



Council Meeting Agenda

*21 July
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

JULY 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 21 July 2022
Commencing at **4pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 4pm*
- *Covalent Lithium will present to Council at the beginning of the Ordinary Meeting*

Nicholas Warren
Chief Executive Officer

14/07/2022

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Table of Content

1 Declaration of Opening/Announcement of Visitors	3
2 Announcements from the Presiding Member	3
3 Attendance	3
4 Declaration of Interest	3
5 Public Question Time	3
6 Confirmation of Minutes	3
7 Presentations, Petitions, Deputations	4
8 Delegates' Reports	4
9 Officers' Reports	5
9.1 Chief Executive Officer	5
9.1.1 Southern Cross District High School-Waiver of Community	
Bus Hire Fees	5
9.1.2 2022 WALGA Annual Convention	9
9.1.3 Local Government Reforms	12
9.2 Executive Manager Corporate Services	14
9.2.1 Financial Reports June 2022	14
9.2.2 Accounts for Payment	17
9.2.3 2022/2023 Budget Adoption	21
9.3 Executive Manager Infrastructure	30
9.3.1 RAV Route Determination to access Parkers Range Road and	
Marvel Loch Forrestania Road	30

9.4 Executive Manager Regulatory Services	39
9.4.1 Water Services Licence Exception-Southern Cross and	
Marvel Loch Sewerage.....	39
10 Application for leave of absence.....	43
11 Motions for which previous notice has been given.....	43
12 New business of an urgent nature introduce by decision of the meeting.....	43
13 Meeting closed to the public-Confidential Items.....	43
14 Closure.....	43

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 L Granich
Cr G Guerini
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: Cr P Nolan

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 June 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 16 June 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Great Eastern Country Zone (GECZ), Monday, 27 June 2022-(Minutes Attached)

Recommendation

That the minutes from the GECZ meeting held on the 27 June 2022 be received

Voting Requirements: Simple Majority

6.3 Wheatbelt East Regional Organisation of Councils Inc. (WEROC), Monday, 27 June 2022-(Minutes Attached)

Recommendation

That the minutes from the WEROC Board meeting held on the 27 June 2022 be received

Voting Requirements: Simple Majority

6.4 Shire of Yilgarn Tourism Advisory Committee, Wednesday 6 July 2022 - (Minutes Attached)

Recommendation

That the minutes from Shire of Yilgarn Tourist Advisory Committee meeting held on the 6 July 2022 be received.

Voting Requirements: Simple Majority

6.5 Yilgarn History Museum Advisory Committee, Wednesday 6 July 2022 - (Minutes Attached)

Recommendation

That the minutes from Yilgarn History Museum Advisory Committee meeting held on the 6 July 2022 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Tim Gilbert, General Manager, from Covalent Lithium's Mt Holland project will attend to present to Council.

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Southern Cross District High School – Waiver of Community Bus Hire Fees

File Reference	8.2.6.27
Disclosure of Interest	The CEO discloses an impartiality interest as the current Chairperson of the Southern Cross District High School Board.
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To submit to Council a request from the Manager Corporate Services of the Southern Cross District High School (SXDHS), for the waiving of Community Bus Hire fees associated with student's attendance at a Country Week Carnival in Perth.

Background

SXDHS Secondary Students have participated in Country Week for the past two years. In 2020 the Shire of Yilgarn endorsed a request to waiver the hire fees for the Community Bus for the trip to Country Week, with Council agreeing to waive half the costs.

Unfortunately, due to our locality and population, many school children in our area are quite disadvantaged, both socially and culturally, due to our isolation. Country Week offers the chance for students to break down those barriers and experience new and exciting opportunities.

The School notes that these opportunities are not possible without the generous donations and support from local businesses. It is believed that this event is invaluable due to the opportunities offered, and as such, the School is looking at taking students again in 2022.

Country Week will take place in Perth from Sunday 18 – Friday 23 September, 2022. Throughout the week, students will participate in a number of sporting and non-sporting activities. The aim of this educational experience is to provide students with the opportunity to further develop their social and cultural competence, whilst being active, and encouraging physical activity.

Parents will also contribute financially to enable their child/ren to attend, however, the total cost of the camp will far exceed this amount. As such, students and their families will be participating in a number of fundraising events over the course of the next few months.

Comment

Council's Delegation No. LGA14 only allows the CEO to waive hire fees to an amount less than \$500.00. The request by the SXDHS to waive hire fees for the Community Bus would be between \$800 - \$900.

In 2020, Council agreed to waive half the estimated fees.

It is pleasing to see the school community being active in fundraising to enable students to attend the Country Week 2022 event to lessen the financial burden on parents.

Statutory Environment

Delegation Register

LGA14 Donations and Waiver of Hire Fees

Date Adopted:	17 March 2016
Date Last Reviewed:	21 April 2022
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA30

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

Extent of Delegation:

Council delegates its authority and power to the Chief Executive Officer to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
 - a. less than \$500
 - b. for a non-profit group that is located in the Shire of Yilgarn
 - c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

Conditions Imposed:

Nil

Legislation:

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.
- * Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Social – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

Policy Implications

Nil.

Financial Implications

Requested Donation/Waiving of Hire Fees between \$800 - \$900.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Yilgarn youth disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing the opportunities associated with Country Week.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil

Compliance	Nil	Nil	Nil
Reputational	Reputation damage by not seizing an opportunity to adhere to the Strategic Community Plan in relation to Social outcomes	Low (3)	Waiver enables the shire to continue its commitment to the Strategic Community Plan.
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 waives the total bus hire fees for the Southern Cross District High School, to allow students to attend the 2022 Country Week event in Perth.

Council are to note the bus hire bond will still be payable.

9.1 Officers Report – Chief Executive Officer

9.1.2 2022 WALGA Annual Convention

File Reference	1.6.21.12
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	2022 AGM Notice of Meeting

Purpose of Report

To inform Councillors that the annual WA Local Government Convention will be conducted at Crown Perth between Monday, 3 and Tuesday, 4 October 2022.

Background

Whilst the conference program is yet to be announced, the theme for 2022 is Embracing Change.

As per the Convention notice, *“With increasing community expectations of Local Governments, legislative reform, and a rapidly changing economic, social and political environment, Local Governments must find new ways of serving and engaging with their communities, doing business and strengthening their influence. Agility, ingenuity, innovation and boldness will be required. This Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide and embrace change.”*

The conference is to be held between Monday, 3 and Tuesday, 4 October 2022

In conjunction with the Convention, the Annual General Meeting for the Western Australian Local Government Association (WALGA) will be held on Monday, 3 October 2022 at Crown Perth.

The key dates for the AGM include:

Key dates are as follows:

- Friday, 22 July Deadline to submit motions proposing amendments to WALGA’s Constitution.
- Friday, 12 August Deadline to submit motions for the AGM Agenda.
- Friday, 23 September Registration of Voting Delegates closes.
- Monday, 3 October Annual General Meeting, Crown Perth.

Comment

The Shire President, Deputy Shire President and the CEO represented Council at the 2021 Convention.

Councillors should indicate at this meeting whether they wish to attend the Convention to allow staff time to undertake registrations and also arrange for accommodation.

WALGA is also seeking the names of the appointed Delegates with voting entitlements at the Annual General Meeting. Normally this would be the Shire President and Deputy Shire President if they are attending.

The 2022 AGM Notice of Meeting is attached, with the Convention program to be distributed once released.

Statutory Environment

Nil.

Strategic Implications

Shire of Yilgarn Strategic Community Plan – Civic Leadership Strategy – Ensure training programs for Elected Members and Staff.

Policy Implications

Nil.

Financial Implications

Council allocates funds within its Annual Budget to accommodate those Councillors wishing to attend the Convention.

Risk Implications

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

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

Officer Recommendation

That Council:-

1. Authorises the Shire President, Deputy Shire President, and Crs _____, _____, & _____ together with the CEO in attending the 2022 Local Government Convention at Crown Perth between Monday, 3 and Tuesday, 4 October 2022; and
2. That Crs _____ and _____ be appointed as the Shire of Yilgarn Voting Delegates at the WALGA Annual General Meeting and WALGA be informed accordingly of the voting delegates appointed.

9.1 Officers Report – Chief Executive Officer

9.1.3 Local Government Reforms

File Reference	2.3.1.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Local Government Reforms – Full Reform Proposals

Purpose of Report

To advise Council of the release of the full reform proposals by the Department of Local Government, Sport and Cultural Industries.

Background

The State Government has announced the final package of reforms to the Local Government Act 1995, following a review of public submissions. It is the most significant package of reforms for WA local government since the Local Government Act 1995 was passed more than 25 years ago.

The reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

The proposed reforms are based on six 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.

Comment

The Local Government Reforms – Full Reform Proposals document from the Department of Local Government, Sport and Cultural Industries is attached for Councillors information.

Staff will continue to keep Council updated on the progress of the reforms implementation.

Statutory Environment

Nil.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

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

Risk Matrix						
Consequence		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 notes the release of the Local Government Reforms – Full Reform Proposals document from the Department of Local Government, Sport and Cultural Industries.

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 30 June 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

At the request of Councillors, the financial statements now include an additional note for Local Roads and Community Infrastructure (LRCI) projects.

The new note details the following for each LRCI project:

- the allocated LRCI funds
- costs incurred, in total and for the financial year-to-date
- overall under/over spending
- grant funds receivable (if any).

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 30 June 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 the Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41131 to 41141 totalling \$7,211.82
- Municipal Fund - EFT 12753 to 12857 totalling \$429,401.58
- Municipal Fund – Cheques 1950 to 1967 totalling \$259,372.84
- Municipal Fund Direct Debit Numbers:
 - 16866.1 to 16866.11 totalling \$23,371.06
 - 16916.1 to 16916.11 totalling \$23,499.63
- Trust Fund - Cheques 402632 to 402634 totalling \$408.95

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

Officer Recommendation

- *Municipal Fund – Cheques 41131 to 41141 totalling \$7,211.82*
- *Municipal Fund - EFT 12753 to 12857 totalling \$429,401.58*
- *Municipal Fund – Cheques 1950 to 1967 totalling \$259,372.84*
- *Municipal Fund Direct Debit Numbers:*
 - *16866.1 to 16866.11 totalling \$23,371.06*
 - *16916.1 to 16916.11 totalling \$23,499.63*
- *Trust Fund - Cheques 402632 to 402634 totalling \$408.95*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 2022/2023 Budget Adoption

File Reference	8.2.5.3
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	2022/2023 Statutory Budget

Purpose of Report

To consider and adopt the Municipal Fund Budget for the 2022 / 2023 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background

The 2022 / 2023 operating budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2022 / 2023 budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on the 7th of July 2022.

The rating structure proposed for the 2022 / 2023 financial year is based on a 0.5% increase in the Rate raised from those imposed in the previous year. The proposed differential rates for 2022 / 2023 are, as previously indicated, an across the board 0.5% increase in the rate raised from those of the prior year. This equates to 0% reduction from those advertised for GRV rate in the dollars and a 16.520% reduction for UV Rural and 9.000% reduction for UV Mining on those raised in the prior year.

The advertising period for the receipt of submissions closed on the 23rd of May and resulted in 2 submissions being received.

Comment

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

- **The Schedule of Fees & Charges.**
There have been no changes to the Fees & Charges that Council considered in May.
- **General Rates and Minimums**
The general value of rates raised will have a 0.5% increase, the general minimums remaining unchanged as follows:

Land Category	Rate in the Dollar		Rates Raised 2021/22	Rates Raised 2022/23	\$ Increase/ (Decrease)	% Increase/ (Decrease)
	2022/23	2021/22	\$	\$		
<u>General Rate</u>						
GRV - Residential / Industrial	11.3458	11.2894	387,157	384,809	(2,348)	(0.61%)
GRV- Commercial	7.9868	7.9469	77,975	78,367	392	0.50%
GRV- Minesites	15.9734	15.8938	84,168	84,590	422	0.50%
GRV - Single Persons Quarters	15.9734	15.8938	129,728	130,378	650	0.50%
UV - Rural	1.4745	1.7663	1,880,750	1,890,163	9,413	0.50%
UV - Mining Tenements	15.9062	17.4793	1,568,664	1,576,561	7,897	0.50%
<u>Minimum General Rate</u>						
GRV - Residential / Industrial	\$500	\$500	58,000	58,500	500	
GRV- Commercial	\$400	\$400	2,800	2,800	-	
GRV- Minesites	\$400	\$400	1,200	1,200	-	
GRV - Single Persons Quarters	\$400	\$400	800	800	-	
UV - Rural	\$400	\$400	16,000	16,400	400	
UV - Mining Tenements	\$400	\$400	90,000	96,400	6,400	

There was a general revaluation carried out to UV rated assessments effective 1st July 2022. This revaluation resulted in the following:

COMPARATIVE VALUATIONS		Valuations as at 1st July of the given year.						
	2021/22			2022/2023			Change \$	Change %
	Rateable Valuation	Minimum Valuation	Total Valuation	Rateable Valuation	Minimum Valuation	Total Valuation		
Non-Rateable	-	-	293,644	-	-	293,719	75	0.03%
GRV - Mine Sites	529,565	2,408	531,973	529,565	2,408	531,973	0	0.00%
GRV - Single persons Quarters	816,219	1,075	817,294	816,219	1,075	817,294	0	0.00%
GRV - Residential / Industrial	3,399,106	152,317	3,551,423	3,391,640	148,402	3,540,042	(11,381)	(0.32%)
GRV - Commercial	981,205	20,061	1,001,266	981,205	20,061	1,001,266	0	0.00%
UV - Rural	103,935,117	282,645	104,217,762	128,190,117	305,145	128,495,262	24,277,500	23.29%
UV - Mining	8,648,469	259,902	8,908,371	9,911,612	274,674	10,186,286	1,277,915	14.35%

Sewerage Rate in the Dollar and household rubbish collection charges will remain unchanged from those imposed in 2021/2022.

- Major Income and Expenditure**

Capital expenditure totalling \$9.657M is budgeted, being made up of:

Land & Buildings	\$2,356,940
Furniture & Equipment	\$65,000
Plant & Equipment	\$1,826,000
Infrastructure	
- Roads	\$3,587,413
- Parks & Ovals	\$666,000
- Sewerage	\$43,000
- Refuse Sites	\$7,500

Non-Operating grant income includes:

Roads to Recovery	\$906,705
Regional Road Group	\$805,750
Main Roads WA Direct Grant	\$398,203
Federal Local Roads & Community Infrastructure Grant	\$943,522

Operating grant income includes:

Federal Equalisation Grant	\$585,344 (Est)
Federal Untied Roads Grant	\$436,343 (Est)

Statutory Environment

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

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2022 / 2023 budget as presented is considered to meet statutory requirements.

Strategic Implications

The draft 2022 / 2023 budget has been developed based on the existing Plan for the Future and strategic planning documents adopted by council.

Policy Implications

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

Financial Implications

Forms the basis for Income and Expenditure for the period 1 July 2022 to 30 June 2023.

Risk Implications

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

GENERAL & MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

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

General Rate

<i>GRV - Residential / Industrial</i>	<i>11.3458</i>
<i>GRV- Commercial</i>	<i>7.9868</i>
<i>GRV- Minesites</i>	<i>15.9734</i>
<i>GRV - Single Persons Quarters</i>	<i>15.9734</i>
<i>UV - Rural</i>	<i>1.4745</i>
<i>UV - Mining Tenements</i>	<i>15.9062</i>

Minimum Payments

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

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

Single Full Payment:-

- *Full payment due date 19th September 2022*

Payment by Two Instalments:-

- *First instalment due date 19th September 2022*
- *Second instalment due date 27th January 2023*

Payment by Four Instalments:-

- *First instalment due date 19th September 2022*
- *Second instalment due date 23rd November 2022*
- *Third instalment due date 27th January 2023*
- *Fourth instalment due date 31st March 2023*

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

4. Pursuant to section 6.45 of the Local Government Act 1995, regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
5. Pursuant to section 6.45 of the Local Government Act 1995, regulation 68 of the Local Government (Financial Management) Regulations 1996 and clause 13 of the Local Government (COVID-19 Response) Ministerial Order 2022 effective on 25 June 2022, council adopts an interest rate of 0% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and section 6.51(4) of the Local Government Act 1995, regulation 70 of the Local Government (Financial Management) Regulations 1996 and clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2022 effective on 25 June 2022, council adopts an interest rate of 7% for all overdue rates (and service charges) and costs of proceedings to recover such charges subject to:
 - a. This interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2022 that has been determined by the Shire of Yilgarn as suffering financial hardship as a consequence of the COVID-19 pandemic.

Voting Requirements Absolute Majority Required

Officer Recommendation 2

SEWERAGE RATES & CHARGES

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

1. *Southern Cross Sewerage Scheme Charge (Residential/Industrial):*
7.3 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Town-site.
 - *Minimum Charge per vacant land - \$210.00*
 - *Minimum Charge per residential property - \$276.00*
 - *Non-Rated Class 1st Fixture - \$176.00*
 - *Non-Rated Class Additional Fixtures - \$89.00*
 - *Non-Rates Class 2 and 3 Fixture - \$937.00*
2. *Southern Cross Sewerage Scheme Charge (Commercial):*
5.0 cents in the dollar on GRV (Commercial) properties within the Southern Cross Town-site.
 - *Minimum Charge per commercial property - \$583.00*

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

Voting Requirements Absolute Majority Required

Officer Recommendation 3

SANITATION HOUSEHOLD REFUSE - RATES AND CHARGES

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

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

Voting Requirements Absolute Majority Required

Officer Recommendation 4

ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2022 / 2023

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

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

- **ICT Allowance**
Annual allowance for hardware upgrades and data usage - \$1,180 per Councillor per annum
- 3. **Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 - **Shire President \$12,000**
- 4. **Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:**
 - **Deputy Shire President \$4,000**

Voting Requirements Absolute Majority Required

Officer Recommendation 5

MATERIAL VARIANCE REPORTING FOR 2022 / 2023

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022 / 2023 for reporting material variances shall be +/- 10% or \$30,000, whichever is the greater.

Voting Requirements Absolute Majority Required

Officer Recommendation 6

OTHER STATUTORY COMPLIANCE

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

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

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

Voting Requirements Absolute Majority Required

Officer Recommendation 7

MUNICIPAL FUND BUDGET FOR 2022 / 2023

Pursuant to the provisions of section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996 and clause 7 of the Local Government (COVID-19 Response) Ministerial Order 2022 effective on 25 June 2022, the council adopt the Municipal Fund Budget which recognises the consequences of the COVID-19 pandemic on the local community, for the Shire of Yilgarn for the 2022 / 2023 financial year which includes the following:

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

Voting Requirements Absolute Majority Required

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 RAV Route Determination to access Parker Range Road and Marvel Loch Forrestania Road

File Reference	6.3.2.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

For Council to consider a request from Heavy Vehicle Services support for a Route Determination for Category PBS Tri Drive Quad Axle Trailers N3.3 (level 3 Accredited Mass Management Scheme) for Parker Range Road and Marvel Loch Forrestania Road.

Background

MGM submitted a Restricted Access Vehicle request to Main Roads Western Australia (MRDWA) in March 2022 seeking Shire of Yilgarn's support to inspect Parker Range Road and Marvel Loch Forrestania Road for a Route Determination Category PBS Tri Drive Quad Axle Trailers N3.3 (level 3 Accredited Mass Management Scheme).

Council did not support MGM Transport's application for PBS Tri Drive Quad Axle Trailers N3.3 (level 3 Accredited Mass Management Scheme) as the pavement assessment did not support the level 3 Accredited Mass Management Scheme at the council meeting in May 2022.

Council's decision was based on the road pavements not being suitable for level 3 of the accredited Mass Management Scheme. Council's resolution included,

"Depending on the need for access, Council may support PBS Tri Drive Quad Axle Trailers N3.3 which includes level 3 of the Accredited Mass Management Scheme if the applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested"

Comment

Accredited Mass Management Scheme

AMMS is a concessional loading scheme, similar to the schemes it replaced, i.e. the Certified Weighbridge Mass Management Scheme (CWMMS) and the Concessional Loading Bulk Products Scheme (CLBPS). Other existing concessional loading schemes include the Concessional Livestock Scheme and the Import / Export Containerised Cargo Concessional Scheme. AMMS was developed in consultation with the Ministerial Heavy Vehicle Advisory Panel to provide the transport industry with a more flexible concessional loading scheme that allows more transport operators access to concessional mass limits, provided they have suitable loading controls in place. This results in more transport operators controlling their

loading, which reduces potential for overloading and consequently improves road safety and reduces road damage.

The AMMS scheme allows for three (3) concessional mass tiers that are available to approved heavy vehicle transport operators with appropriate loading control methods. This scheme uses a network approach similar to the existing RAV Network.

Table below shows Accredited Mass Management Levels with Concessional Axle Loadings.

	SINGLE STEER AXLE	TANDEM GROUP	TRI AXLE GROUP
STANDARD AXLE WEIGHT	6.0t	16.5t	20.0t
LEVEL 1 (A)	6.0-7.0t	17.0t	21.5t
LEVEL 2 (B)	6.0-7.0t	17.0t	22.5t
LEVEL 3 (C)	6.0-7.0t	17.5t	23.5t

Restricted Access Vehicle (RAV) Network

The RAV Network is a list of roads which have been assessed and classified by MRWA according to the type and size of heavy vehicle that may access them. It is administered by the Heavy Vehicles Section (HVS) of MRWA. CA07 is a condition of access applied by Main Roads via a Restricted Access Vehicle (RAV) Permit or Order, which requires the Transport Operator to obtain a Letter of Agreement from the Local Government to access specific local roads. Without the Letter of Agreement, the Transport Operator is not meeting the condition of access and is consequently breaching the Permit or Order and not legally allowed access to the local road.

Heavy vehicle use on a particular route may have some negative impacts on the environment, community and traffic. Assessors must first determine if the proposed route is the most appropriate route for the particular operations and recommend variations to the initially proposed route to reduce such impacts.

Route Assessment

When conducting a route assessment for a Restricted Access Vehicle (RAV), HVS does not assess any access driveway adjoining a RAV network road. It remains the responsibility of the property owner to ensure safe ingress and egress to the property. Before using a RAV on any road, it is necessary to obtain the HVS approval.

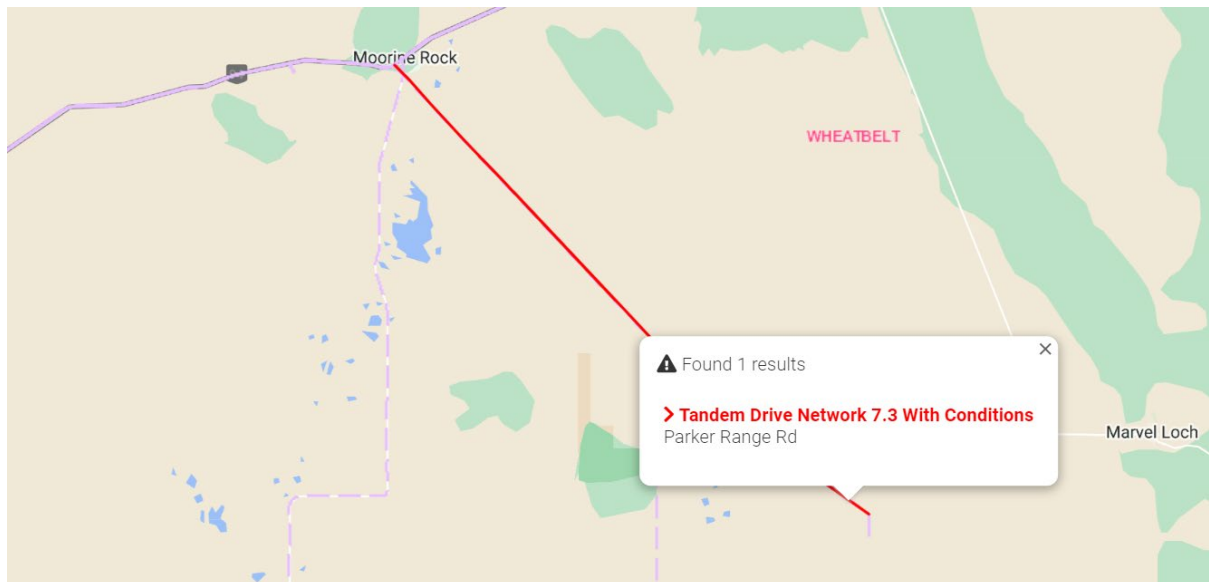
Before making any decision on an application for route access, HVS may deem it necessary to do any or all of the following:

- Perform a further assessment of the route;
- Assess the stability of the vehicle and load, which may involve a PBS Assessment or similar;
- Assess the suitability of the road pavement;
- Obtain Local Government agreement for the proposed route (for all operators); and
- Recommend a number of road improvements as conditions of approval.

Pavement testing was carried out by Covalent Lithium, using a Falling Weight Deflectometer along this entire route. Staff used this raw data to assess the condition of the pavement and the results demonstrated the road pavement didn't support long term use at level 3 of the Accredited Mass Management Scheme.

Parker Range Road and Marvel Loch Forresteria Roads from Great Eastern Highway to Mt Holland Mine have mixed RAV access Network levels. Parker Range Road from Great Southern Highway to Panizza Road intersection (sealed) is currently approved for N7.3 level 3 of the accredited Mass Management Scheme. Councils previous decision was to downgrade this section from N7.3 to N7.1.

Staff notified Heavy Vehicle Services and advised them of council's decision, that the road pavement assessment did not support the use of Accredited Mass Management Scheme level 3, and Council was seeking to downgrade the sealed section on Parker Range Road from RAV N7.3 to N7.1 level 1 of the accredited Mass Management Scheme.



Heavy Vehicles response was as follows

"Thanks for your response.

Local government wanting to down grade RAV access are required to conduct stakeholder engagement with operators and property owners affected by the reduction in RAV access. At the moment, AMMS Level 3 access on Parker Range Rd ends at the CBH Bin on Panizza Rd. CBH and any other stakeholders that will be affected by downgrading the RAV access will need to be consulted.

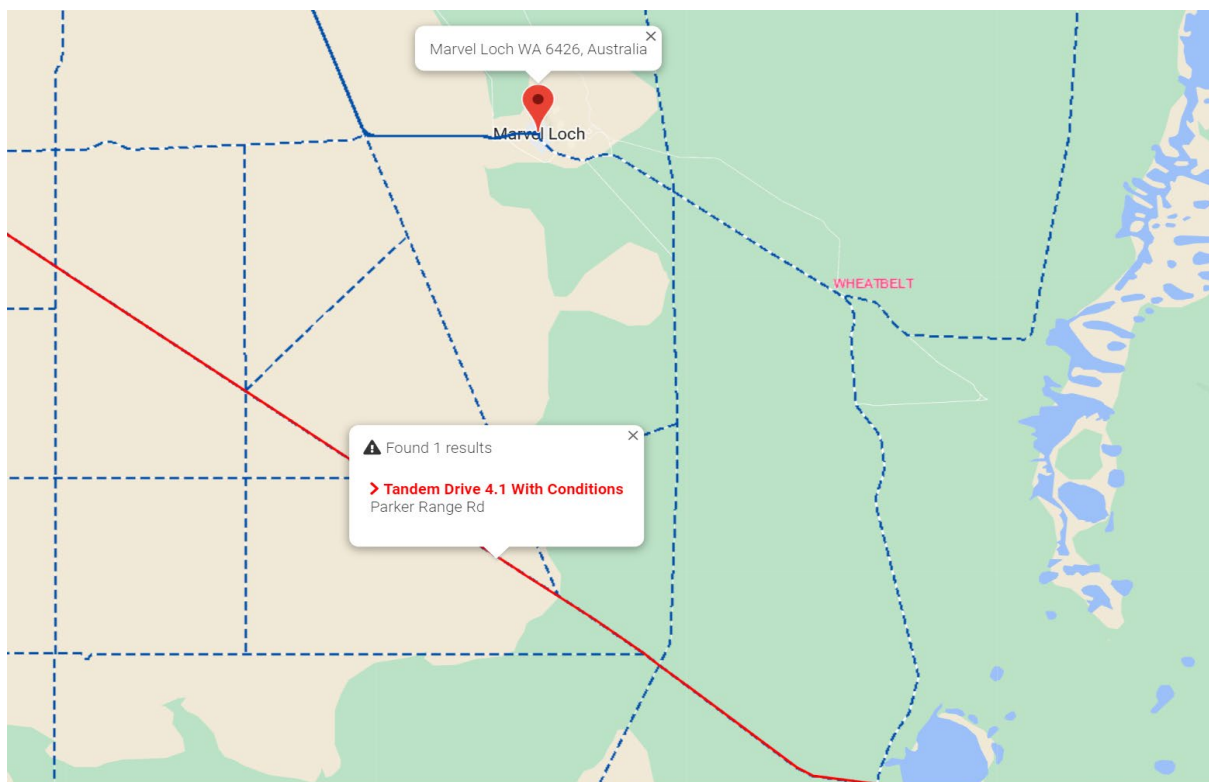
HVS will require the full details regarding the consultation carried out by the City. This includes, but not limited to providing information about:

- *The type (including examples) and duration of consultation carried out, e.g. letter drop, advertising, community notification boards, VMB messaging on the road etc.;*
- *The stakeholders the City consulted with, including how many stakeholders and breakdown of the number of residents vs potentially impacted businesses (for direct methods);*

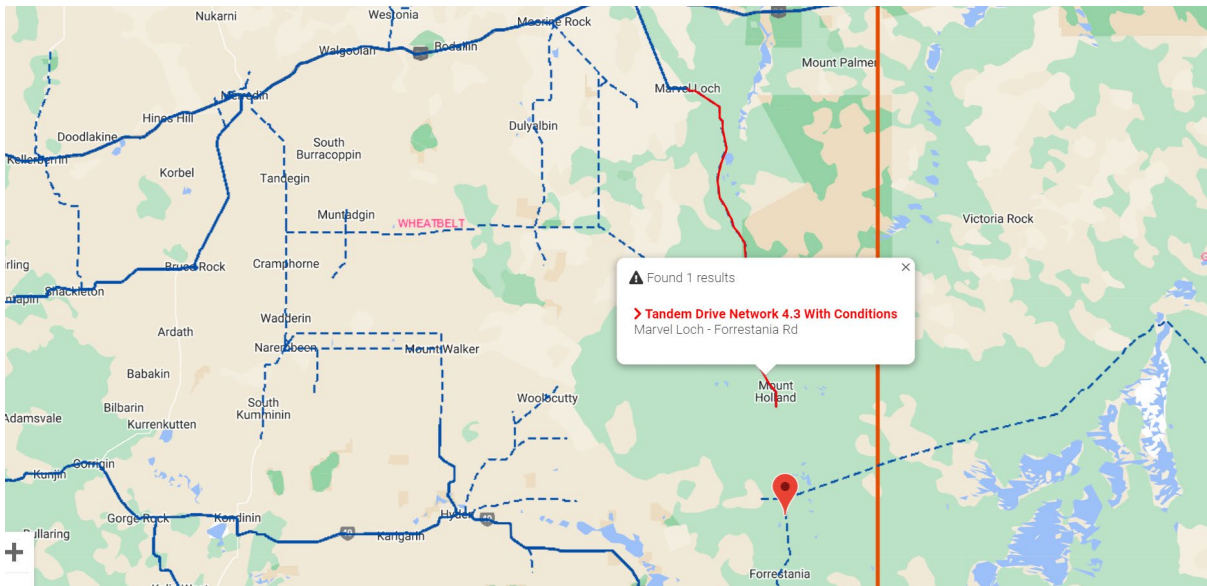
- How many responses did the City receive across all channels of communication;
- Summary of responses received;
- Any objections raised to the removal;
- Any other information to support the City's request.

Main Roads needs to be satisfied that every attempt has been made to consult with the relevant stakeholders and ensure the opportunity to provide feedback has been afforded."

From the intersection of Panizza Road Parker Range Road intersection to Marvel Loch Forrester Road intersection is approved for N4.1, level 1 of the Accredited Mass Management Scheme. Council didn't request any changes to this level of RAV access.



From the intersection of Parker Range Road and Marvel Loch Forrester Road to Mt Holland is approved for N4.3, level 3 Accredited Mass Management Scheme. Council's resolution was to remove the level 3 of Accredited Mass Management Scheme from this section as the pavement assessment didn't support Accredited Mass Management Scheme level 3.



Heavy Vehicle Services response to council's decision as follows,

"As explained yesterday, as the legal authority for making access decisions sits with Main Roads, it will ultimately be up to Main Roads to defend any access decision, not the Shire of Yilgarn. As such, Main Roads has an obligation to understand the impact of removing RAV access prior to taking this course of action. For clarification, RAV access includes Accredited Mass Management Scheme (AMMS) access, i.e. a vehicle operating under AMMS is a RAV.

You mentioned yesterday that the roads in question service mining operations. As such, I have no doubt there will be adverse repercussions if we remove this RAV access. Therefore, it is necessary for Main Roads to be satisfied that the Shire of Yilgarn has made reasonable efforts to resolve the issues with these roads. Reasonable efforts include:

- 1) Approaching the mining company to negotiate road maintenance contributions.*
- 2) Utilising provisions under the section 132 of the Road Traffic (Administration) Act 2008 to recover expenses related to heavy vehicle traffic.*
- 3) Exhausting other avenues for road maintenance funding.*

There is no need to carryout stakeholder engagement on this occasion, as you have already verified the roads are regularly used by RAVs. I trust this clarifies Main Roads' position and what is required to downgrade the RAV access on these roads."

Covalent Lithium is progressing with the road design to include RAV access for N7.3 and PBS TDQ 3.3 (level 3 of the AMMS) on Parker Range Road and RAV access for N7.3 and PBS TDQ 3.3 (level 3 of the AMMS) on Marvel Loch Forrestania Road. With long wait times for delivery of transport equipment, MGM Transport is seeking early support for the route determination for PBS Tri Drive Quad Axle Trailers N3.3 so MGM transport can place orders for transport equipment with long delivery times.

In turn, Council is seeking assurances from Covalent Lithium they will carry out the upgrades suitable for PBS Tri Drive Quad Axle Trailers N3.3.

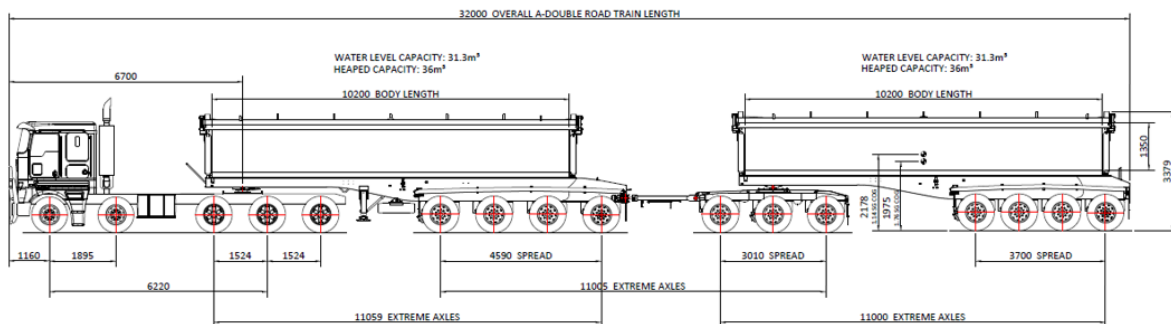
- Council will need to review and approve any road designs.
- Covalent Lithium will be required to enter a maintenance agreement before any construction begins.

Council can support the application for a route determination to include Category PBS Tri Drive Quad Axle Trailers N3.3 (level 3 Accredited Mass Management Scheme). Heavy Vehicle Services can approve the RAV access, noting the Shire only supports the access subject to Covalent carrying out the required upgrades. If Covalent does not honour the agreement with the Shire, the Shire can request that Main Roads remove the access.

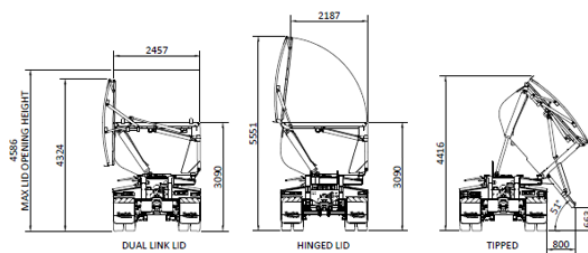
Shire of Yilgarn can further regulate access, by not issuing a CA07 “Letter of Authority” to MGM Transport, if Covalent doesn’t meet the required guidelines set out Council.

MGM Transport Configurations,

Appendix A – Proposed Haulage Vehicle Configuration



A-DOUBLE ROAD TRAIN : AAMS LEVEL 3			
INFO	TRAILER 1	TRAILER 2	TOTALS
COMB TARE	23.4 (PM 13.5, LEAD 9.9)	12.4 (DOLLY 3.4, TRAIL. 9)	35.8
COMB GCM	64 (12 + 23.5 + 28.5)	52 (23.5 + 28.5)	116
COMB PAYLOAD	40.6	39.6	80.2



Statutory Environment

The Road Traffic Act 1974 and the Road Traffic (Vehicle) Regulations 2014 govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

The Land Administration Act 1997 Section 55 and Local Government Act 1995 Section 3.53(2) gives the Shire of Yilgarn management responsibility for roads within its boundaries.

Strategic Implications

Strategic Community Plan

Policy Implications

There is no current policy for Restricted Access Vehicle (RAV) or Accredited Mass Management Scheme (AMMS). Currently in draft form.

Financial Implications

There are no immediate financial implications, however a change in RAV Network Rating for all or part of the road has the potential to reduce the life of the road and increase the maintenance requirements of the road. Maintenance agreement between the Shire of Yilgarn and Covalent Lithium is required to enter a Maintenance Agreement before construction begins.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Road will be subject to increased deterioration if not fit for purpose	High (12)	Applicant through the prime contractor accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.
Service Interruption	Failure to meet design elements and construction	High (12)	If the RAV Conditional Access requirements aren't

	requirements for continued use at RAV level requested.		met by the due date council will not support further use of the road at RAV access level PBS Tri Drive Quad Axle Trailers N3.3
Compliance	Road design and construction doesn't meet the required guidelines may impact on other road users	High (12)	Ensure all design elements and construction standards meet the guidelines Quality Assurance hold points to be signed off by council staff or its representative.
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

- 1. That, by Simple Majority pursuant to the Road Traffic Act 1974 and Section 3.53 (2) of the Local Government Act 1995, The Shire of Yilgarn supports Main Roads Western Australia Heavy Vehicle Services issuing a Route Determination for PBS Tri Drive Quad Axle Trailers which includes Level 3 of the Accredited Mass Management Scheme for the Parker Range Road and Marvel Loch Forrestania Road.***
- 2. If Heavy Vehicle Services approves the RAV access, HVS will note the Shire only supports the access subject to Covalent carrying out the required upgrades and if Covalent does not honour the agreement with the Shire, the Shire will request that Main Roads Heavy Vehicle Services remove the access.***
- 3. That MGM Transport are still required to obtain a CA07 (Letter of Authority) for access on a 12 monthly basis as per Restricted Access Vehicle and Accredited Mass Management Policy.***

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Water Services Licence Exemption - Southern Cross and Marvel Loch Sewerage

File Reference	10.2.25.3
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Extract from 1st July 2022 Government Gazette

Purpose of Report

To advise Council that the Minister for Water has revoked the previous Class Exemption for small local government water services providers and has granted a new Class Exemption for a period of five years.

Background

At the June 2021 Council meeting, the Executive Manager Regulatory Services presented an item to Council advising that the Shires Water Services License (WL30) had expired and that the Shire was operating under a Class Exemption for small local government water services providers. The exemption was due to expire on 6th July 2022 and Council had the option to apply to renew the Water Service License or wait and see whether the Class Exemption was extended or renewed.

Council endorsed the EMRS recommendation to advise the Economic Regulation Authority that Council did not wish to renew the Water Services Licence covering Southern Cross and Marvel Loch sewerage systems and that the Shire intended to continue operating under the Class Exemption for small Local Governments.

In May 2022, the CEO and EMRS met with DWER to determine whether an extension to the Class Exemption was possible. Following which DWER applied to the Minister to extend the Class Exemption for a further five years. On 28th June 2022, DWER contacted the Shire to advise that the Class Exemption had been approved by the Minister and that the approval would be published in the *Government Gazette* on Friday 1st July 2022.

Comment

The Shire's new licence exemption came into effect on 14th June 2022 and it enables the Shire to continue to provide Sewerage Water Services to the community until June 2027 without the need for a license. It is the reporting officers view that whilst the exemption is in place it is not in the Shires interest to apply to renew our water license and therefore continue to operate under the class exemption.

It should be noted that the Department of Water and Environmental Regulation already licences the Waste Water Treatment Plant at Southern Cross and the Shire is required to submit an Annual Audit Compliance Report and Annual Environmental Report. Additionally, the Department of Health licences the Southern Cross Effluent Reuse System and the Shire are required to submit an annual report to DOH.

Statutory Environment

Water Services Act 2012

Strategic Implications

- Goal** Protecting, utilising and enhancing our beautiful natural heritage.
- Outcome** Satisfaction with sewerage services.
- Strategy** Continue to maintain current sewerage systems in accordance with licensing requirements and asset management plan.

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Risk of illness from poor management of wastewater	Moderate (6)	Legislative controls, existing licences on SX systems.
Financial Impact	Nil	Nil	Nil
Service Interruption	Breakdown of sewerage services	High (10)	Ongoing maintenance and capital spend keeping system in good condition. Reserve fund to cover major expenses.
Compliance	Operation of water services without licence	Moderate (6)	Current licence exemption until June 2027.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil

Environment	Risk of environmental impact from poor management of wastewater	Moderate (6)	Legislative controls, existing licences on SX systems.
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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 notes the issuing of the class exemption for Small Local Government Water Services Providers requiring a licence under the Water Services Act 2012 and acknowledges the Shire will continue to operate under this exemption.

WATER

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WATER SERVICES ACT 2012

CLASS EXEMPTION FOR SMALL LOCAL GOVERNMENT SEWERAGE AND/OR NON-POTABLE WATER SERVICES PROVIDERS

(Effective from 14 June 2022)

In accordance with section 7 of the *Water Services Act 2012*, the Hon Dave Kelly MLA, Minister for Water, has revoked the previous Class Exemption for small local government water services providers (dated 7 July 2017). The following notice now applies—

EXEMPTION NOTICE FOR SMALL LOCAL GOVERNMENT SEWERAGE AND/OR NON- POTABLE WATER SERVICES PROVIDERS

In accordance with section 7 of the *Water Services Act 2012*, the Hon Dave Kelly MLA, Minister for Water, has granted a class exemption from section 5(1) of the Act to local government water services providers with less than 1000 customer connections whose water services are limited to the provision of sewerage services and/or non-potable water supply services.

The Act defines the terms ‘water service’, ‘water supply service’, ‘sewerage service’ and ‘wastewater’.

The class exemption does not apply to potable water supply services (i.e. ‘drinking water’).

‘Drinking water’ is defined as water that is intended for human consumption or for purposes connected with human consumption such as the preparation of food, or the making of ice for consumption or for the preservation of unpackaged food, whether or not the water is used for other purposes.

The exemption will come into effect on the day it is published in the *Government Gazette* and will apply for a duration of five years.

The exemption will apply to the following local government authorities—

Shire of Brookton
Shire of Coolgardie
Shire of Dalwallinu
Shire of Denmark
Shire of Dowerin
Shire of Dumbleyung
Shire of East Pilbara
Shire of Goomalling
Shire of Jerramungup
Shire of Kent
Shire of Koorda
Shire of Lake Grace
Shire of Moora
Shire of Morawa
Shire of Northam
Shire of Ravensthorpe
Shire of Victoria Plains
Shire of Wickiepin
Shire of West Arthur
Shire of Yilgarn

Summary of reasons for the decision

Granting the exemption is not contrary to the public interest. It is considered that—

- the risk of the abuse of monopoly power in the provision of water services is low;
- the public health and environmental aspects of these water services are regulated under the *Health Act 1911* and the *Environmental Protection Act 1986*, respectively; and
- the exemption will reduce the regulatory and compliance costs associated with water services licensing, including—
 - o administrative costs to the service provider of licensing i.e. licence fees, annual regulatory reporting costs, the costs of operational audits and asset management system reviews every two to three years; and
 - o costs to Government for enforcing and administering water service licences.

Hon. DAVE KELLY, MLA, Minister for Water.

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

14 CLOSURE