastern Highway;***
- 5. That a financial contribution for future maintenance and construction costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross South Road to the exiting Haul Road (0.0 – 3.00SLK);***
- 6. That a 50 metre Asphalt seal be prepared and laid on Minjar Gold's Haul Road as it approaches Southern Cross South Road west and widening of the Southern Cross South Road to 10.7m to accommodate turning vehicles into the Haul Road;***
- 7. That Minjar Gold be advised that a 1hr curfew on haulage will apply in the morning and afternoon to coincide with school bus times on the Southern Cross South Road.***
- 8. That Minjar Gold liaises with Main Roads WA regarding improvements to the Great Eastern Highway, Three Boys Road and Southern Cross South Road intersection to accommodate truck configurations entering and exiting the Highway; and***
- 9. That a formal agreement relating to the above approvals and conditions be prepared for signing by Minjar Gold and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer and Executive Manager Infrastructure.***

CARRIED (6/0)

Since the February 2019 resolution, both Three Boys Road and Southern Cross South Road have had reseals undertaken, as such, items 3 and 4 of the original resolution for this route are deemed unnecessary, with the road use contributions to be used to cover maintenance and future upgrades.

Whilst long term the above option is preferable, Barto Gold have advised they have a need to cart ore immediately and have asked if there are any temporary options available to them.

At the April 2019 Ordinary Council meeting, the following motion was carried approving a temporary haulage campaign utilising Southern Cross-Marvel Loch Road off Great Eastern Highway, meaning trucks would pass the Palace Hotel and Yilgarn Agencies:

44/2019

Moved Cr Pasini / Seconded Cr Close

That Council grants approval for Minjar Gold/Hampton Transport to utilise Council controlled roads being, the Southern Cross CBH Bin Road and Three Boys Road for the haulage of a 20,000 tonne parcel of gold ore from the Copperhead Bullfinch Mine Site to the Marvel Loch Mill subject to the following conditions: -

- 1. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);***
- 2. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);***
- 3. That a 50 metre Asphalt seal be prepared and laid on Three Boys Road prior to the intersection with the Great Eastern Highway at Minjar Gold/Hampton Transport's expense;***
- 4. That Minjar Gold/Hampton Transport liaises with Main Roads WA regarding the revised route to seek the necessary approvals; and***
- 5. That a formal agreement relating to the above approvals and conditions be prepared for signing by Minjar Gold/Hampton Transport and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer, Executive Manager Infrastructure and Main Roads WA.***

CARRIED (4/1)

Cr Nolan voted against the motion

Council are requested to consider a similar temporary haulage campaign of 20,000 tonnes to ensure the mill at the Marvel Loch mine site can continue, until such time as the permanent route is upgraded, or an alternative ore source is found.

Comment

The Southern Cross-Bullfinch Road, Great Eastern Highway and Marvel Loch-Southern Cross Road are MRWA controlled roads and therefore, Minjar Gold and Hampton Transport, will have to again negotiate with MRWA Northam staff regarding the use of these roads.

In respect to the Three Boys Road and Southern Cross South Road, these are Council controlled roads and necessary upgrading/treatment works and financial contributions under Council Policy 5.2 relating to “Heavy Haulage on Local Roads” will apply.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – A Prosperous Future for Our Community – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Council Policy No.5.2 – “Heavy Haulage on Local Roads”

Heavy Vehicle Cost Recovery

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

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	Damage to Road caused by haulage campaign	Moderate (6)	Maintenance agreement will be entered into

Compliance	Use of non-compliant vehicles on Shire roads.	Moderate (6)	Agreement to stipulate approved haulage vehicles types
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Lessee creates environmental issues during road upgrades or maintenance	Moderate (9)	Barto required to seek all relevant approvals prior to commencing works.

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

Officer Recommendation and Council Decision

232/2021

Moved Cr Nolan/Seconded Cr Close

Recommendation 1

That Council grants approval for Barto Gold to utilise Council Controlled Roads, being Southern Cross CBH Bin Road, Three Boys Road and Southern Cross South Road, for its haulage of ore from their Copperhead Bullfinch Mine Site to the Marvel Loch Mill subject to the following conditions: -

- 1. That a financial contribution for future maintenance costs be applied to Barto Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);*

2. *That a financial contribution for future maintenance costs be applied to Barto Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);*
3. *That a financial contribution for future maintenance and construction costs be applied to Barto Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross South Road to the new Haul Road (0.0 – 4.30SLK);*
4. *That a 50 metre Asphalt seal be prepared and laid on Barto Gold's Haul Road as it approaches Southern Cross South Road west;*
5. *That Barto Gold be advised that a curfew on haulage will apply in the morning and afternoon to coincide with school bus times.*
6. *That Barto Gold liaises with Main Roads WA regarding improvements and approvals required to accommodate the proposed haulage route; and*
7. *That a formal agreement relating to the above approvals and conditions be prepared for signing by Barto Gold and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer and Executive Manager Infrastructure. Council endorse the Chief Executive officer signing the agreement on behalf of Council*

CARRIED (6/0)

Officer Recommendation

Recommendation 2

That Council grants approval for Barto Gold to utilise Council controlled roads being the Southern Cross CBH Bin Road and Three Boys Road for a temporary haulage campaign of 20,000 tonnes of gold ore from the Copperhead Bullfinch Mine Site to the Marvel Loch Mill, utilising Southern Cross-Marvel Loch road off the Great Eastern Highway, subject to the following conditions: -

1. *That a financial contribution for future maintenance costs be applied to Barto Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK)*
2. *That a financial contribution for future maintenance costs be applied to Barto Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);*
3. *That Barto Gold liaises with Main Roads WA regarding improvements and approvals required to accommodate the proposed haulage route; and*
4. *That a formal agreement relating to the above approvals and conditions be prepared for signing by Barto Gold and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer, Executive Manager Infrastructure and Main Roads WA. Council endorse the Chief Executive Officer signing the agreement on behalf of Council.*

Council Decision

233/2021

Moved Cr Nolan/Seconded Cr Cobden

That Council rejects any haulage program proposal seeking to utilise Southern Cross-Marvel Road, via Antares Street, siting community concern and suitable alternative routes being available.

CARRIED (6/0)

REASON FOR ALTERATION TO RECOMMENDATION

Following receipt of correspondence from concerned residents regarding the possible safety and nuisance issues associated with haulage campaigns utilising Southern Cross Marvel Loch Road, via Antares Street, and the availability of alternative access routes, including Southern Cross South Road, the decision to reject the Barto temporary haulage program and all future haulage programs utilising this route was carried.




- Haulage
- Major Roads
- Minor Roads
- - - Tracks

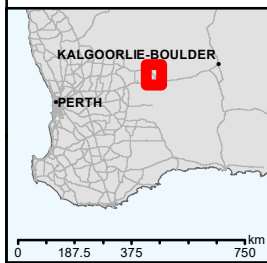
Note:
Aerial photography sourced from Barto Gold Mining 2019.
Minjar Gold do not warrant this map is free from errors or omissions, and shall not be held liable.
According to the best available information, the map is accurate and current at the time of the publication, however, information is subject to change.

Southern Cross Operations (SXO)

**BULLFINCH HAULAGE
BULLFINCH**

 460 0 460 920 Metres			
Date: 30/11/2021	Dm: haydn.davies	DATUM: GDA94 PROJECTION: MGA 94, ZONE 50	
Scale: 1:40,000	Chk:	A4	





- Haulage
- Major Roads
- Minor Roads
- Tracks

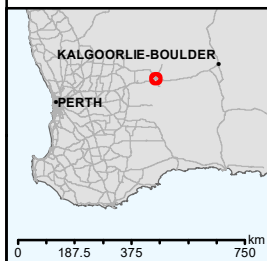
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Southern Cross Operations (SXO)

BULLFINCH HAULAGE OVERVIEW

Date: 30/11/2021		Dm: haydn.davies		DATUM: GDA94	
Scale: 1:150,000		Chk:		PROJECTION: MGA 94, ZONE 50	
		A4			



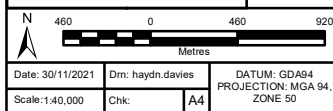


- Haulage
- Major Roads
- Minor Roads
- - - Tracks

Note:
Aerial photography sourced from Barto Gold Mining 2019.
Minjar Gold do not warrant this map is free from errors or omissions, and shall not be held liable.
According to the best available information, the map is accurate and current at the time of the publication, however, information is subject to change.

Southern Cross Operations (SXO)

**BULLFINCH HAULAGE
SOUTHERN CROSS**



9.1 Officers Report – Chief Executive Officer

9.1.5 WEROC Landfill Consolidation Report

File Reference	1.6.25.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	ASK – WEROC Landfill Consolidation Report

Purpose of Report

For Council to consider the options presented in the WEROC Landfill Consolidation Report for further investigation.

Background

At the CEACA Inc. Board meeting held on the 22 November 2021, the board considered a report, compiled by ASK Waste Management (ASK), in relation to consolidated landfill options within the WEROC region.

ASK's Samuel Green presented to the group and ran through the options contained within the report.

The Board then carried the following resolution:

***RESOLUTION: Moved: Mr. Wayne Della Bosca Seconded: Ms. Karin Day
That:***

- 1) Each Shire to consider the four options proposed by ASK Waste Management and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year***
- 2) The Executive Officer to advise ASK Waste Management that more time is required to consider the options and that a response will be provided after December Council meetings.***

CARRIED.

The report details the various option, in ASK's expert opinion, open to the WEROC Councils, to consolidate landfill facilities to ensure cost effective landfill practices occur into the future.

A copy of the report is attached for councillor's perusal. Four options provided in the and a fifth option determined at the meeting are detailed below:

Option 1: A single regional landfill

Establish a single regional landfill at Merredin. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access

systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

Option 2: Two regional landfills

Establish two regional landfills, one at Merredin and the other at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

Option 3: A single regional landfill, plus utilise the NEWROC proposed regional landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated in the west of the region would be transferred to the NEWROC regional landfill at Wyalkatchem. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Wyalkatchem.

Option 4: A single regional landfill, plus utilise Avon Waste's Northam landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated in the west of the region would be transferred to the Avon Waste landfill at Northam. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Northam.

Option 5: Establish a greenfield site

This option was not provided for in the report, but was raised during discussions at the meeting. This option would seek to investigate the establishment of a new greenfield site, either operated in conjunction with other sites, or as a stand-alone site.

WEROC board have sought the Shires preferred three options, of which ASK will be advised to further investigate and provide a recommendation on the most viable option for WEROC Councils.

Comment

Given the Shire of Yilgarn's significant capital expenditure at the Southern Cross landfill site to date; the useful life remaining, the results of ASK's landfill site fatal flaw test and the availability of vested reserve land for future expansion, any consolidation options should revolve around Southern Cross being a site of significance.

Option 1 seeks to establish a single regional landfill at Merredin, and all other landfills transition to transfer stations. This option is not preferred due to the underutilisation of the Southern Cross landfill site.

Option 2 seeks to establish a two regional landfills at Merredin and Southern Cross, and all other landfills transition to transfer stations. This is a preferred option due to the utilisation of Southern Cross landfill site.

Option 3 seeks to establish a single regional landfill at Southern Cross for waste produced in the East of WEROC, and all other landfills transition to transfer stations. Waste from the West of WEROC would be carted to the NEWROC facility at Wyalkatchem. This is a preferred option due to the utilisation of Southern Cross landfill site.

Option 4 seeks to establish a single regional landfill at Southern Cross for waste produced in the East of WEROC, and all other landfills transition to transfer stations. Waste from the West of WEROC would be carted to Avon Waste landfill at Northam. This is a preferred option due to the utilisation of Southern Cross landfill site.

Option 5 seeks to establish a new greenfield site. Whilst there are multiple unknowns regarding this site, given the time taken to develop and approve a new landfill site, this may be a viable option to work in conjunction with Southern Cross landfill site until it depletes its useful life.

Options 2, 3 and 4 all see Southern Cross landfill site as a site of importance and are worth investigating further. Option 5 is also a viable long-term option, and may be remiss to not investigate at this stage due to the long term benefits to all Council's in WEROC.

With regards to option 3 and 4 it is assumed the NEWROC landfill site would be run as a cost recovery site, and may see lower costs compared to the privately run Avon Waste.

As such, it is suggested, that the Shire of Yilgarn Council endorse options 2, 3 and 5 as the preferred options for further investigation and suggest to WEROC that if the methodology of investigation applied to option 3 and 4 are similar, it may be a relatively cost effective exercise to include option 4 in the investigations.

Statutory Environment

Nil

Strategic Implications

Community Strategic Plan 2020-2030

3.1.1 Establish and maintain environmentally sound regional waste facilities to cater for the Shires long term waste disposal requirements.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Increasing costs of landfill and waste management	Moderate (6)	Consolidation report will investigate options to ensure viable long term options identified
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with environmental legislation	Moderate (9)	ASK advice in keeping with legislative framework
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Damage to environment due to poor waste management practices.	Moderate (9)	ASK advice in keeping with environmental legislative framework

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

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

Officer Recommendation and Council Decision

234/2021

Moved Cr Cobden/Seconded Cr Close

That Council:

- 1. Endorse Options 2, 3 and 5 of the ASK Waste Consolidation Report as the preferred options for further investigation, and advise WEROC board of the preferences; and**
- 2. Suggest to WEROC that if the methodology of investigation applied to option 3 and 4 are similar, it may be a relatively cost-effective exercise to include option 4 in the investigations.**

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 3 November 2021.

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

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

Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

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

Officer Recommendation and Council Decision

235/2021

Moved Cr Cobden/Seconded Cr Close

That Council endorse the various Financial Reports as presented for the period ending 30 November 2021

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheque Numbers 41081 to 41086 totalling \$4,051.00
- Municipal Fund- EFT Numbers 11966 to 12070 totalling \$551,130.26
- Municipal Fund – Cheque Numbers 1816 to 1836 totalling \$247,105.08
- Municipal Fund Direct Debit Numbers 16291.1 to 16291.10 totalling \$20,612.04
- Municipal Fund Direct Debit Numbers 16332.1 to 16332.10 totalling \$21,034.25
- Trust Fund - Cheque Numbers 402613 to 402615, totalling \$1,725.31

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 funds

Risk Implications

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

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

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

Officer Recommendation and Council Decision

236/2021

Moved Cr Cobden/Seconded Cr Rose

- **Municipal Fund – Cheque Numbers 41081 to 41086 totalling \$4,051.00**
- **Municipal Fund- EFT Numbers 11966 to 12070 totalling \$551,130.26**
- **Municipal Fund – Cheque Numbers 1816 to 1836 totalling \$242,735.81**
- **Municipal Fund Direct Debit Numbers 16291.1 to 16291.10 totalling \$20,612.04**
- **Municipal Fund Direct Debit Numbers 16332.1 to 16332.10 totalling \$21,034.25**
- **Trust Fund - Cheque Numbers 402613 to 402615, totalling \$1,725.31**

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

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Property Seizures for the Recovery of Unpaid Rates

File Reference	A7960, A8110, A7310, A12070, A2091 & 8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

This report seeks Council's approval to seize with the intent to sell the land listed for the purpose of recovering rates and charges outstanding in excess of three years.

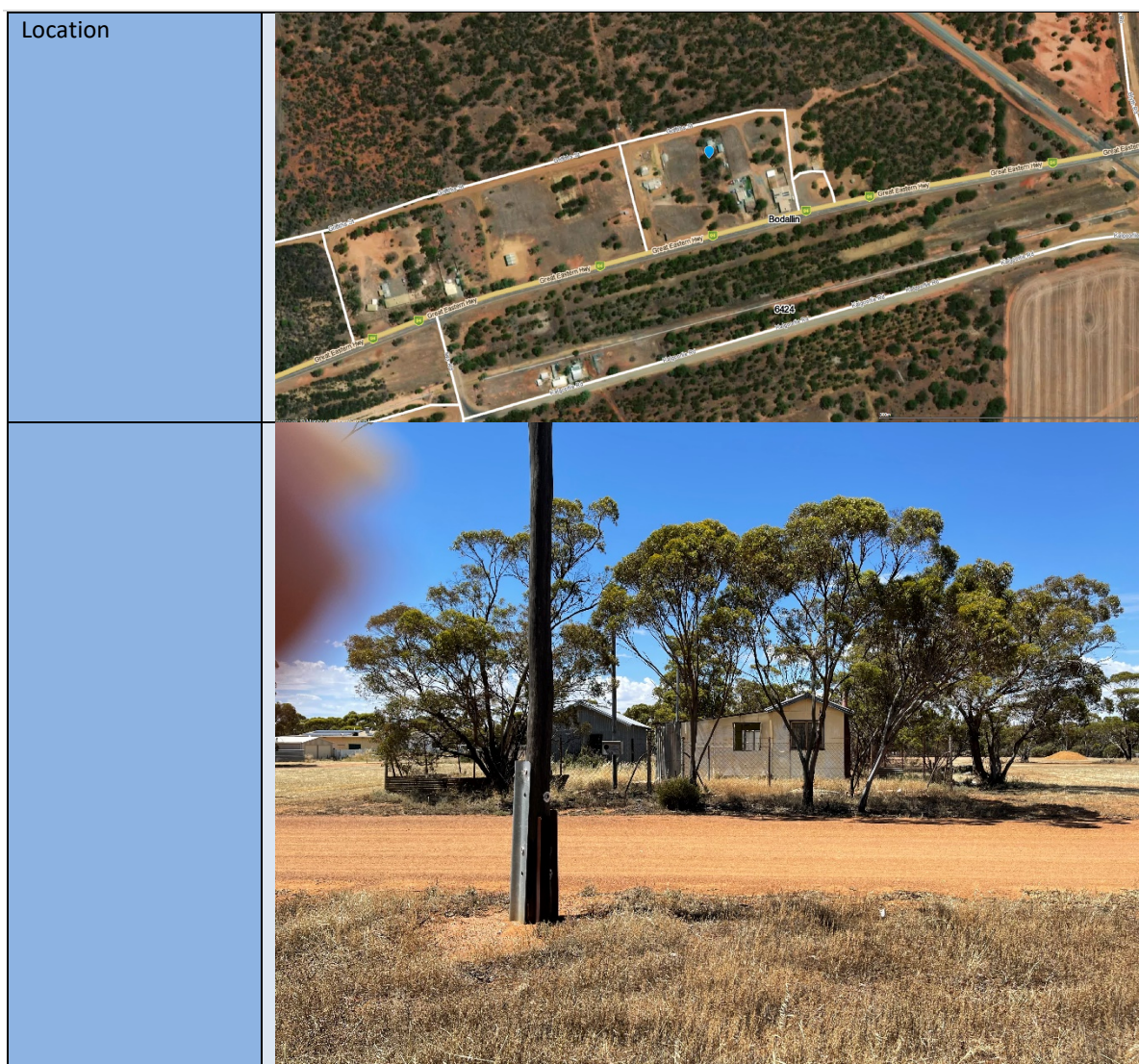
Background

The following five (5) assessments have rates outstanding by three or more year for which it has not been possible to enter into an acceptable and successful arrangement for payment of the outstanding balance owing. In all instances, the owners have failed to respond to written notifications, summons and, where applicable, judgements.

99 CANOPUS STREET, SOUTHERN CROSS		
Assessment	A2091	
Ratepayer	Stephen Rosser	
Type / Zoning	Residential – Southern Cross	
Period Outstanding	2015 / 2016 – 2021 / 2022 (7 Years)	
Amount Outstanding	\$7,368.63	
Last Payment	19 th August 2014 - \$610.75	
Recovery Action	Mar 18	Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents).
	Sept 18	Skip trace revealed that the ratepayer was now resident in New Zealand, no physical address found only an email address. On advice from Council's collection agents, no further action was undertaken as it would not have been financially viable.
Additional Information	From the notes on this assessment, it seems that in 2015 the ratepayer attempted to have this assessment returned to the Crown without success and has indicated in email's received the same year that he has no further interest in owning the land.	

Location	
	

40 GRIFFITHS STREET, BODALLIN		
Assessment	A12070	
Ratepayer	David Moore	
Type / Zoning	Residential – Bodallin	
Period Outstanding	2013 / 2014 – 2021 / 2022 (9 Years)	
Amount Outstanding	\$8,216.53	
Last Payment	12 th September 2012 - \$394.25	
Recovery Action	Mar 18	Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents).
	Jul 18	<p>Skip trace unable to identify correct ratepayer as name is very common. Only reference is address on Certificate of Title which is a PO Box in Katanning that is no longer the ratepayer's name.</p> <p>On advice from Council's collection agents, no further action was undertaken as it would not have been financially viable.</p>
Additional Information	Interest has been expressed from a third party that if Council was to take action on this assessment they would like to be notified as they are interested in acquiring the land. At the time, this party was informed any sale would have to be via public auction.	




13 OVERINGTON STREET, MARVEL LOCH		
Assessment	A7310	
Ratepayer	Steedo One Pty Ltd	
Type / Zoning	Residential – Marvel Loch	
Period Outstanding	2016 / 2017 – 2021 / 2022 (6 Years)	
Amount Outstanding	\$6,428.03	
Last Payment	11 th November 2015 - \$544.21	
Recovery Action	Mar 18	Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents).
	Oct 18	Company deregistered by ASIC (Australian Securities & Investments Commission)
Additional Information	Nil	



41 LENNEBERG STREET, MARVEL LOCH		
Assessment	A8110	
Ratepayer	Anthony Presnell	
Type / Zoning	Residential – Marvel Loch	
Period Outstanding	2013 / 2014 – 2021 / 2022 (6 Years)	
Amount Outstanding	\$8,910.54	
Last Payment	9 th November 2013 - \$497.00	
Recovery Action	May 15	<p>Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents) and GPC issued by not served as the ratepayer was now resident in Thailand.</p> <p>On advice from Council's collection agents, no further action was undertaken as it would not have been financially viable.</p>
Additional Information	Nil	



15 WILLIAMSON STREET, MARVEL LOCH		
Assessment	A7960	
Ratepayer	Anthony Presnell	
Type / Zoning	Residential – Marvel Loch	
Period Outstanding	2014 / 2015 – 2021 / 2022 (8 Years)	
Amount Outstanding	\$16,173.72	
Last Payment	30 th June 2014 - \$563.73	
Recovery Action	May 15	<p>Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents) and GPC issued by not served as the ratepayer was now resident in Thailand.</p> <p>On advice from Council's collection agents, no further action was undertaken as it would not have been financially viable.</p>
Additional Information	Nil	

Location	
	

Comment

All listed assessments have recorded ratepayers that are either untraceable, are deregistered companies or are now resident in foreign country.

Statutory Environment

Local Government Act 1995

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or

- (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

Council Policy

3.9 - Rates and Charges Recovery Policy (Including Sewerage Charges Financial Hardship Policy)

Financial Implications

Nil at this time, however, the cost of proceeding to an auction and potential for the write off of rates and charges in the future if the properties remain unsold.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Ongoing cost to Council of not collecting rates for assessments.	High (15)	Seize assessments and sell to new ratepayer/s
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputation for inefficient collection of outstanding rates	High (15)	Demonstration of good financial management in the efficient collection of outstanding rates

Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

237/2021

Moved Cr Rose/Seconded Cr Close

That Council, pursuant to Section 6.64 (1) (b) of the Local Government Act 1995, take possession of the land indicated and proceed to sell the land listed hereunder which have rates in arrears for three or more years.

List of Land by Assessment Number:

***Assessment: A2091 – 99 Canopus Street, Southern Cross
A7310 – 13 Overington Street, Marvel Loch
A7960 – 15 Williamson Street, Marvel Loch
A8110 – 41 Lenneberg Street, Marvel Loch
A12070 – 40 Griffiths Street, Bodallin***

CARRIED (6/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 2019/20 Audit & Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Attachment 1 – 2020/2021 Annual Report including the Annual Financial Report incorporating the Independent Auditor’s Report.

Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor’s Report for the year ending 2020/2021.

Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

Comment

The Annual Report for the financial year ending 30 June 2021 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, 14 days local public notice of this meeting is to be given.

Statutory Environment

Local Government Act 1995 –

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and

- (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual report

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

[Section 5.55A inserted by No. 5 of 2017 s. 8.]

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

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

Financial Implications

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

Committee Recommendation

That Council:

- 1. accept the Annual Report for 2020/2021 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2021; and*
- 2. conducts the 2020/21 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on Tuesday 8th February 2021 commencing at 6.00 pm.*

Agenda item 9.2.4 was withdrawn from consideration due to the Audit Committee meeting scheduled be held prior to the Ordinary Meeting of Council being cancelled as the Audit Report from Auditor General was not received in time.

9.2 Reporting Officer– Finance Manager

9.2.5 Amendment to Council Policy 3.6 “Signing of Cheques”

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Request Council’s endorsement of amendments to existing Council Policy relating to the signing of cheques and approval of electronic payments.

Background

Local Government (Financial Management) Regulations 1996 requires Council to “develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security...”.

Council Policy 3.6 “Signing of cheques” therefore exists to satisfy the above requirements by designating authority for the signing of cheques and approval of electronic payments to certain authorised employees. Restrictions have been set in Council’s online banking facility in accordance with Council Policy 3.6 that impose payment limits to staff, and which require all payments to external parties to be co-authorised by two authorised employees.

In order to enter, approve or co-authorize a payment, a password from a bank token must be entered. These bank tokens have only been issued to authorised employees.

It has been brought to management’s attention that the above payment limits and authorisation security measures do not (and, after liaising with staff from Westpac Banking Corporation) cannot be applied to payments made via BPAY.

Accordingly, the amendments to Council Policy 3.6 seek to impose restrictions that:

- BPAY is not to be used unless all other payment methods have been considered and determined to be impractical or unsuitable by the CEO, and
- all BPAY payments must be authorised by the CEO.

The proposed amendments are shown in green in the attached extract from the current policy.

Comment

There are specific criteria that must be met before a trading entity can register to take deposits via BPAY, including a review of the entity’s transactions by their financial institution to assess legitimacy.

However, it is entirely possible that that one or two people could work together to create an entity, funnel money through the entity, and demonstrably present a legitimate business to then register as a BPAY recipient.

In the context of the above, the lack of control in BPAY payments made by Council's staff present a significant risk of fraud.

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.]

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

**Absolute majority required*

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (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

11. Payments, procedures for making etc.

1. A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) petty cash systems.
2. A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
3. Payments made by a local government —
 - (a) subject to subregulation (4), are not to be made in cash; and
 - (b) are to be made in a manner which allows identification of —
 - i. the method of payment; and
 - ii. the authority for the payment; and
 - iii. the identity of the person who authorised the payment.
4. Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

Strategic Implications

Nil.

Policy Implications

Amendment to Council Policy manual.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Fraudulent appropriation of Council resources	Moderate (5)	Enforce amended policy on management
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Local Government Act 1995 and associated regulations.	Moderate (5)	Implement policy amendments

Reputational	Publicised allegations of corruption	Moderate (5)	Implement policy amendments
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

238/2021

Moved Cr Rose/Seconded Cr Guerini

That Council endorses the amendments to policy 3.6 "Signing of cheques".

CARRIED (6/0)

POLICY:	SIGNING OF CHEQUES
POLICY NO:	3.6
SECTION:	FINANCE
LAST REVIEW DATE:	SEPTEMBER 2021
DUE FOR REVISION:	SEPTEMBER 2022

Further to Council Delegation LGA20, in accordance with Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 12 and 13, Council delegates authority to the Chief Executive Officer to make payments from the Shire Municipal, Trust or other Fund.

These payments, made either by cheque or Direct Debit, are to be signed or electronically authorised by any two of the following authorised persons:

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Infrastructure
- Executive Manager Regulatory Services
- Manager Finance

provided that at least one of the authorised persons is either the Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Infrastructure and Executive Manager Regulatory Services.

Payments may not be processed via BPAY unless all other payment methods have been assessed and determined by the Chief Executive Officer to either be impractical or unsuitable. All payments made via BPAY must be authorized by the Chief Executive Officer.

List Pay Document (Payroll Deposits)

Council utilises a 'List Pay' document to authorise the deposit of fortnightly net-pay amounts for Council's staff into individual employees' personal bank accounts.

This 'List Pay' document can be signed by any one of the above authorised persons listed above.

In support of this 'List Pay' document, a Manual Cheque Voucher is to be prepared, and that voucher must be signed by any two of the authorised signatories.

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 2021/2022 Plant Replacement Program – 670G Grader

File Reference	6.4.1.5
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	Nil

Purpose of Report

To consider the sale of Council's existing 2013 John Deere 670G Grader and purchase of a replacement grader.

Background

Council's 2021/2022 budget makes provision to replace the John Deere 670G grader and staff have utilized the Preferred Supplier Service offered by the Western Australian Local Government Association (WALGA) purchasing network.

Council requested quotes from Hitachi (no longer John Deere), AFGRI (John Deere) Komatsu, Westrac (Caterpillar), CJD (Volvo).

The John Deere 670G grader was offered for outright sale through, the WALGA managed tender system. The machine attracted 4 offers for outright purchase.

Comment

Asset management enables an organisation to examine the need for and performance of assets and asset systems at different levels. Additionally, it enables the application of analytical approaches towards managing an asset over the different stages of its life cycle which can start with the conception of the need for the asset, through to its disposal, and includes the managing of any potential post disposal liabilities. The common objective is to minimise the whole life cost of assets but there may be other critical factors such as risk or business continuity to be considered objectively in this decision making. The optimum replacement point is when the repairs and maintenance costs increase substantially or risk of major component failure.

Grader primary production life is 12,000 hours on major components. Beyond 10,000 Council runs a high risk of major component failure. An engine or transmission can cost over \$70,000 to rebuild. Any expenses of that type within a year of replacing the machine would have a huge impact on whole life costs and the plant maintenance budget. The grader due for replacement is the 2013 John Deere 670G with over 10,500 hours.

All machines quoted are used in Local Governments Australia wide. The biggest percentage of graders within local governments are Caterpillar delivering significantly better, whole life costs and backup service. When discussing operating costs with other Shires, all major brands

quoted, had no notable differences to overall running costs but Caterpillar had improved resale value and backup service to minimise downtime.

Some older machines did have increased fuel burn which is natural. Each year all brands of machines have managed to decrease fuel burn and increase performance. Notable characteristics of Caterpillar graders, they average 96% uptime and 4% downtime within the first 7,500 hours. Staff were not able to determine downtime across other machines offered.

Komatsu and Westrac provide mechanical backup out of Kalgoorlie and parts backup out of Perth. AFGRI will utilise Perth's service personnel but they do expect to have a service technician for construction machines based in the Merredin Branch in the future. AFGRI use contract fitters based in Kalgoorlie if required. There were no complaints surrounding Komatsu's backup service. There were extended periods waiting for certain parts with Komatsu.

Caterpillar offer down in the dirt parts backup service. If your machine is down in the dirt waiting for any part not stocked within Australia, Caterpillar will provide the part freight free from anywhere in the world.

John Deere 620GP and the 670G are the same size as the Caterpillar 140. There is no physical difference between the 620GP and the 670GP. The only differences between the two John Deere models is the engine sizes. The 620GP has a 6.9lt engine, the 670GP has a larger 9lt engine producing increased torque. John Deere still offers dual controls with traditional steering wheel and levers as well as armrests with joystick control.

Komatsu 555-5 offers a totally different transmission system with lock up torque converter. Caterpillar 140 grader is basically the same as the Caterpillar 12M machines currently being used in council's fleet. All machines offered, include 36 months and 6,000 hours extended warranty.

Below are 4 prices received through WALGA Preferred Suppliers (GST exclusive). All machines listed meet the tender specifications. CJD Volvo didn't submit any pricing.

COMPANY	MACHINE	Price Excluding GST	Trade Excluding GST	Total Excluding GST
Komatsu	Komatsu GD555-5	\$381,800	No Trade	No Trade
Westrac	Caterpillar 140	\$399,800	\$101,750	\$298,625
AFGRI	John Deere 620GP	\$405,000	\$85,000	\$320,000
AFGRI	John Deere 670GP	\$451,500	\$85,000	\$366,000

All machines have been quoted with optional auto grease systems. Staff recommend purchasing machines with the auto grease system. They are expensive units to fit but they

ensure the machine greasing is kept in line with manufacturers guidelines, improves productivity and cuts maintenance costs.

Prices received for outright sale through WALGA's tendering service

Company	Prices for outright sale excluding GST
Machinery Sales	\$91,000
Manhiem Pty Ltd	\$90,909
Pickles Auctions Pty Ltd	\$100,000
Allused Pty Ltd	\$90,000

World supply chains make it difficult to estimate an actual arrival date for a new machine but it is expected that any of the machines quoted, will be due in Australia before the end of the 2021/22 financial year. Caterpillar have indicated they have graders arriving in March.

Statutory Environment

In accordance to WALGA's Preferred Contract Supplies and Councils "Finance Policy 3.5 Purchasing and Tendering and local Government Act 1995 Section 3.58 Disposing of Property (3)

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - 2.5.1 *Continue to maintain and upgrade our road network*

Policy Implications

Councils Ten Year, Plant Replacement Program

Finance Policy 3.5 Purchasing and Tendering

Financial Implications

The 2021/22 budget makes provision of \$386,500 (GST exclusive) for the purchase of a new grader and an income amount of \$65,000 for the sale of councils 2013 John Deere 670G grader for a total changeover of \$321,500

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	injury to personal while delivering	Low (1)	Safety procedures followed
Financial Impact	Purchasing a replacement vehicle	Low (2)	Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle
Service Interruption	delay in suppling replacement vehicle due to Covid	Moderate (9)	Out of Councils Control
Compliance	Advertised for the required period in West Australian	Low (1)	In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)
Reputational	Nil	Nil	Nil
Property	Goods being damaged in transit	Low (1)	All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

239/2021

Moved Cr Guerini/Seconded Cr Rose

That Council

- 1. Accepts the quoted price of \$399,800 (excluding GST) from Westrac to purchase a Caterpillar 140 grader fitted with the optional Beka Autolube system for \$11,553.41 (excluding GST); and*
- 2. Rejects tenders for outright sale and accepts the trade price from Westrac for the 2013 John Deere 670G grader for \$101,750 (Excluding GST) for total changeover of \$309,603.41 (Excluding GST)*

CARRIED (6/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.2 2021/2022 Plant Replacement Program – Caterpillar 950 Loader

File Reference	6.4.1.5
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	Nil

Purpose of Report

To consider the sale of Council's existing 2013 Caterpillar 950H loader and purchase a replacement loader

Background

Council's 2021/2022 budget makes provision to replace the Caterpillar 950H loader and staff have utilized the Preferred Supplier Service offered by the Western Australian Local Government Association (WALGA) purchasing network.

Council requested quotes from Hitachi (no longer John Deere), AFGRI (John Deere) Komatsu, Westrac (Caterpillar), CJD (Volvo), Case IH and BT Equipment.

The John Deere 670G grader was offered for outright sale through, the WALGA managed tender system. The machine attracted 5 offers for outright purchase.

Comment

Asset management enables an organisation to examine the need for and performance of assets and asset systems at different levels. Additionally, it enables the application of analytical approaches towards managing an asset over the different stages of its life cycle which can start with the conception of the need for the asset, through to its disposal, and includes the managing of any potential post disposal liabilities. The common objective is to minimise the whole life cost of assets but there may be other critical factors such as risk or business continuity to be considered objectively in this decision making. The optimum replacement point is when the repairs and maintenance costs increase substantially or risk of major component failure.

A loader primary production life is 10,000 hours on major components. Beyond 8,000 council runs a high risk of major component failure. The loader due for replacement is a 2013 Caterpillar 950H with 6,300 hours on the hour meter. This loader's main use is loading trucks in road construction.

All brands of loaders offered by dealers are used in local governments except the Shandong Lingong (SDLG). Most shires preferred Caterpillar for backup service and resale values combined with decreased life cycle costs. Staff found it difficult to find shires using John Deere

loaders. Most Shires in the Great Southern are using Caterpillar. Staff found 2 Shires using Hitachi loaders, Merredin and Dalwallinu.

Komatsu, Hitachi and Westrac provide a mechanical and parts backup service out of Kalgoorlie. AFGRI are based at Merredin but some Shires have indicated issues with backup service and parts from AFGRI Perth. There were no complaints surrounding Komatsu's backup service. There were some extended periods waiting for parts from Komatsu.

Caterpillar offer down in the dirt parts backup service. If your machine is down in the dirt waiting for any part not stocked within Australia, Caterpillar will provide the part freight free from anywhere in the world

There are 3 models of John Deere loaders offered by AFGRI. Staff widen the specifications slightly to capture any machines which may still be suitable and only slightly outside the same specifications of the Caterpillar 950H. Out of the three John Deere machines offered, the closest to the Caterpillar 950H specifications is the John Deere 644K.

CJD now offer the Shandong Lingong (SDLG) range of machinery. The Shandong Lingong (SDLG) is basically a copy of the Volvo loader and CJD are now the distributors for both Shandong Lingong (SDLG) and Volvo. Hitachi loaders do offer some cost saving in maintenance with 500 hour service intervals where all other brands are still 250 hours.

All machines offered carry 36 months and 6,000 hours extended warranty.

Below are prices received through WALGA Preferred Suppliers and are excluding GST. All machines quoted below meet the tender specifications.

COMPANY	MACHINE	Price Excluding GST	Trade Excluding GST	Total Changeover Excluding GST
AFGRI	John Deere 624P	\$294,000	\$130,000	\$164,000
AFGRI	John Deere 624K-11	\$278,000	\$130,000	\$148,000
AFGRI	John Deere 644K	\$299,500	\$130,000	\$169,500
Komatsu	Komatsu WA380-8	\$326,340	No Trade	No Trade
Westrac	Caterpillar 950GC	\$295,460	\$127,250	\$168,210
Hitachi	Hitachi ZW220-5B	\$304,000	\$145,000	\$159,000
CJD	Volvo L110F	\$396,000	\$130,000	\$246,000
CJD	Shandong Lingong (SDLG) L958F	\$195,000	\$130,000	\$65,000

All machines have been quoted with optional auto grease systems with separate pricing. Staff recommend purchasing machines with the auto grease system. They are expensive units to fit but they ensure the machine greasing, is kept in line with manufacturers guidelines, which improves productivity and cuts maintenance costs.

Prices received for outright sale through WALGA's tendering service

Company	Prices for outright sale excluding GST
Machinery Sales	\$107,500
Manhiem Pty Ltd	\$136,363.63
Pickles Auctions Pty Ltd	\$118,181.82
Allused Pty Ltd	\$80,000
Delco Equipment Pty Ltd	\$75,000

World supply chains make it difficult to estimate an actual arrival date for a new machine but it is expected that any of the machines quoted will be due in Australia before the end of the 2021/22 financial year. Caterpillar have indicated an arrival date of March 2022, depending on timing of orders. John Deere have stock in February.

Statutory Environment

In accordance to WALGA's Preferred Contract Supplies and Councils "Finance Policy 3.5 Purchasing and Tendering and local Government Act 1995 Section 3.58 Disposing of Property (3)

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - 2.5.1 *Continue to maintain and upgrade our road network*

Policy Implications

Councils Ten Year, Plant Replacement Program

Finance Policy 3.5 Purchasing and Tendering

Financial Implications

The 2021/22 budget makes provision of \$359,000 (GST exclusive) for the purchase of a new grader and an income amount of \$80,000 for the sale of councils 2013 Caterpillar 950H for a total changeover of \$279,000

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	injury to personal while delivering	Low (1)	Safety procedures followed
Financial Impact	Purchasing a replacement vehicle	Low (2)	Monetary amount included in Councils 2020-2021 Financial Year Budget to purchase a replacement vehicle
Service Interruption	delay in supplying replacement vehicle due to Covid	Moderate (9)	Out of Councils Control
Compliance	Advertised for the required period in West Australian	Low (1)	In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)
Reputational	Nil	Nil	Nil
Property	Goods being damaged in transit	Low (1)	All goods to be inspected to identify any damage prior to taking delivery and signing of any documentation
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

240/2021

Moved Cr Cobden/Seconded Cr Guerini

That Council:

1. *Accepts the quoted price from Westrac of \$295,460 (excluding GST) to purchase a Caterpillar 950GC fitted with the optional Quicklube system for \$18,376.14 (excluding GST) for a total price of \$313,836.14 (excluding GST); and*
2. *Council accepts the offer from Manhiem Pty Ltd for outright purchase of council's Caterpillar 950H loader for \$136,363.63 for a total changeover of \$177,472.51 (excluding GST)*

CARRIED (6/0)

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Granting of Freehold Title over Lot 302 on Deposited Plan 214325 - Request for Comment

File Reference	9.4.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	- Aerial Map - Tenure Map

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage – Lands Division, for the granting of freehold title as agreed on Conditional Purchase Lease I 446010 over lot 302 shown on Deposited Plan 214325, pursuant to Section 47 of the Land Act 1933.

Background

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

Proposal to Grant Freehold Title over Lot 302 Shown On Deposited Plan 214325 Conditional Purchase Lease I 1446010

The Department of Planning, Lands and Heritage – Land Use Management is granting freehold title as agreed on Conditional Purchase Lease I 446010 over lot 302 shown on Deposited Plan 214325, pursuant to Section 47 of the Land Act 1933. Tenure Maps and Aerial Image attached for your information and reference.

To facilitate this request further, please advise me of any objections or comments that the Shire of Yilgarn may have regarding Jennifer Jackson's request.

Comment

Although limited information has been provided, DPLH intends to grant freehold title over lot 302 shown on Deposited Plan 214325 in accordance with the conditional purchase lease agreement between the current lessee and DPLH. The purchase of the land will have no impact on the Shire.

Statutory Environment

Section 47 of the Land Act 1933

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 Land Act	Low 4	Endorse land transfer process.
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)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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 and Council Decision

241/2021

Moved Cr Nolan/Seconded Cr Close

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

The Shire of Yilgarn have no objection to the granting of freehold title as agreed on Conditional Purchase Lease I 446010 over lot 302 shown on Deposited Plan 214325, pursuant to Section 47 of the Land Act 1933.

CARRIED (6/0)

*Cr Phil Nolan left the meeting at 4.45pm



Legend

☐ Cadastre (View 2)

Roads

— Minor

— Track

— 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.

Lot 302 Location Leake - Lease I446010

DPLH BUSINESS USE ONLY

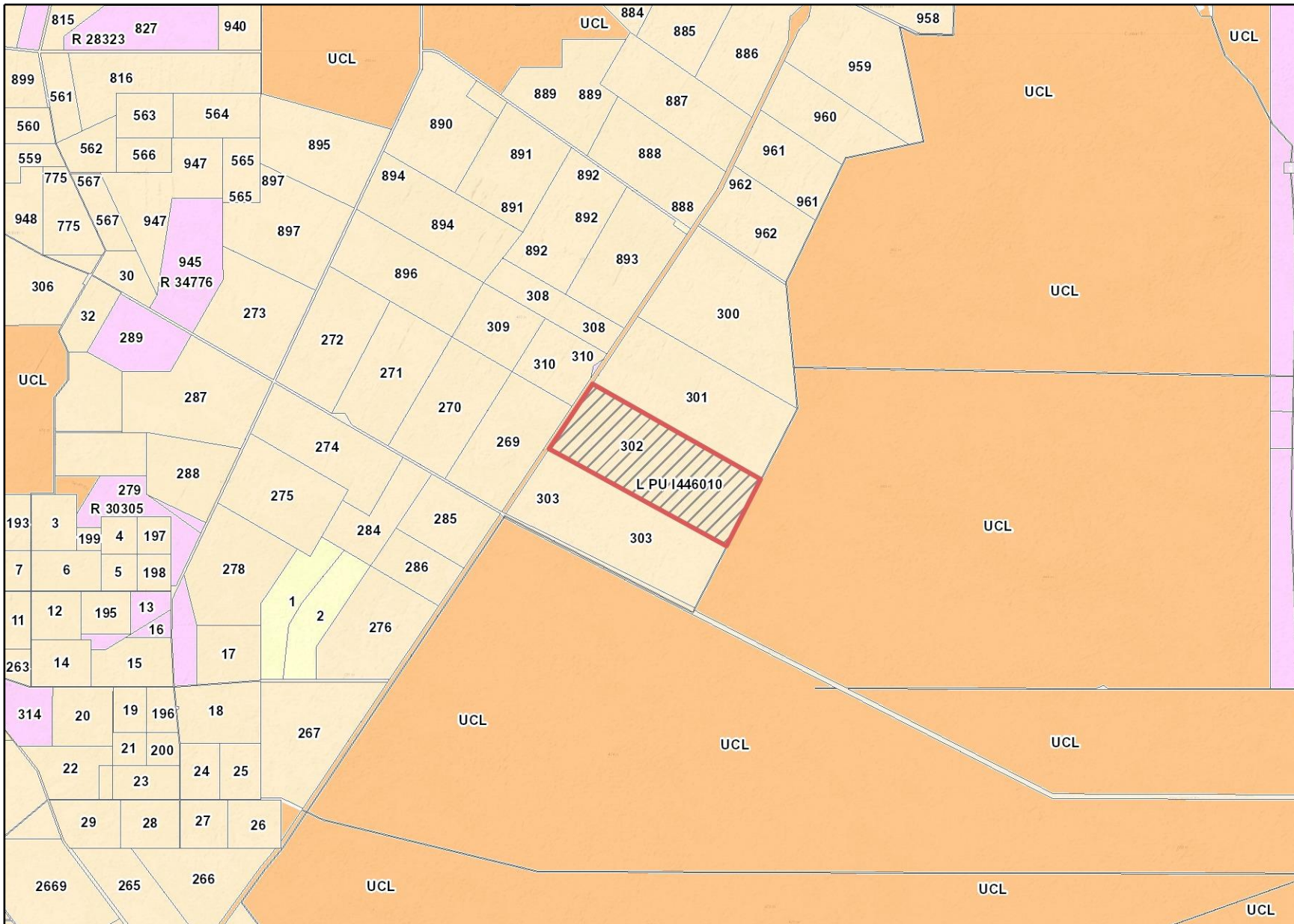


0 1.56 3.11 Kilometres

1: 72,224

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere



Department of Planning,
Lands and Heritage

Legend

☐ Cadastre (View 3)

Land Tenure Small Scale ALL

Crown Allotment (Type 2)

Unallocated Crown Land

Lease

Reserve

Land Tenure Small Scale 256K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Land Tenure Small Scale 64K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Easement

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.

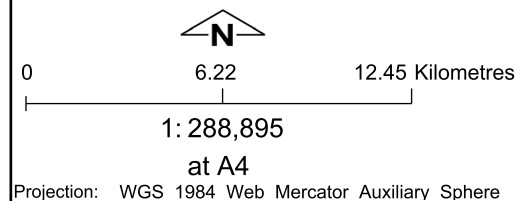
* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

Lot 302 Location Leake - I446010

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 19-Jul-2021

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Application For Exploration Licence 77/2809 – Request for Comment

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

Purpose of Report

To consider a response to the Department of Planning, Lands and Heritage – Lands Division, regarding an application for exploration licence over portion a of Reserve 18966 and portions of unallocated Crown land within the Shire of Yilgarn.

Background

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

The Department of Planning, Lands and Heritage – Land Management (DPLH) has received a request from the Department of Mines, Industry Regulation and Safety (DMIRS) regarding Exploration Licence E77/2809 over portion of Reserve 18966 and portions of unallocated Crown land.

Exploration Licence E77/2809 has been requested by DMIRS on behalf of Ecometals Pty Ltd.

Accordingly, to facilitate the abovementioned proposal, could you please provide comments whether the Shire of Yilgarn has any objections to the issue of Exploration Licence E77/2809.

The parcels of land that are subject of the above proposal are depicted on the attachments Tenure Maps and Aerial Map attached.

Comment

Limited details have been provided to the Shire at this stage. The reserve listed in the exploration license application is vested with Water Corporation.

It should be noted, DPLH's approval, if granted, will be conditional on DMIRS liaising with relevant stakeholders, prior to the licence being issued.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Goal

A prosperous future for our community.

Outcome

Businesses in the Shire remain competitive and viable.

Strategy

Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

Risk Matrix						
Consequence		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)

*Cr Phil Nolan re-joined the meeting at 4.48pm

Officer Recommendation and Council Decision

242/2021

Moved Cr Nolan/Seconded Cr Cobden

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

The Shire of Yilgarn have no objection exploration licence E77/2809 over portions of reserve 18966 and portions of surrounding unallocated crown land.

CARRIED (6/0)



Legend

- Townsites
- Cadastre (View 3)
- Roads
 - National Highway
 - Minor
 - Track
 - Not Applicable

Notes:

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* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

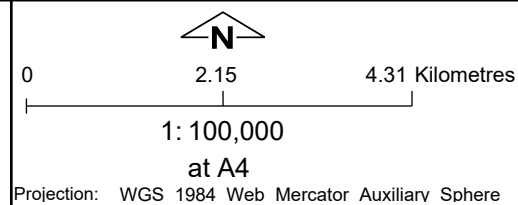
Date produced:

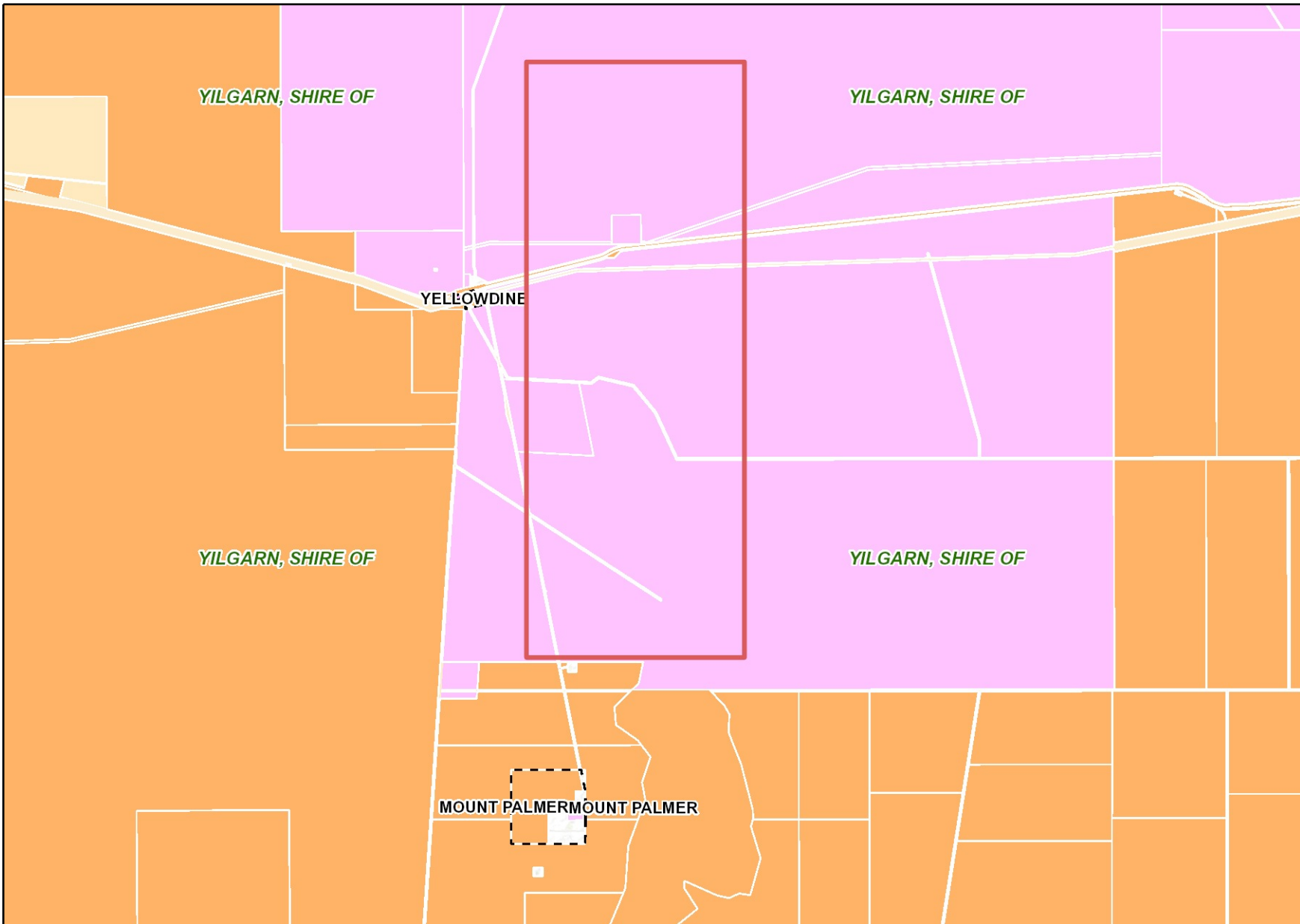
08-Oct-2021



Application for Exploration Licence 77/2809

DPLH BUSINESS USE ONLY





Legend

- Local Government Area
- Townsites
- Land Tenure Small Scale ALL**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Unallocated Crown Land
 - Reserve
- Land Tenure Small Scale 256K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Public Road
 - Unallocated Crown Land
 - Reserve
 - Easement
- Land Tenure Small Scale 64K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Public Road
 - Unallocated Crown Land
 - Reserve
 - Easement

Notes:

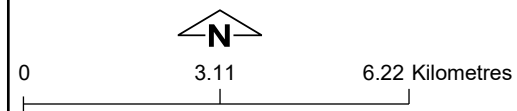
* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Application for Exploration Licence 77/2809

DPLH BUSINESS USE ONLY



1: 144,448
at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Date produced: 08-Oct-2021



Legend

Townsites

Cadastre (View 3)

Roads

National Highway

Minor

Track

Not Applicable

Land Tenure Small Scale ALL

Lot on Survey (Type 1)

Unallocated Crown Land

Reserve

Land Tenure Small Scale 256K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Easement

Land Tenure Small Scale 64K

Crown Allotment (Type 2)

Lot on Survey (Type 1)

Public Road

Unallocated Crown Land

Reserve

Notes:

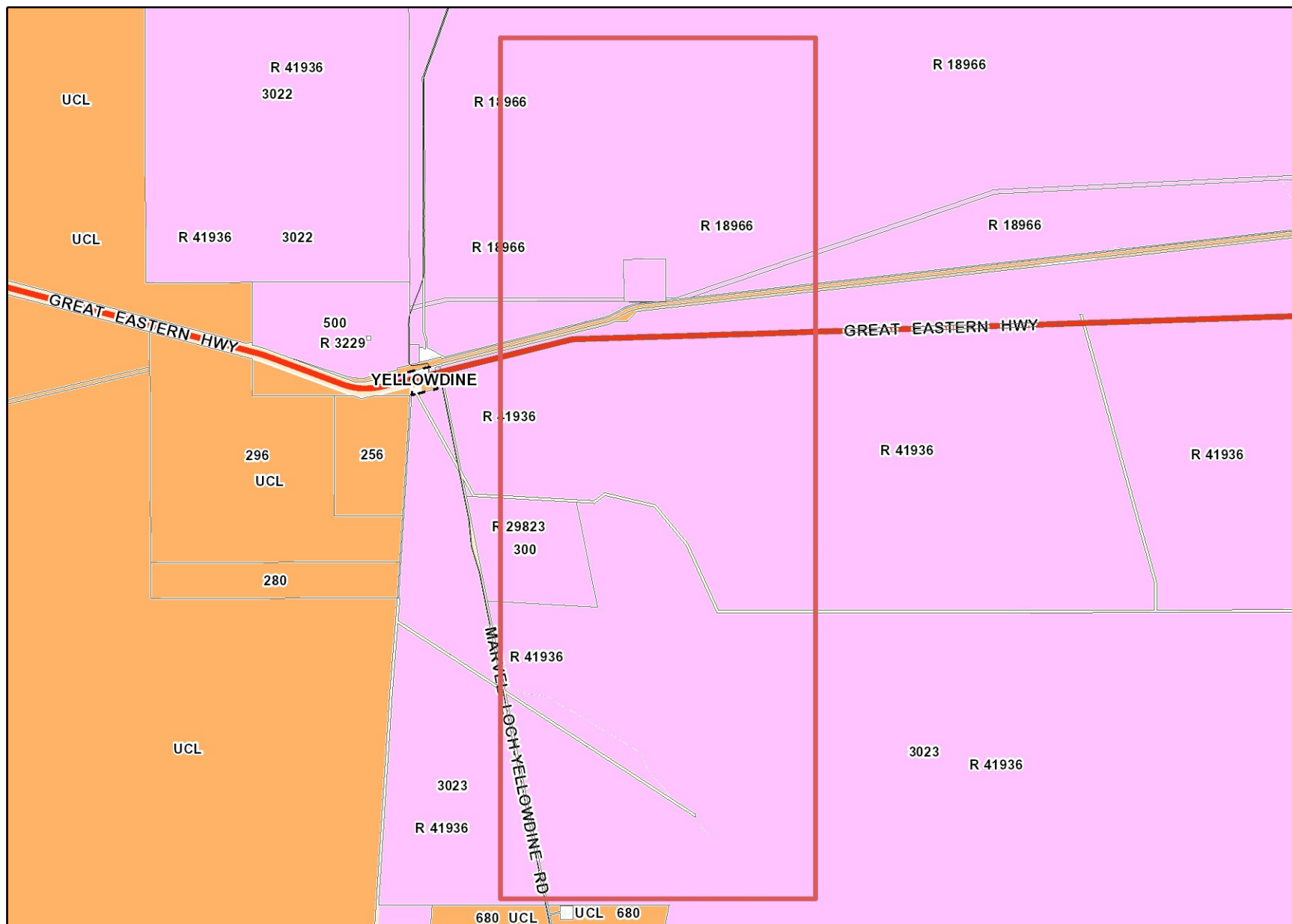
* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

Date produced:

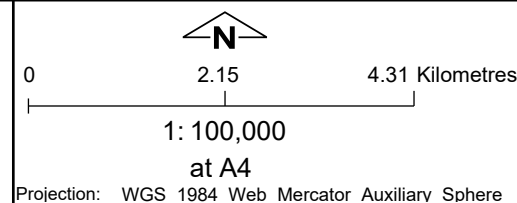
08-Oct-2021



Application for Exploration Licence 77/2809

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

243/2021

Moved Cr Close/Seconded Cr Rose

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

CARRIED (6/0)

12 Officers Report – Chief Executive Officer

12.1 Late Item –Emu Fence Road Dedication – Additional Land Parcel

File Reference	6.1.1.046 & 3.2.1.23
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To seek Council endorsement for additional land to be included in the dedication of Emu Fence Road.

Background

Following discussions with Covalent Lithium regarding potential use of the Emu Fence Road reserve for a water pipeline to their Earl Grey Mt. Holland project and their investigations with the Department of Lands, Planning Heritage (DPLH) in 2019, it was discovered that the Emu Fence Road has never been formally gazetted/dedicated.

The Case Management Division of DPLH in the Goldfields Esperance and Wheatbelt areas have advised that to dedicate the Emu Fence Road, Section 56 of the *Land Administration Act 1997 (LAA)* needs to be actioned. DPLH did advise that the road can be dedicated using Section 24KA of the *Native Title Act* (Public Work supresses Native Title which will require Council to provide the department with the following:-

- A plan of the area to be dedicated
- Indemnify the Minister for Lands and Department against any claim for compensation; and
- Council resolution requesting dedication of that portion of road.

At the Ordinary meeting of Council on the 15 August 2019, Council carried the following resolution in relation to the dedication of Emu Fence Road:

123/2019

Moved Cr Pasini/Seconded Cr Close

That in accordance with Section 56 of the Land Administration Act 1997 and Native Title Act 1993 (Cth), Council makes application to the Minister for Lands for the Emu Fence Road within the Shire of Yilgarn to be formally dedicated. In seeking the Minister's approval, Council indemnifies the Minister and Department of Lands against any claim for compensation.

CARRIED (6/0).

DPLH have been investigating the dedication of Emu Fence Road, and through these investigations, it has been determined that a number of the proposed swale drains proposed for Emu Fence Road are located in a land parcel not currently lodged with DPLH for dedication. A DPLH Project Officer advised that:

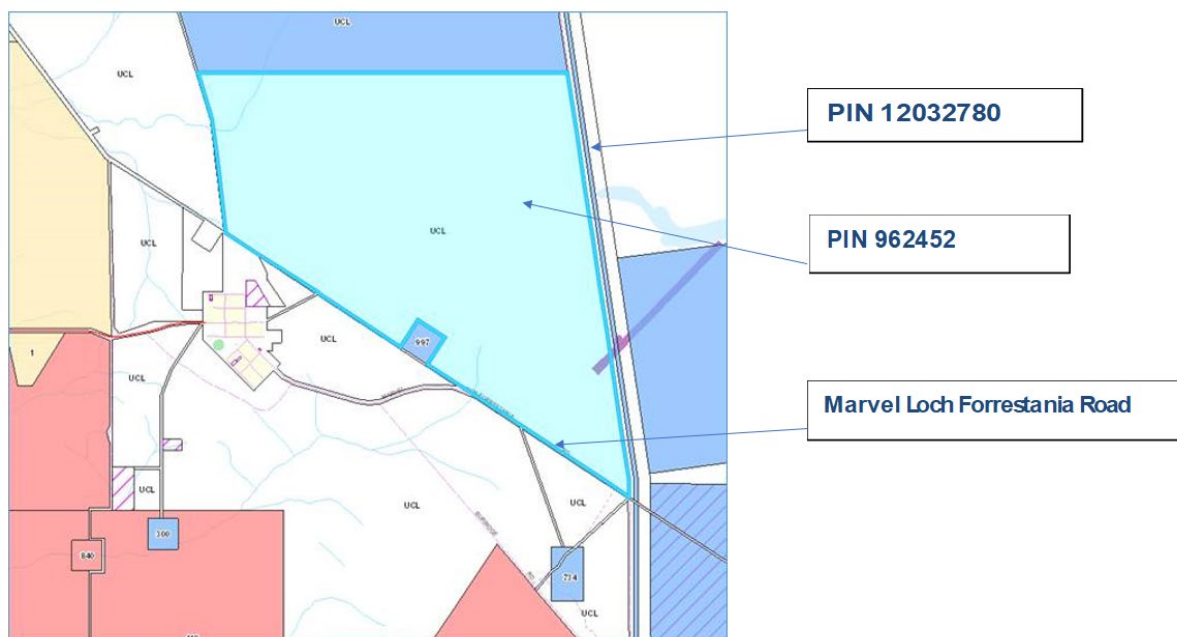
"...the department has been progressing the proposal for the dedication of Emu Fence Road (Job 1902276) and I have noticed the proposed 15 swales, are to be constructed between the Great Eastern Highway and just south of Marvel-Loch Forrestania Road and will be within Parcel Identification Number (PIN) - PIN's 12032790, 12032780, 12032783 and 962452."

"...I note that PIN 962452 is not included in the proposed area for the dedication..."

"Please provide a Council resolution to include the additional area, subject of PIN 962452 and any additional PIN areas that may be required for the road dedication and the construction of the proposed 15 swales."

Comment

As requested by DPLH, a Council resolution to include the additional area, subject of PIN 962452 and any additional PIN areas that may be required for the road dedication and the construction of the proposed 15 swales is required.



Statutory Environment

Land Administration Act 1997.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – A Prosperous Future for our Community – Continue to maintain and upgrade our road network.

Policy Implications

Nil.

Financial Implications

Following the *Act* processes being undertaken, the road will need to be surveyed prior to dedication at Council's cost. Based on the Bullfinch-Evanston Road experience, this could be in the vicinity of \$50,000 - \$60,000.

Risk Implications

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

Compliance	<i>Land Administration Act 1997</i>	Low (1)	Council endorsement in line with Act requirements.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental effects due to illegal clearing for swale drains	Moderate (6)	DPLH approval for road reserve dedications allows for clearing for road use purposes

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

Officer Recommendation and Council Decision

244/2021

Moved Cr Close/Seconded Cr Rose

That Council endorse the inclusion of additional land parcel PIN 962452 into the land required for dedication of Emu Fence Road.

CARRIED (6/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

245/2021

Moved Cr Close/Seconded Cr Guerini

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

CARRIED (6/0)

*Mrs. Kaye Crafter left the meeting at 5pm

CONFIDENTIAL

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Waiver of Interest

File Reference	8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Officer Recommendation and Council Decision

246/2021

Moved Cr Nolan/Seconded Cr Guerini

That Council:

- 1. Approves the write off of the currently accrued late payment interest for (details withheld);*
- 2. Approves the waiver of all future late payment interest (details withheld);*
- 3. Approves, pursuant to Section 6.64 (1) (b) of the Local Government Act 1995, should (details withheld) fail to abide by the proposed repayment agreement that Council take possession of (details withheld)*

CARRIED (6/0)

247/2021

Moved Cr Guerini/Seconded Cr Close

That the meeting be reopened to the public.

CARRIED (6/0)

*Mrs Kaye Crafter re-joined the meeting at 5.14pm

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.15pm

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 16 December 2021, are confirmed on Thursday, 17 February 2022 as a true and correct record of the December 2021 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT