



Council Meeting Agenda

*17 February
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

FEBRUARY 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 17 February 2022
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*

Nicholas Warren
Chief Executive Officer

11/02/2022

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 16 December 2021- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 16 December 2021 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

- 6.2 Shire of Yilgarn Tourism Advisory Committee, Wednesday, 2 February 2022-
(Minutes Attached)

Recommendation

That the minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 2 February 2022 be received

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr Leigh Ballard from Crisp Wireless will be in attendance to present to Council.

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Endorsement of Councillor

File Reference	2.2.1
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

To present to Council a candidate for endorsement to fill the vacant Councillor position.

Background

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

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

194/2021

Moved Cr Cobden/Seconded Cr Close

That Council:

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

CARRIED (6/0)

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

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

As per statutory requirements, state-wide advertising of the call for nominations was to be conducted after the 9 October 2021 and prior to 3 November 2021. State-wide public notice of the call for nominations was undertaken via the West Australian Newspaper on the 28 October 2021, in addition to adverts placed on the Shire's website and Facebook page.

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

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

In the event of receiving fewer nominations than positions post an extraordinary election, the Local Government Act 1995 (the Act) states:

4.57. Less candidates than vacancies

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

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

Comment

The Chief Executive Officer has received a written nomination from Mrs Lisa Granich of Moorine Rock.

Mrs Granich is willing to undertake the position, and is eligible to be a Councillor, being on the Shire of Yilgarn electoral roll.

Should Council endorse Mrs Granich to fill the vacant position on the Council, then Mrs Granich will be asked to undertake the Councillor declaration at the commencement of the March Council meeting, after which she will acquire the full rights and responsibilities as a Councillor.

Statutory Environment

Local Government Act 1995 Section 4.57

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Failure to adhere to LG Act requirements	Low (3)	Requirements of the Act followed
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council, in accordance with Section 4.57(3) of the Local Government Act 1995, appoints Mrs Lisa Granich of Moorine Rock, as a Councillor of the Shire of Yilgarn.

9.1 Officers Report – Chief Executive Officer

9.1.2 2021 Compliance Audit Report

File Reference	1.6.6.4
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	2021 Annual Compliance Audit Return

Purpose of Report

To present to Council the 2021 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be:-

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.

Comment

The 2021 CAR was presented to the Audit Committee at its meeting held on 17 February 2022 prior to the Council meeting for consideration.

The 2021 CAR contains 98 questions of which:-

- 69 were complied with;
- 27 were not applicable to the Shire of Yilgarn during the year under review; and
- 2 were not complied with.

The two questions not complied with are as follows, with comments provided in the report also provided:

Q. Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?

Comment: Auditors Report was not received in time for December meeting

Q. Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?

Comment: Auditors Report was not received in time for December meeting. Lack of committee & council members due to Christmas period necessitates adoption in Feb 22

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Internal review by senior management to Audit Committee and Council on an annual basis	Moderate (6)	Internal CAR review ensures Council and staff are meeting statutory requirements
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Section 14 of the <i>Local Government (Audit) Regulations 1996</i>	Moderate (6)	Annual Compliance Audit Return
Reputational	Not meeting statutory obligations could give rise to adverse response from DLGSC	High (15)	Annual review and Reporting process to DLGSC
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)

Committee Recommendation

That Council adopts the Local Government 2021 Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2021 to 31 December 2021, noting compliance in all but 2 areas assessed and that Council in accepting the CAR, authorises the Shire President and CEO to sign and submit same to the Department of Local Government, Sport and Cultural Industries as required.

9.1 Officers Report – Chief Executive Officer

9.1.3 Bodallin Hall Committee

File Reference	1.3.2.1
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Bodallin Hall Committee Annual Report 2021

Purpose of Report

To present to Council information pertinent to the Bodallin Hall and its ongoing maintenance and operations.

Background

At the June 2020 Ordinary Council meeting, Councillors were made aware of the immediate and future maintenance concerns relating to the Bodallin Hall.

Following this meeting, Staff sought feedback from the community and a professional assessment of the building condition by an independent third party at the direction of Council.

An independent building condition inspection was undertaken and was tabled at the August 2020 Council meeting. The report indicated there was a requirement for immediate costs of \$23,000 for maintenance and a 4-6 year cost for refurbishment of \$342,000.

Feedback was also sought from the community via correspondence to residents and landowners within the Bodallin area. The Shire received eight (8) comments from members of the Bodallin Community, with one of the responses received from the Bodallin Community Group, which is a collective of community members, proactively supporting retention of the Bodallin Hall.

Of the eight responses received in 2020, seven supported the retention and repair of the public building and one supported the demolition of the Bodallin hall and tennis courts.

As a result of the survey and building report, the following resolution was carried at the August 2020 Ordinary Council Meeting.

126/2020

Moved Cr Della Bosca/Seconded Cr Cobden

That in light of the Bodallin community feedback for the retention of the Hall, Council acknowledges this response and endorses the following-

- 1. Allocated funds for demolition of the Bodallin Hall in the current 2020/2021 budget (\$20,000) be reallocated to immediate non-compliance issues indicated in the SW 19 Report as per current legislation requirements and direction by Council Officers.***
- 2. Following the above works being completed by Council to render the Hall functional, the Bodallin community provides an undertaking to Council that it will***

establish a Hall Committee to manage the Halls usage, and in conjunction with Council, undertake any future works of an urgent nature based on a co-contribution basis.

- 3. *That Council in consultation with the Bodallin community, reassess the future of the Hall based on usage and ongoing capital and maintenance cost in 2021 for potential inclusion of such agreed percentage of expenditure in the 2022/2023 Budget.***
- 4. *The Bodallin Hall committee maintain a verifiable usage log and provides a written report to Council on an annual basis.***

CARRIED (5/2)

The annual report has been provided by the Bodallin Hall Committee, and is attached for Councillors perusal.

Comment

The report details the following contributions from the Bodallin Hall Committee:

- Repair and painting of the kitchen ceiling;
- Installation of new hot water unit;
- Painted outside pavement to front entrance; and
- Conducted minor plumbing repairs.

The hall's usage was as follows:

- Numerous hall committee meetings;
- CBH Bin Party – 5/12/2020 – 70 attendees
- New Years Eve family function – 31/12/2020 – 110 attendees
- Private 21st Birthday – 06/03/2020 – 60 attendees
- Ongoing badminton use.

The Bodallin Hall Committee has envisaged the following use:

- The Bodallin Hall Committee advised they have commenced a new project to revamp and improve the Bodallin Pioneer Park, this will be conducted from the Bodallin Hall.
- First aid training with St Johns Ambulance;
- Craft Workshops;
- Continuing with badminton; and
- Seeking if CRC are interested in holding events at the hall.

The independent building report undertaken in 2020 by SW19 estimated costs to repair the premises at \$342,000 over the next 4-6 years.

Council's Executive Manager Infrastructure and Asset Management Officer, are currently working towards compiling an asset management report and building strategy. These documents will give Council a complete picture of the condition of all Shire owned buildings, the expected useful life, estimated remaining effective life and associated costs.

It is recommended Council allow further time for the full asset management plan and strategy to be developed. These documents will give Council the information required to assess

viability of all Shire buildings. Staff will continue the basic maintenance and operational requirements for the Bodallin Hall until such time as the plan and strategy is completed.

Alternatively, Council may deem the usage to date of the Bodallin Hall insufficient to warrant any further expenditure and seek to have the Bodallin Hall disposed of. Should this option be preferred, it would be pertinent to table this matter at the March Council meeting to enable the Bodallin Hall Committee the opportunity to speak on the matter.

Statutory Environment

Nil

Strategic Implications

Community Strategic Plan

Continue to provide and maintain high quality community infrastructure (recreation centre, oval, bowls, tennis facilities, swimming pool, library, community centre, halls)

Policy Implications

4.4 Maintenance of Buildings under Council Control
6.8 Asset Management Policy

Financial Implications

Cost to demolish estimated at \$20,000, or estimated repair costs of \$342,000 over 4-6 years based on SW19 report, in addition to ongoing operation and maintenance costs.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Costs associated with repair outweighing the community benefit	Moderate (9)	Full asset and condition report, and consultation with committee ensure an informed decision on costs versus benefit.
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Harm to reputation due to decision made on Hall	Moderate (9)	Full asset and condition report, and consultation with

			committee ensure an informed decision on costs versus benefit of which can justify final decision
Property	Ongoing deterioration of Bodallin Hall	Moderate (9)	Decision will be made to either remove, or fully repair.
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council

1. Notes the Bodallin Hall Committee Annual Report 2021;
2. Agree to postpone a decision on the future of the Bodallin Hall, until such time as a full asset management plan and strategy can be produced on all Shire buildings, enabling a fully informed decision on the viability of all Shire buildings to be made, including the Bodallin Hall.
3. Council requests ongoing usage statistics from the Bodallin Hall Committee in relation to use of the Bodallin Hall.

RECEIVED
08 FEB 2022

Bodallin Hall Committee Annual Report for 2021

BY:

The Bodallin Community Group have along with the Yilgarn Shire have focused on bringing the Bodallin Hall back to a occupiable state to ensure the facilities are able to be and are being used by the community.

Throughout 2021 the Group reports that about 15 financial members have both attended meetings and volunteered both their time and labour for the preservation and use of the Hall facilities.

The Bodallin Community Group commenced in May 2020 when approached by the Shire regarding the future of the hall. The Yilgarn Shire did support giving the community time to both bring the facilities up to a standard of use and provide evidence of usage. This report is provided to meet the Shires requirement to lodge a report for the period.

Repairs and Maintenance:

During the period the Shire have returned services to the facility, including electrical compliance. The Hall Committee completed the repair work to the kitchen ceiling including painting, installed a new hot water system, painted the outside pavement to the front entrance and conducted minor plumbing repairs.

To hold functions the Hall Committee cleaned up both inside and outside the hall

The Shire more recently has replaced the leech drain in accordance with its requirements.

Permits:

The Committee in full compliance with Shire directives have put in place Covid compliance plans, Venue Hire forms, Food Registration, Alcohol Service compliance forms.

Hall usage:

Numerous hall committee meetings have been held throughout the period including 3 AGM's and a number of functions specific events.

On 5/12/2020 the CBH "Bin party" was held with approx. 70 attendees. The 2021 bin function was held at the Bodallin Dam due to extreme hot weather but is expected to be an annual event at the Hall.

On 31/12/2020 the Bodallin Community Group held a New Year's Eve family function with 110 attendees with live music, food and alcohol service.

6/3/2021 A private 21st birthday function was held, approx. 60 attendees

Funding for new badminton equipment was sort and granted and a group of locals are regularly playing in the facility.

Recently, the Community Group held a meeting at the Hall and commenced a new project to revamp and improve the Bodallin Pioneers Park. It is proposed to expand the gazebo at the Park in a similar fashion as the facility at Walgoolan. A request has been sent to the Shire.

It is intended that this project will be carried out from the Bodallin Hall which will operated as a repository for historical information and maps being collected.

Future:

The Bodallin Hall Committee continues to work on a range of events to utilise the Bodallin Hall including First Aid with St Johns Ambulance, possible craft workshops and enhancing the badminton currently being played.

Looking to discuss with the CRC events they might like to extend out of Southern Cross to capture Yilgarn residents residing on the western outskirts of our shire.

Signed: -

A handwritten signature in black ink, appearing to read 'Rhonda Abbott'.

Rhonda Abbott

Bodallin Hall Committee

6 February 2022

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 31 December 2021 and 31 January 2022.

- 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

That Council endorse the various Financial Reports as presented for the period ending 31 December 2021 and 31 January 2022.

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

For the period 1 December 2021 to 31 December 2021

- Municipal Fund – Cheque Numbers 41087 to 41094 totalling \$18,943.95
- Municipal Fund- EFT Numbers 12071 to 12228 totalling \$1,643,570.47
- Municipal Fund – Cheque Numbers 1837 to 1854 totalling \$237,780.55
- Municipal Fund Direct Debit Numbers 16378.1 to 16378.11 totalling \$22,045.30
- Municipal Fund Direct Debit Numbers 16453.1 to 16453.11 totalling \$22,739.41
- Trust Fund - Cheque Numbers 402616 to 402619, totalling \$1,415.24

For the period 1 January 2022 to 31 January 2022

- Municipal Fund – Cheque Numbers 41095 to 41102 totalling \$5,251.50
- Municipal Fund- EFT Numbers 12229 to 12329 totalling \$522,963.26
- Municipal Fund – Cheque Numbers 1855 to 1873 totalling \$283,436.42
- Municipal Fund Direct Debit Numbers 16454.1 to 16454.11 totalling \$22,792.62
- Municipal Fund Direct Debit Numbers 16489.1 to 16489.11 totalling \$22,073.43
- Trust Fund - Cheque Numbers 402620 to 402622, totalling \$1,000.55

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)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

For the period 1 December 2021 to 31 December 2021

- *Municipal Fund – Cheque Numbers 41087 to 41094 totalling \$18,943.95*
- *Municipal Fund- EFT Numbers 12071 to 12228 totalling \$1,643,570.47*
- *Municipal Fund – Cheque Numbers 1837 to 1854 totalling \$237,780.55*
- *Municipal Fund Direct Debit Numbers 16378.1 to 16378.11 totalling \$22,045.30*
- *Municipal Fund Direct Debit Numbers 16453.1 to 16453.11 totalling \$22,739.41*
- *Trust Fund - Cheque Numbers 402616 to 402619, totalling \$1,415.24*

For the period 1 January 2022 to 31 January 2022

- *Municipal Fund – Cheque Numbers 41095 to 41102 totalling \$5,251.50*
- *Municipal Fund- EFT Numbers 12229 to 12329 totalling \$522,963.26*
- *Municipal Fund – Cheque Numbers 1855 to 1873 totalling \$283,436.42*
- *Municipal Fund Direct Debit Numbers 16454.1 to 16454.11 totalling \$22,792.62*
- *Municipal Fund Direct Debit Numbers 16489.1 to 16489.11 totalling \$22,073.43*
- *Trust Fund - Cheque Numbers 402620 to 402622, totalling \$1,000.55*

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

9.2 Officers Report – Executive Manager Corporate Services

9.2.3 Property Seizures for the Recovery of Unpaid Rates

File Reference	A2680 & 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 assessment has rates outstanding by more than three years for which it has not been possible to enter into an acceptable and successful arrangement for payment of the outstanding balance owing. The owner has verbally stated that he has no interest in owning the property and will not be paying the outstanding amount.

6 OMEGA STREET, SOUTHERN CROSS		
Assessment	A2680	
Ratepayer	Mr C. Holdem	
Type / Zoning	Residential – Southern Cross	
Period Outstanding	2016 / 2017 – 2021 / 2022 (6 Years)	
Amount Outstanding	\$16,864.89	
Last Payment	30 th June 2017 - \$3,677.00	
Recovery Action	Mar 18	Final Demand Letter Referred to AMPAC (Councils Debt Collection Agents).
	Jun 20	Judgement in Council favour received.
	Oct 21	Correspondence forwarded to tenants requesting payment of rent to Council. No response received.
Additional Information	Nil	



Comment

In October 2021, an impromptu in-person discussion was held with Mr Holdem while he was in attendance at the Shire Administration on another matter. This discussion centred on the payment of his outstanding rates on the assessment and ways that Council could assist. Mr Holdem stated that he had no further interest in owning the assessment and was happy for Council to seize and subsequently sell it for the recovery of outstanding rates.

At this time, it was noted that the residential premises seemed to be occupied and that if it was acceptable, Council could request his tenant to pay any applicable rent to Council in ongoing settlement of the outstanding debt. Mr Holdem was agreeable to this arrangement.

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

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: A2680 – 6 Omega Street, Southern Cross

9.2 Officers Report – Executive Manager Corporate Services

9.2.4 2020/21 Audit & Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	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 reports

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 Thursday 17th March 2022 commencing at 6.00 pm.***

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 2021/2022 Budget Review

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

Purpose of Report

Council is requested to adopt the 2020/2021 Budget Review as presented.

Background

Financial Management Regulation 33A – Review of Budget, requires a Local Government to review its annual budget between the 1st of January and the 31st of March in any given financial year. The outcome of this review is to be submitted to Council for its adoption.

Comment

The budget review document, including budget amendment recommendations, for the 2021/2022 financial year is attached for Council's consideration.

The main areas of note is ongoing supply chain issues that have necessitated several capital projects being carried forward to next financial year, however the main area of concern in this year's budget review is adhering to Council previously approved plant replacement program.

Advice from dealers is that deliveries of light vehicles will be delayed anywhere from 8 to 18 months. With this in mind an amount of \$350,000 has been included in this review to allow for the calling of tenders/quotes and the issuing of purchase orders in this financial year for the acquisition of the light vehicle included in the 2022/23 replacement program. It is not expected that there will be any actual expenditure prior to 30 June so this inclusion is purely to allow management to commit future Council funds that will need to be bought forward into the next financial year where the actual expenditure will be incurred.

It should also be noted that no allowances have been made for items such as profit/loss on sale or other change over amounts as these are expected to be incurred in the 2022/23 financial year.

Currently, it is projected that a surplus of \$91,044 will be achieved as at 30 June 2022, which incorporates the following major inclusions to the budget:

1. \$70,000 to obtain a detailed condition report for the Southern Cross sewerage system to enable a much more targeted approach to future maintenance and upgrades.
2. \$30,000 to obtain a detailed condition report for the Marvel Loch sewerage system to enable a much more targeted approach to future maintenance and upgrades.

3. \$40,000 to allow for upgrades/maintenance to Council's standpipe network (primarily upgrade from 3G to 4G communication's due to imminent decommissioning of 3G network).
4. \$70,000 to engage an Occupational Health & Safety Consultant to ensure compliance with the recently enhanced Act.
5. \$500,000 transfer to the Sewerage Reserve to ensure adequate funding is available once condition report recommendations are received and assessed.
6. \$200,000 to create a new Standpipe Reserve with the purpose of funding future maintenance/upgrades to Council's standpipe network.

Statutory Environment

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,
 it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

17. Reserve accounts, title of etc.

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
- (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.

[Regulation 17 amended: Gazette 20 Jun 1997 p. 2839.]

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- *Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Strategic Implications

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

Policy Implications

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

Financial Implications

The presented review includes several budget amendments.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Review of Councils Annual Budget	Moderate (6)	Ongoing monitoring
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Low (3)	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Committee Recommendation

That Council

- adopts the budget review for the period 1st June 2021 to 31st January 2022 inclusive of the recommended budget amendments as indicated in Note 4 of the report, and*
- creates a new reserve called the Standpipe Maintenance/Upgrade Reserve with the purpose of funding future maintenance or upgrades to Council's Standpipe network.*

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Barto Gold Mining Pty Ltd – Application to Clear Native Vegetation under the *Environmental Protection Act 1986* – Marvel Loch

File Reference	3.2.1.30
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Maps provided by Department of Mines, Industry, Regulation and Safety

Purpose of Report

To consider a response to the Department of Mines, Industry, Regulation and Safety (DMIRS), regarding a proposal for Barto Gold Mining Pty Ltd Marvel Loch Mine to clear native vegetation on an existing mining lease in Marvel Loch.

Background

The Shire is in receipt of correspondence from the DMIRS, relating to a submission by Barto Gold Mining Pty Ltd, seeking a permit to clear 55 hectares of native vegetation under the *Environmental Protection Act 1986*.

Comment

The site is currently subject to mining tenements M 77/86, M 77/380 and Miscellaneous Licence tenement L 77/290 held by Barto Gold Mining Pty Ltd. The clearing is consistent with mining activities in the region and DMIRS are the responsible agencies for managing native clearing permits in the mining sector throughout Western Australia. The reporting officer has limited knowledge on the subject and believes DMIRS are better equipped to make informed decisions on such matters.

The Shire has received email correspondence from DMIRS which states:

In accordance with sub-section 51E(4) of the Act, I consider that you may have a direct interest in the subject matter of the application and wish to provide you with the opportunity to comment on the proposal should you consider it appropriate.

I will then, after having taken into account any comments received, either grant a clearing permit (including any specified conditions) or refuse to grant a permit.

Please forward your submission within 21 days from the advertising date to the Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.

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)

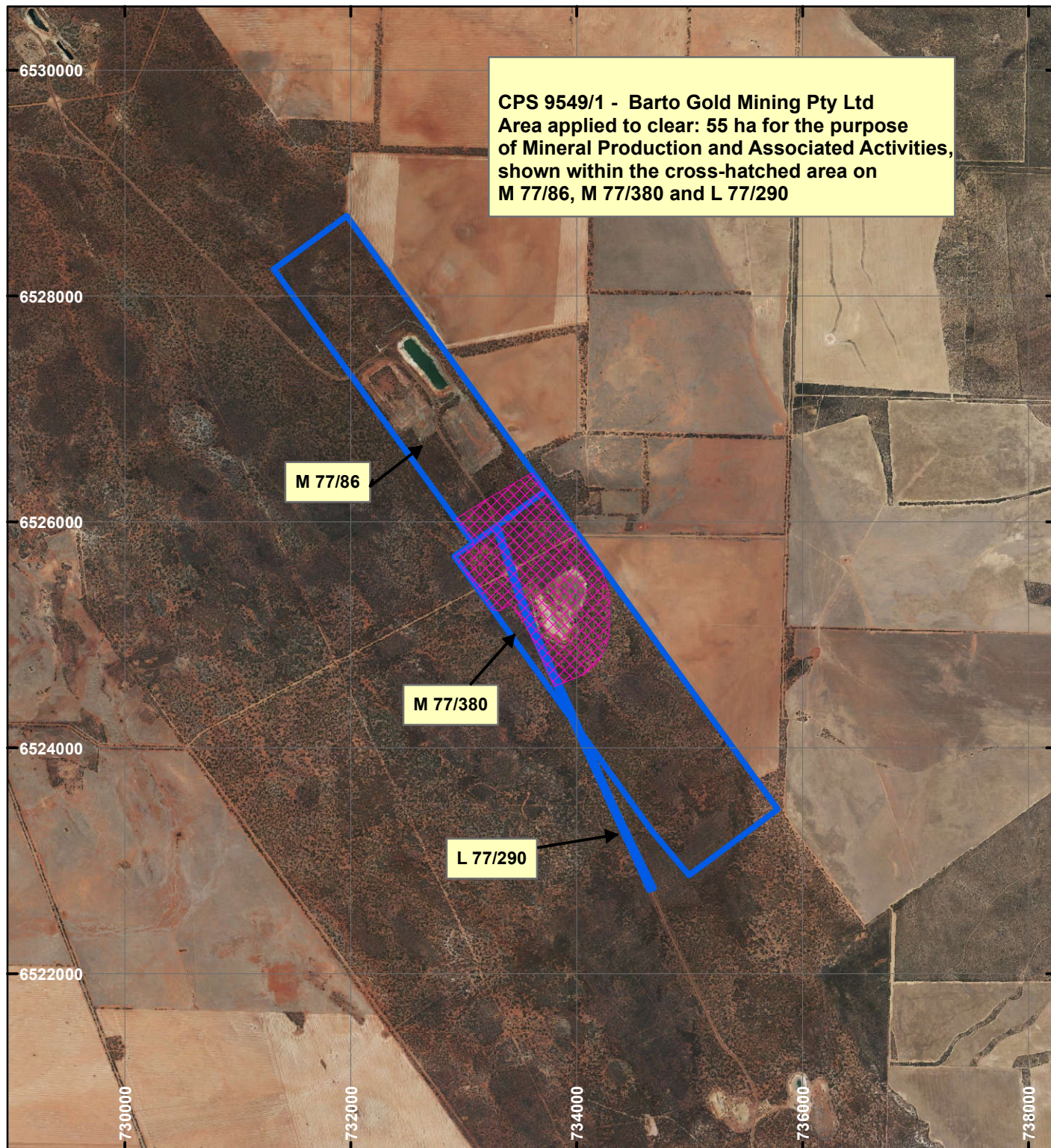
Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

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

With regards to the application from Barto Gold Mining Pty Ltd to clear native vegetation under the Environmental Protection Act 1986, the Shire of Yilgarn has no comments on the proposal.

CPS 9549/1 - Barto Gold Mining Pty Ltd



LEGEND

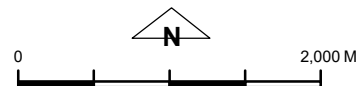


Clearing Instruments



Mining Tenements

Orthophotography sourced from Landgate



Scale 1:50,000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

..... Date

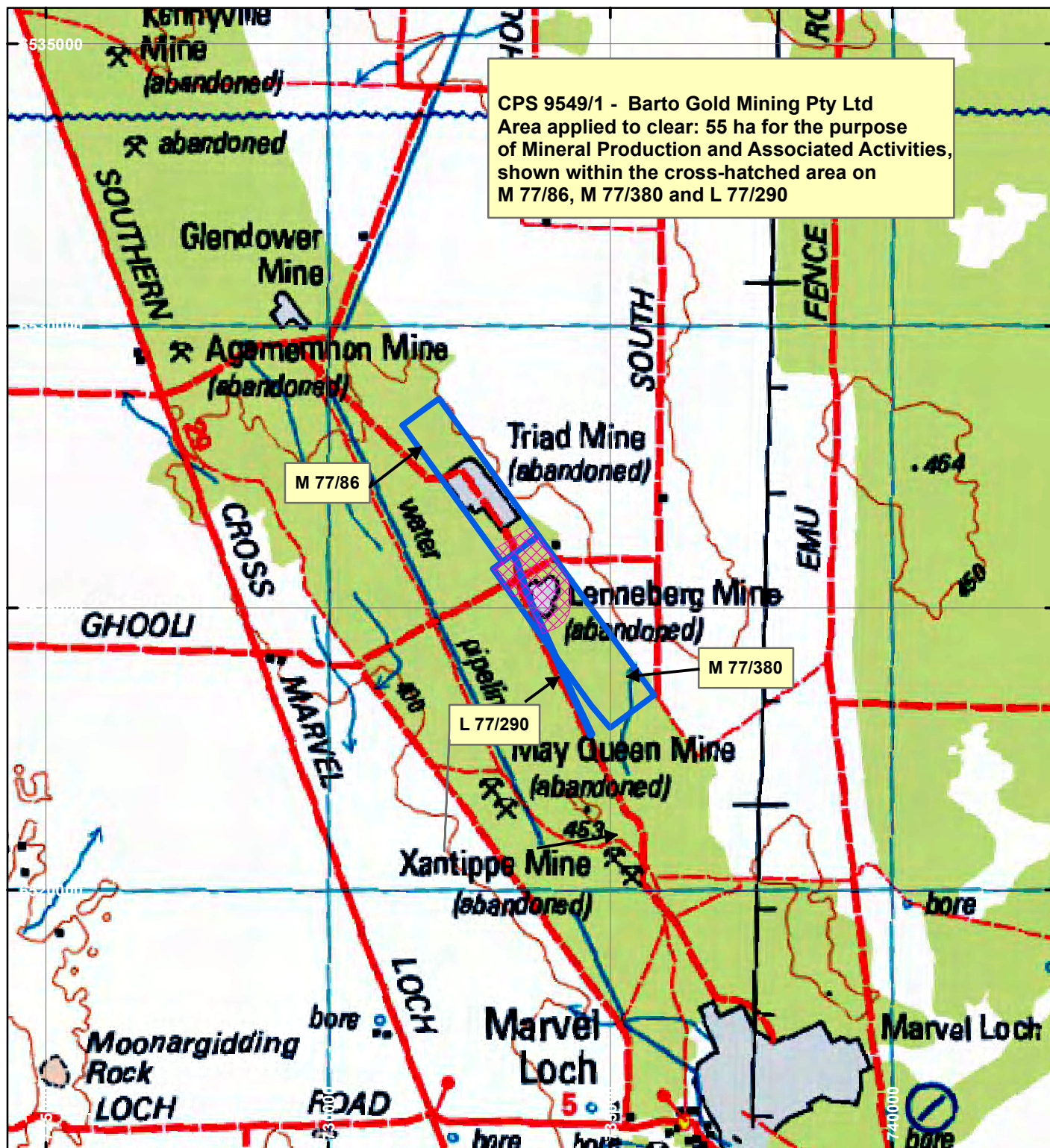
Officer with delegated authority under Section 20 of
 the Environmental Protection Act 1986

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



WA Crown Copyright 2002

CPS 9549/1 - Barto Gold Mining Pty Ltd



CPS 9549/1 - Barto Gold Mining Pty Ltd
Area applied to clear: 55 ha for the purpose
of Mineral Production and Associated Activities,
shown within the cross-hatched area on
M 77/86, M 77/380 and L 77/290

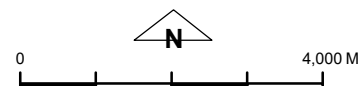
LEGEND



Clearing Instruments



Mining Tenements



Geocentric Datum Australia 1994

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

..... Date

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

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



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10 APPLICATION FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Recommendation

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

CONFIDENTIAL

13 Officers Report – Chief Executive Officer

13.1 Draft Southern Cross EV Charging Station Licence Agreement

File Reference	1.6.26.9
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	CONFIDENTIAL-Draft Southern Cross EV Charging Station Licence Agreement

Purpose of Report

For Council to consider the draft Southern Cross EV Charging Station Licence Agreement, in relation to the installation and management of an Electric Vehicle (EV) Charging station at the corner of Altair Street and Orion Street (Great Eastern Highway) Southern Cross.

Background

On the 17th August 2021, the Labor Government announced its plan to implement an Electric Vehicle (EV) highway, with ninety (90) new electric vehicle fast charging stations at forty-five (45) locations along key travel routes in Western Australia, averaging less than 200 kilometres apart.

Southern Cross was earmarked as a location for a charging station, and on the 7th October 2021, the CEO and EMRS met with representatives from Synergy, who have been engaged as the Project Managers for the Southern half of the State, to discuss possible locations.

Whilst several locations were discussed, it was agreed that the ideal location was 1 Altair Street, Southern Cross, being the lot adjacent to Emu Park.

At the October 2021 ordinary Council meeting, the following resolution was carried:

191/2021

Moved Cr Close/Seconded Cr Guerini

That Council;

1. *Endorse 1 Altair Street, Southern Cross as the location for the State Governments EV Highway electric vehicle charging station;*
2. *Commit to applying a 2-coat seal to the area required for the EV Charging station, being approximately 50 metres by 30 metres; and*
3. *Commit to entering into a peppercorn lease with Synergy, or another agency of the Crown, for the use of 1 Altair Street, Southern Cross, for the purpose of an EV charging station. Council also endorses the Chief Executive Officer to negotiate the terms and conditions of the peppercorn lease, and consent to the President and Chief Executive Officer signing the agreement and applying the Shire of Yilgarn common seal.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

The CEO has been discussing the project with various representatives, and has now received a proposed draft licence agreement for the site. A copy of the agreement is provided for Councillors perusal, however Synergy have requested the draft licence agreement remain confidential.

Comment

Whilst Council have endorsed the CEO to negotiate the terms of the agreement, upon receiving the draft licence agreement, the CEO deemed it pertinent to raise an area of risk with Council prior to signing of the agreement.

The draft agreement gives Synergy the opportunity to terminate the licence (Section 14 – Termination and expiry) or choose not to extend the agreement as per the optional periods (Section 2 – Term).

Synergy may terminate unconditionally by giving 20 business days written notice, or alternatively, may choose not to extend the initial contract term of 5 years.

Synergy then have the option to either:

- Gift the EV Charging Station to the Shire, upon which the Shire will assume all operating and maintenance costs;
- Remove the EV Charging infrastructure; or
- Transfer ownership of the EV charging station to a third party.

Whilst discussions indicate a low probability of Synergy walking away from operation of the EV Charging station, in assessing the risks, Council should consider the worst case scenario.

The worst case scenario for the Shire, is considered to be, at the end of the first term (5 years) or earlier, Synergy terminate or choose not to extend the licence agreement.

It is recommended, the Shire proceed with the agreement, despite the risk of assuming control of the EV Charging station.

The rationale behind this recommendation is as follows:

- The establishment of an Electric Vehicle charging station in the Yilgarn district addresses two outcomes in the Community Strategic Plan 2020-2030, being:
 - o Outcome 2.4 - Tourism opportunities are maximised; and
 - o Outcome 3.4 Increase investment in renewable energy (private and/or public)
- The income for pay-for-use charges can be set to cover maintenance and operational costs. Whilst information on expected costs and income from Synergy is limited at this stage, if the Shire take ownership of the charger, the rates can be set to cover costs;
- At this stage, there are no plans locally for a privately-operated EV Charging station to be established. As such, there is minimal short-term risk in another entity entering the market, and diverting use and subsequent income away from the Shire's operations, which would create a deficit in income versus expenditure.
- Shire staff have previously investigated the installation of an EV charging station for Southern Cross at the emu park location, however establishment costs associated with high voltage connections, transformer install and associated hardware were cost prohibitive. This process, regardless of the long term management, enables the Shire to achieve installation of the EV Charging equipment, without the significant upfront installation and connection costs.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Local Government (Functions and General) Regulations 1996

Clause 30. Dispositions of property excluded from Act s. 3.58

- (2) *A disposition of land is an exempt disposition if:*

(c) the land is disposed of to —

- (i) the Crown in right of the State or the Commonwealth; or
- (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
- (iii) another local government or a regional local government;

Strategic Implications

Community Strategic Plan 2020-2030:

Outcome 2.4 - Tourism opportunities are maximised;

Outcome 3.4 Increase investment in renewable energy (private and/or public)

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Cost of ongoing maintenance and operation of EV Charging Station should Synergy absolve responsibilities.	Moderate (8)	User charges to cover ongoing costs, and ability to obtain an EV Charging station, including connection and installation, with no costs
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with LG Act public notification requirements regarding disposition of property.	Low (4)	Exempt from public notice as per Local Government (Functions and General) Regulations 1996
Reputational	Failure to establish an EV charging station, in line with Community	Moderate (8)	Can establish EV Charging Station in Southern Cross, will nil install costs.

	Strategic Plan outcomes.		
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council endorse the signing of the EV Charging Station Licence Agreement with Synergy, as presented, noting responsibility may be transferred to the Shire of Yilgarn to manage after the original term of the agreement, being five years.

Recommendation

That the meeting be re-opened to the public

14 CLOSURE