



*Council Meeting
Agenda*

*15 September
2022*

SHIRE OF YILGARN NOTICE OF MEETING



Councillors:
Please be advised that the

SEPTEMBER 2022 ORDINARY MEETING OF COUNCIL

Will be held in the Council Chamber on
Thursday, 15 September 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

09/09/2022

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Antares Street, SOUTHERN CROSS WA 6426

Tel (08) 90491 001; Fax (08) 90491 429

E-mail: - yilgarn@yilgarn.wa.gov.au

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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 L Granich
 Cr G Guerini
 Cr P Nolan

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 L Rose and Cr J Cobden

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, 18 September 2022- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 18 September 2022 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

- 6.2 Great Eastern Country Zone Meeting (GECZ), Monday 29 August 2022
-(Minutes Attached)

Recommendation

That the minutes from the GECZ Meeting held on the 29 August 2022 be received.

- 6.3 Central East Accommodation and Care Alliance Inc (CEACA) Management Committee Meeting, Wednesday 31 August 2022- (Minutes Attached)

Recommendation

That the minutes from the CEACA Management Committee Meeting held on the 31 August 2022 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

8. DELEGATES' REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Community Strategic Plan 2020-2030 Review

File Reference	1.1.12.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Strategic Community Plan 2020-2030 - Revised Draft

Purpose of Report

To present to Council for consideration the Draft 2020-2030 Community Strategic Plan for adoption.

Background

The Shire of Yilgarn Strategic Community Plan 2020 – 2030 is the guiding document for the Shire of Yilgarn Council and Administration.

It is the responsibility of all Local Governments in Western Australia to demonstrate through their strategic plan, on-going planning for the social, environmental and economic future for the whole of the Shire.

The Plan incorporates the vision and aspirations of the community and allows the Council to prioritise service delivery and projects that have been identified as important to community members.

Whilst the Strategic Community Plan is a ten year plan, it is not fixed for ten years as it would be long out of date by then. Rather, it is a “rolling” plan which is reviewed every two years.

The two-yearly reviews alternate between a minor review (updating as needed) and a major review (going through all the community consultation steps again).

Having been implemented in 2020, the plan is due for a minor review in 2022, and whilst detailed community consultation is not required, it is important to obtain the general views of the community, to ensure the Plan is still on the right track with regards to community expectations.

Comment

The Shire undertook a public notice period from the 18 August 2022 until the 5 September 2022, seeking the community’s feedback on the current plan. Consultation included:

- Notices on Shire website;
- Notices on Shire Facebook page;
- Notices in Crosswords newsletter;

- Stall at Yilgarn Agricultural show.
- The Shire received no submissions.

PROPOSED AMENDMENTS

Staff have updated the Community and Financial Profile's contained within the Plan.

In respect to the Goals, Outcomes and Strategies in the Plan, in light of there being no community submissions seeking to amend, add or delete, they were considered to be still relevant, with the exception of Outcome 3.2.2.

Outcome 3.2.2 sought to "Continue to provide administrative support for Skeleton Weed Local Action Group". As the Shire is in the process of ceasing administrative and management functions of the Skeleton Weed program, this outcome is no longer relevant.

It is proposed to remove this Outcome 3.2.2.

Statutory Environment

Local Government Act 1995

5.56.Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulation 1996

19C.Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*

- (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Strategic Implications

Community Strategic Plan 2020-2030 – Civic Leadership – Dynamic and visionary leadership guiding our community into the future.

Policy Implications

Council Policy 6.7 – Community Engagement Policy

DEFINITIONS

Community – those who live, work or recreate in the Shire of Yilgarn.

Community engagement – is any process “that involves the public in problem solving or decision-making and uses public input to make decisions”. (IAP2)

Community engagement may refer to a range of interactions of differing levels of engagement between the Shire and the community, including;

- Information sharing processes, to keep the community informed and promotes understanding.
- Consultation processes, to obtain feedback.
- Involving community members consistently throughout the process to ensure community concerns and aspirations are understood and considered.
- Collaborating with community members in each aspect of the decision-making process.

- Empowering the community.

The Shire of Yilgarn is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Yilgarn to provide good governance and strong leadership, delivering better decisions to guide the Shire's priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

The following principles apply to community engagement undertaken by the Shire of Yilgarn;

Focus and commitment	1	The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
	2	Each community engagement will be planned to clarify the level of influence the participants will have over the decision they are being invited to comment on or participate in. The person or body who is responsible for the final decision will be notified.
	3	The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods.
Transparency and openness	4	All community engagement processes will be open and transparent.
	5	Comment will be documented and analysed.
	6	The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.
Responsiveness and feedback	7	The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decision made and the rationale for the decision will be communicated where necessary.
	8	The best interest of the community will prevail over the individual or vested interests.
Inclusiveness, accessibility and diversity	9	Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process.
	10	Community engagement process will be open to all those who wish to participate.

Accountability	11	The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.
Information	12	Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the process.
Timing	13	Community engagement will be undertaken early enough in the process to ensure that participants have enough time to consider the matter at hand and provide meaningful feedback.
	14	All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.
Resources	15	The Shire will allocate sufficient financial, human and technical resources to support community engagement.
Evaluation	16	The Shire will monitor and evaluate processes to ensure the engagement being undertaken is meeting planned outcomes.

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:

1. *Notes the review of the Shire of Yilgarn Community Strategic Plan 2020-2030;*
2. *Adopts the amended Shire of Yilgarn Community Strategic Plan 2020-2030, as presented; and*
3. *Acknowledges that in the course of the public advertising period calling for comments/submissions in relation to the current Plan's contents, no comments/submissions were received.*

9.1 Officers Report – Chief Executive Officer

9.1.2 Annual Policy Manual Review

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Reviewed Council and Staff Policy Manual drafts

Purpose of Report

To inform Council of the Annual Review in relation to Council and Staff Policy Manuals.

Background

Council previously undertook a substantial review of Council Policies at its Ordinary Council meeting held on Thursday 16 September 2021.

The draft policy documents are attached, with tracked changes for Councillors reference.

Comment

Following a review of the Council Policies by the Council staff, the following amendments/deletions/additions are submitted for Council consideration:

Council Policy Manual

1.6 – Media Policy

Inclusion of following section (new text in red):

SOCIAL MEDIA

The Shire of Yilgarn has a number of social media accounts, including “Shire of Yilgarn”, “Southern Cross CRC” and “Visit Yilgarn”.

Social media can be a powerful tool in reaching the community with information related tom Shire business.

However, social media can be a source of negativity, and as such, the use of social media is to be undertaken as follows:

- Only persons approved by the CEO are permitted to utilise the Shire’s social meida accounts;*

- *Those permitted to access Shire of Yilgarn social media accounts are to ensure posts are related to Shire business and operations only (such as road closures, shire events, public notices approved by the CEO);*
- *Language is to be non-offensive and a-political;*
- *Posts are not to mention members of the public, unless approved by the mentioned person or CEO;*
- *Should offensive comments be placed by community members, the posts are to be removed and/or all comments removed and ability to comments removed from post;*
- *Under no circumstances should the Shire accounts respond to comments on Shire posts, unless approved by the CEO.*

Guidelines may be produced by the CEO to assist with use of the Shire's social media accounts.

Comment

The Shire has an active social media presence, and as such, requires some controls around its use.

3.1A - Disposal of Assets

Amendment of the following clause (new text in red):

Sale of office furniture

*The Executive Managers ~~Regulatory Services~~ **is are** responsible for the disposal of all office furniture. The furniture is to be either sold by **private sale in line with Shire delegation**, public auction or tender.*

5.11 – Council Housing Bonds

Amendment of the following section:

All shire housing shall undergo periodic inspections ~~at a minimum of 2 per annum~~ subject to the tenants being provided with at least 2 weeks written notice.

Comment

The Shire has implemented an asset management program, with houses inspected as required. Where houses remain vacant, a minimum of two inspections is excessive, and an unnecessary drain on staff resources.

New Policy: 3.14 – Supplier Onboarding

Comments

The primary objective of this policy is to ensure that new suppliers are properly vetted prior to any purchase orders being issued in order to effectively safeguard Council against the risk of fraudulent transactions.

This supplier onboarding policy has been designed to work with Council’s current software’s capabilities, whilst giving staff with purchasing authority sufficient flexibility to operate as normal without being constrained by onerous compliance requirements.

Staff Policy Manual

1.1 – Occupational Work Health and Safety

Replaced term and abbreviation “Occupational Health and Safety” and “OSH” with “Work Health and Safety” and “WHS”.

Comment

With the implementation of the Work Health and Safety Act 2020, terminology has been updated to reflect current legislation.

Amendment of the following paragraph (new text in red):

All employees and contractors are expected to:

- *Follow all organisational safety requirements and relevant legislation and supporting documentation.*
- *Maintain a clean and orderly work area.*
- *Report all **hazards**, injuries and safety incidents.*
- *Actively participate in safety improvement activities.*

Comment:

Staff are expected to report all hazards, as such, it has been included.

1.2 – Employee Benefits

Inclusion of a notation, relating to the matching superannuation contribution amount (new text in red):

Staff Contribution	Matching Council Contribution
<i>minimum 1%</i>	<i>7.5%*</i>

** Employee can determine percentage up to 7.5%.*

Comment

Permits the employee to adjust the Shire contribution, up to the permitted value, to ensure superannuation contributions stay within the prescribed limits.

1.6 – Harassment in the Workplace

Deletion of reference to “Policy 2.13”, as this policy does not exist.

7.15 – Drug and Alcohol Testing

Inclusion of “*urine*” under Drug Use, relating to second tests.

1.18 – Employee iPad Electronic Tablet Policy

Replaced term “*IPad*” with “*electronic tablet*”.

Comment

There are a variety of electronic devices utilised within the Shire Council and staff, with the term “*electronic tablet*” best suited to cover all devices.

1.19 – Grievances, Investigations & Resolutions

Replaced term and abbreviation “*Occupational Health and Safety*” and “*OSH*” with “*Work Health and Safety*” and “*WHS*”.

And

Updated legislation references to current Act and Regulation.

Comment

With the implementation of the Work Health and Safety Act 2020, terminology has been updated to reflect current legislation.

Statutory Environment

Section 2.7 of the Local Government Act 1995

2.7. Role of council

(1) The council —

(a) governs the local government’s affairs; and

(b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government’s finances and resources; and

(b) determine the local government’s policies.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Civic Leadership Objectives – Outcome 4.1 – A trustworthy and cohesive Council that functions efficiently and effectively
4.1.2 Maintain a high level of corporate governance, responsibility and accountability.

Policy Implications

Recommended changes to Policy Manuals

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	Annual review of Policy Manuals	High (15)	Once reviewed and adopted by Council, Policy Manuals to be placed on Shire website for community information
Reputational	Demonstration of good governance through review processes	High (15)	Open and transparent review
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)

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

Officer Recommendation

That Council notes the Annual Review of Council's Policies undertaken by Council's Executive Managers and staff and endorses the inclusions, deletions and amendments as presented, and for the same to be included in the 2022 Council and Staff Policy Manuals.

9.1 Officers Report – Chief Executive Officer

9.1.3 WALGA – MOU – Resource Sharing in Emergencies

File Reference	10.3.3.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	GECZ Endorsed MOU - Resource Sharing in Emergencies

Purpose of Report

For Council to consider signing the WALGA Memorandum of Understanding for Resource Sharing in Emergencies.

Background

At the June Great Eastern Country Zone meeting, it was resolved that:

That the Great Eastern Country Zone request the Executive Officer to prepare a Zone MOU for resource sharing in emergencies and present to the Zone at the next meeting.

At the August Great Eastern Country Zone meeting, a Memorandum of Understanding was tabled for endorsement with the following resolution carried:

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Trayning

That the Zone endorse the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery.

CARRIED.

The endorsed MOU is attached.

Comment

The Shire of Yilgarn, through the Local Emergency Management Arrangements, have an agreement with the Shire of Westonia for sharing of resources during an emergency situation.

However, a zone wide MOU will provide additional support, as well as being able to provide support to Council's within the zone.

Whilst support would be provided to neighbouring Council's in need without an MOU, having a formalised arrangement in place can assist during an emergency.

It was also requested that the WALGA Executive Officer attach a table on the machinery/equipment from each Local Government to the MOU. Thus enabling LG's to understand what is available.

Council are asked to consider whether they support the Shire of Yilgarn signing the provided MOU.

It should be noted, it is at the discretion of the CEO as to whether the Shire of Yilgarn are in a position to assist, and to what capacity. It should also be noted, costs incurred by the Shire for providing assistance may be borne by the Shire.

Statutory Environment

Nil.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Costs incurred from provision of labour, supplies, plant and equipment.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Loss of life due to emergency situation	High (15)	MOU will formalise the provision of assistance between LG's in emergencies, and will aid in the control of emergencies and reduce the risk to life.
Financial Impact	Significant loss due to emergency situation	High (15)	MOU will formalise the provision of assistance between LG's in emergencies, and will aid in the

			control of emergencies, and limit costs associated
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Significant property loss/damage due to emergency situation	High (15)	MOU will formalise the provision of assistance between LG's in emergencies, and will aid in the control of emergencies, and limit property loss/damage associated
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 CEO signing on behalf of the Shire of Yilgarn, the Great Eastern Country Zone Memorandum of Understanding for Resource Sharing in Emergencies, as presented.

9.1 Officers Report – Chief Executive Officer

9.1.4 WALGA 2022 AGM Agenda

File Reference	1.6.21.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	WALGA 2022 AGM Agenda

Purpose of Report

For Council to receive the Western Australian Local Government Association (WALGA) 2022 Annual General Meeting agenda.

Background

The WALGA 2022 Annual General Meeting is to be held at Crown Perth on Monday 3 October 2022.

The Agenda for the meeting has been released and is attached for Councillors reference.

Comment

At the July 2022 Ordinary Council meeting, Council resolved:

193/2022

Moved Cr Cobden/Seconded Cr Guerini

That Council:-

- 1. Authorises any interested Councillor and the CEO to attend the 2022 Local Government Convention at Crown Perth between Monday, 3 and Tuesday, 4 October 2022. Councillors are to advise the CEO prior to the 29 July 2022 of their intention to attend; and**
- 2. That Crs Della Bosca and Close 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.**

Carried

As per Shire Policy 1.2 Delegates Moving Motions at Association Conferences, it states:

That delegates representing Council at WALGA Conferences shall vote and move motions as they see fit and as they believe reflect the views of Council.

This authority is granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

As such, Cr Della Bosca and Cr Close, have the ability to vote as they see fit, however, this item provides the opportunity for Councillors to raise any matters in relation to the agenda, for consideration by the voting delegates.

Statutory Environment

Nil.

Strategic Implications

Community Strategic Plan 2020-2030 - Civic Leadership Objectives - Dynamic and visionary leadership guiding our community into the future

Policy Implications

Shire of Yilgarn Policy 1.2 Delegates Moving Motions at Association Conferences

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)

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

Officer Recommendation

That Council receives the Western Australian Local Government Association Annual General Meeting agenda.

9.1 Officers Report – Chief Executive Officer

9.1.5 Yilgarn Cricket Club – Waiver of Sports Complex and Oval Hire Fees

File Reference	8.2.6.27
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Nil

Purpose of Report

To submit to Council a request from the Yilgarn Cricket Club, for the waiving of fees associated with hire of the Southern Cross Sports Complex and Oval for the 2022/2023 season.

Background

The Yilgarn Cricket Club have reformed for the 2022/2023 season, and have entered into the local district competition.

The Club will be utilising the Southern Cross Sports Complex and Oval for training and games.

As they are a newly reformed club, they do not currently have a strong financial position, however hope to raise funds throughout the first season.

Comment

There is no set fee in the current Shire fees and charges for a cricket season hire. It is estimated a similar amount of Shire contribution for building and oval management would be required as is required for the Southern Cross Football Club season. The fee charged to the Southern Cross Football Club is \$3,600 per annum.

Whilst this does not cover Council's full costs, it is a notable contribution.

Council's incurred costs include cleaning, building maintenance, utilities and oval management.

It is suggested, a fee similar to that applied to the football club for the hire of facilities by the Yilgarn Cricket Club would be fair.

Furthermore, Council are asked to consider the waiving of facility hire fees for the Yilgarn Cricket Club, for the 2022/2023 season, valued at \$3,600.

Whilst this waiver will assist the club to operate in a financially sound manner for their first season upon reforming, it will also assist in providing a summer sporting activity for the Yilgarn community.

The hire fee value is greater than the amount permitted to be waived by the CEO under delegation, as such, the matter has been referred to Council.

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

Waiving of Hire Fees, valued at \$3,600.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Yilgarn community disadvantaged by location from many sport and cultural activities	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing opportunities associated with cricket.
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	Low (3)	Waiver enables the shire to continue it's commitment to the Strategic Community Plan.

	relation to Social 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 waives the hire fees associated with use of the Southern Cross Sports Complex and Oval, for the Yilgarn Cricket Club for the 2022/2023 season.

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

9.1 Officers Report – Chief Executive Officer

9.1.6 Proposed Transfer of Land under the South West Native Title Settlement

File Reference	1.6.37.1
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	Map of Agreement Area

Purpose of Report

For Council to consider the proposed transfer of land under the South West Native Title Settlement, and provide feedback to the Department of Planning, Lands and Heritage.

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

For more information on the Settlement, please refer to the Department of the Premier and Cabinet website: <https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/south-west-native-title-settlement>

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

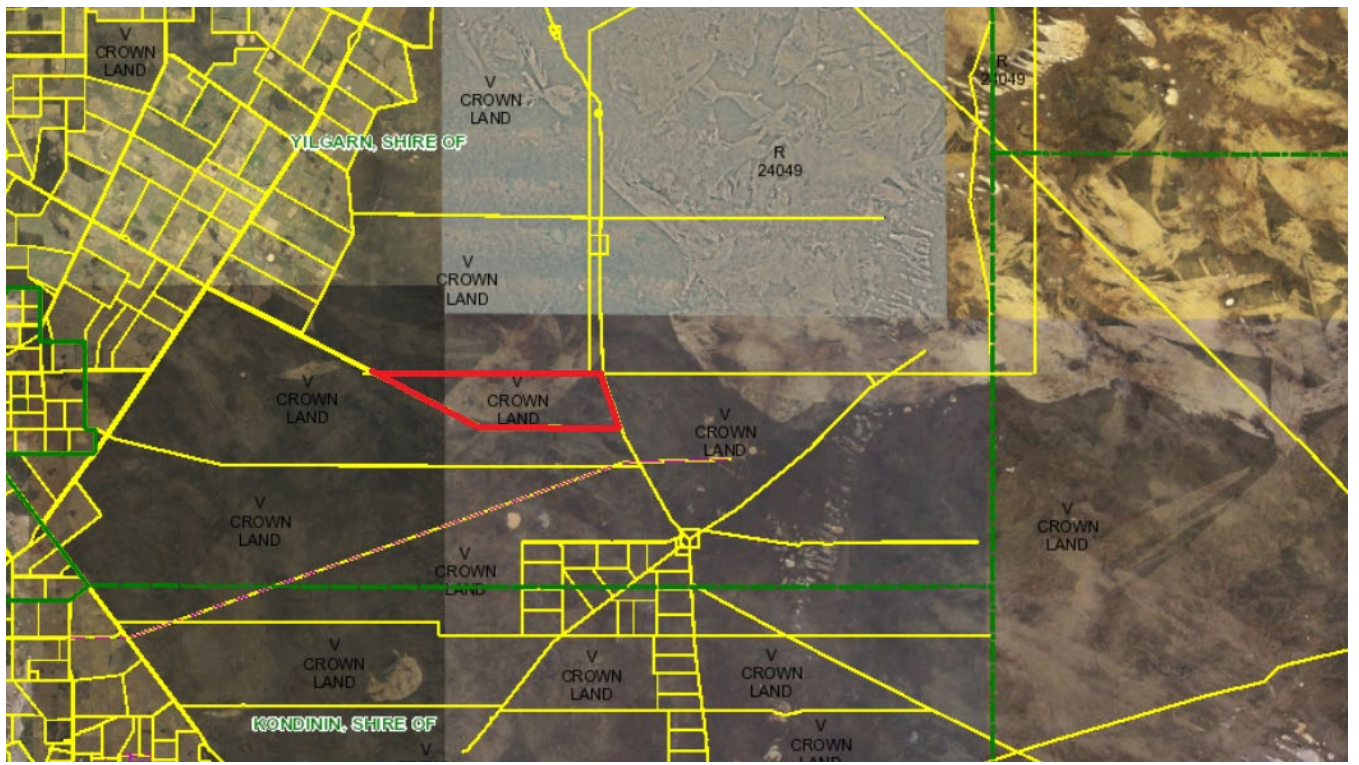
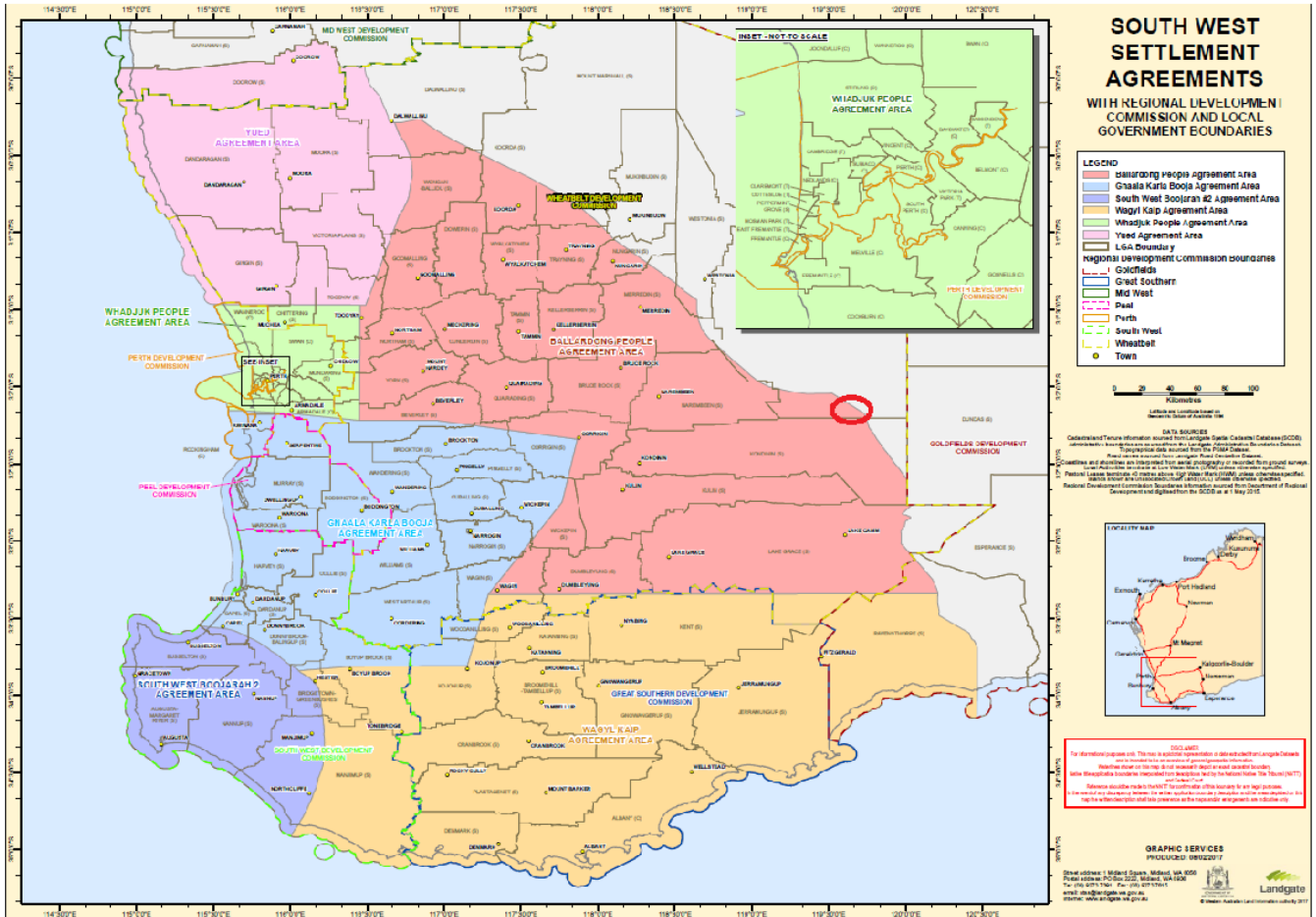
As such, the Department have contacted the Shire, advising of land parcels within the Shire of Yilgarn, proposed to be transferred as part of the settlement. The Department have also sought comment from the Shire, with the following questions posed:

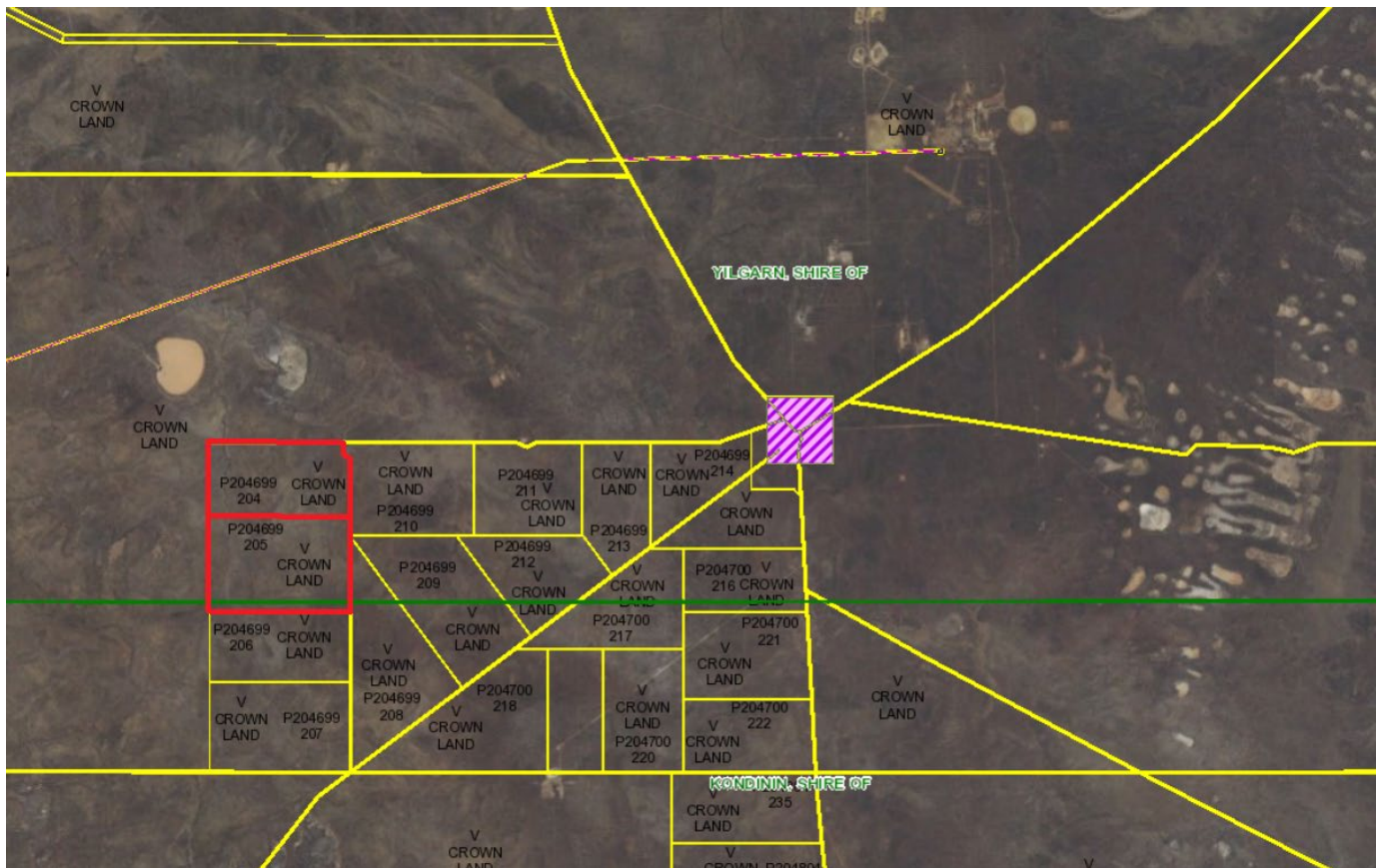
1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

The land proposed to be transferred is as follows:

PIN	Lot	Survey Number	Locality Suburb	Area (Ha)	Selected Tenure
642978	204	DP204699	MOUNT HOLLAND	597.66	Reserve With Power To Lease
642974			SKELETON ROCK	7133.49	Reserve With Power To Lease
642977	205	DP204699	FORRESTANIA, MOUNT HOLLAND	797.59	Reserve With Power To Lease

The locations are as follows:





Comment

In relation to the request for comment, the reporting officer has provided the following responses:

1. **Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?**
The Shire has no objections to the transfer of selected lots.
2. **Does the Shire have any interest in the land?**
The Shire does not currently have a direct interest in the land.
3. **Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.**
No
4. **Is the land parcel subject to any mandatory connection to services?**
No
5. **Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?**

No Shire led proposals.

6. **Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?**

No Shire led proposals.

7. **Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?**

Nil

8. **Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).**

Nil

9. **Please provide any additional comments on the proposed transfer of this land as part of the Settlement.**

N/A

WALGA AGM AGENDA ITEM

Councillors should note, as per item 3.6 of the WALGA AGM Agenda, the Shire of Gingin have moved the following motion:

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

The WALGA AGM agenda paper is attached as part of item 9.1.4 of this Council meeting agenda, and Councillors are encouraged to peruse.

Of note, is the comment by DPLH which states:

Please be advised that UCL and UMR (and Crown land more broadly) are the jurisdiction of the Minister for Lands, and while LGAs may have a role in regulating or to an extent managing UCL and UMR, this role does not form an interest in the land or a veto power for tenure proposals over the land.

It should be noted, the three sites within Yilgarn, shortlisted for transfer are unallocated crown land, and as such, the comment provided above is applicable.

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 endorse the following response to the Department of Planning, Lands and Heritage, in relation to the proposed transfer of land, detailed below, within the Shire of Yilgarn, as part of the South West Native Title Settlement.

<i>PIN</i>	<i>Lot</i>	<i>Survey Number</i>	<i>Locality Suburb</i>	<i>Area (Ha)</i>	<i>Selected Tenure</i>
642978	204	DP204699	MOUNT HOLLAND	597.66	Reserve With Power To Lease
642974			SKELETON ROCK	7133.49	Reserve With Power To Lease
642977	205	DP204699	FORRESTANIA, MOUNT HOLLAND	797.59	Reserve With Power To Lease

1. **Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?**
The Shire do not object to the transfer of selected lots.
2. **Does the Shire have any interest in the land?**
The Shire does not currently have a direct interest in the land.
3. **Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.**
No
4. **Is the land parcel subject to any mandatory connection to services?**
No
5. **Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?**
No Shire led proposals.
6. **Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?**
No Shire led proposals.
7. **Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?**
Nil

- 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).**

Nil

- 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.**

N/A

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
Author	Ben Forbes-Finance Manager
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 August 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 31 August 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
Author	Wes Furney-Finance Officer
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41152 to 41158 totalling \$4,595.70
- Municipal Fund - EFT 13001 to 13108 totalling \$511,148.90
- Municipal Fund – Cheques 1989, and 1991 to 2009 totalling \$366,945.75
- Municipal Fund Direct Debit Numbers:
 - 17031.1 to 17031.12 totalling \$26,749.76
 - 17071.1 to 17071.12 totalling \$25,600.89
 - 17108.1 to 17108.12 totalling \$25,837.18
- Trust Fund - Cheques 402637 to 402638 totalling \$610.65
- Trust Fund – Cheques 1988 and 1990 totalling \$812.37

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)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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

- *Municipal Fund – Cheques 41152 to 41158 totalling \$4,595.70*
- *Municipal Fund - EFT 13001 to 13108 totalling \$511,148.90*
- *Municipal Fund – Cheques 1989, and 1991 to 2009 totalling \$366,945.75*
- *Municipal Fund Direct Debit Numbers:*
 - *17031.1 to 17031.12 totalling \$26,749.76*
 - *17071.1 to 17071.12 totalling \$25,600.89*
 - *17108.1 to 17108.12 totalling \$25,837.18*
- *Trust Fund - Cheques 402637 to 402638 totalling \$610.65*
- *Trust Fund – Cheques 1988 and 1990 totalling \$812.37*

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

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.3 Write off of Rates – Dead Tenements

File Reference	8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Ben Forbes-Finance Manager
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of outstanding rates that exist due to historical administrative error.

Background

The Shire currently has multiple mining exploration assessments on record that have been declared as dead tenements. Affordable means of debt recovery have been exhausted, and pursuing the accounts any further would be a negative net benefit to the Shire.

Comment

The outstanding rates that must be considered are:

Assessment number	Proposed write off
A100941	\$1,394.10
A101107	\$246.54
A101247	\$140.17
A101255	\$352.31
A101272	\$207.25
A100629	\$843.57
Total	\$3,183.94

Statutory Environment

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.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

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

Write off of \$3,183.94 in rates due to amounts being unrecoverable.

The 2022/2023 adopted annual budget has an inclusion of \$40,000 for written off debts.

Officer Recommendation

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of rates for the following assessments:

<i>A100941</i>	<i>\$1,394.10</i>
<i>A101107</i>	<i>\$246.54</i>
<i>A101247</i>	<i>\$140.17</i>
<i>A101255</i>	<i>\$352.31</i>
<i>A101272</i>	<i>\$207.25</i>
<i>A100629</i>	<i>\$843.57</i>
<i>Total</i>	<i>\$3,183.94</i>

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Write off of Rates – Historical administrative error

File Reference	& 8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Ben Forbes-Finance Manager
Attachments	Nil

Purpose of Report

This report seeks Councils approval for the write off of outstanding rates that exist due to historical administrative error.

Background

Management commissioned Bob Waddell & Associates to assist in unwinding persistent issues in the Shire’s pensioner rebate account balance. As part of reconciling year-end balances to prepare the financial reports for the year ended 30 June 2022, it was found that several items noted in the report had not been addressed.

These items relate to five ratepayers that applied for pensioner rebates between 2011 and 2015, which were rejected for one of several reasons. Each time, the ratepayer’s pensioner status was pre-emptively processed to the rates ledger, which reduced the balance of rates owing on the assessment and raised a receivable balance for rebates.

Due to the rates ledger never being corrected to show the ratepayer’s lack of pensioner status, the rates owing have never been stated on any subsequent rates notices issued for any of the assessments.

Further, it should be noted that all assessments are currently in good standing with Council, with none having overdue accounts.

Comment

The outstanding rates that must be considered are:

Assessment number	Proposed write off
A1180	\$128.29
A300	\$165.0
A3890	\$495.19
A88	\$565.44
A18260	\$398.13
Total	\$1,752.55

Statutory Environment

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.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

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

Write off of \$1,752.55 in rates due to administrative error.

The 2022/2023 adopted annual budget has an inclusion of \$40,000 for written off debts.

Officer Recommendation

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write off of rates for the following assessments:

<i>A1180</i>	<i>\$128.29</i>
<i>A300</i>	<i>\$165.50</i>
<i>A3890</i>	<i>\$495.19</i>
<i>A88</i>	<i>\$565.44</i>
<i>A18260</i>	<i>\$398.13</i>
<i>Total</i>	<i>\$1,752.55</i>

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.5 Write off of Late Payment Interest – Assessment A7153

File Reference	8.1.1.6
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Author	Cameron Watson – Exec Manager Corporate Services
Attachments	Request to Lease Lot 206 & Associated Council Minutes (Confidential)

Purpose of Report

This report seeks Councils approval for the write off an outstanding amount of late payment penalty interest.

Background

As part of the ongoing collection of outstanding rates processes, assessment A7153 – 24-26 Williamson St Marvel Loch was identified as having a significant amount of rates owing, the assessment was being rated as a single persons quarters and these rates had remained unpaid since 2017.

By October 2021 the collection process had been completed up to and including gaining a court order for payment of the outstanding rates. During this process, it was identified that the company indicated as the ratepayer (Mine Camp Pty Ltd) on the rate notice was no longer a registered company so the seizure for sale process was implemented. As part of the seizure for sale process, an inspection of the address was undertaken and copies of the Certificates of Title were obtained. The titles indicated that Lot 84 (street address 24) was a reserve vested with Council for the purpose of recreation and Lot 85 (street address 26) was unallocated crown land.

The inspection of the address showed that the site was still an active single person's quarters. Enquiries were made at this time with the Barto mine administration as to whether the camp was under their control and whether they would be utilising the accommodation units into the future to which they indicated that they would be. An email was subsequently sent requesting what Barto / Minjar ratepayer code the assessment should be allocated to so the rate notice could be reissued and subsequently paid.

In December 2021, a representative of Barto contacted Council and requested information regarding the status of any lease associated with the assessment. After investigating Councils records and making enquires with the Department of Planning, Lands and Heritage the following email was forwarded to Barto:

Hello [REDACTED]

Further to my email below, after sending the indicated email to you in October 21, I received a phone call from [REDACTED] querying whether or not there was a lease in place for Lot 84 (Shire Reserve) and Lot 85 (Unallocated Crown Land), the simple answer is no there is not.

From looking into our records and talking to the Department of Planning, Lands and Heritage (DPLH) I have discovered the following timeline of events. In 1988 the lots were leased to Rotherfield Holdings P/L for a period of 10 years for the purpose of “Contractors Accommodation”, in 1995 this lease was transferred to Teleworld P/L until its expiry in 1998. A new 10 year lease was issued to Mine Camp P/L in 1998, this lease was surrendered by Mine Camp P/L in 2007 due to failure to pay rent. Councils rate records show that the assessment was cleared and became non rateable in 2007.

Then, in 2015, Hanking Gold Mining P/L submitted a building application to install 10 second hand 4 room dongas on the lots (it doesn't seem that anyone performed an actual check on ownership at the time of application). The valuation of this development was subsequently identified during the mandated 5 year GRV revaluations in 2017 with a GRV valuation being applied to the assessment resulting in rates being raised. These rates have remained unpaid since this time (I have attached a current rate notice to this email).

I should also note at this time that DPLH were also unaware of this development and have commenced an investigation into this matter, they have indicated that this will take 3 – 6 months to undertake.

As it stands, Barto have a couple of options as it relates to Lot 84 only, DPLH will communicate their requirements regarding Lot 85 once they have completed their enquiries.

- *Barto can pay the outstanding rates, decommission the camp and remove the buildings and any other infrastructure located on Lot 84;*
- *Barto can pay the outstanding rates, provide an expression of interest to lease Lot 84 for Councils consideration and show evidence of commencing the process of requesting Ministerial approval to lease Lot 84. If this option is chosen, I would recommend a similar request be made with DPLH for Lot 85; or*
- *Barto can do nothing and the transportable buildings located on Lot 84 will be offered for sale by public auction to recover the outstanding rates and clear the site.*

During the investigation of the above, I have also ascertained that the lease on Lot 206 Lenneberg St (Lenneberg Camp) expired in July 2020. If Barto are still requiring these accommodation units, can you please provide a written request to extend this lease, see the attached file regarding the initial request to lease from Hanking Gold and Councils minutes regarding the lease conditions. I will mention that the indicated lease fee of \$10,000 pa indexed was never charge and that Council will NOT be requesting payment of this as it was Councils error in not billing these fees. Additionally, the 21-year Ministerial approval to lease this vested reserve will expire in 2027 so any request received cannot be for a period longer than 5 years without Barto seeking to extend this Ministerial approval.

Please don't hesitate to contact me if you would like to discuss any of the above.

Comment

Barto have confirmed that they will assume responsibility for the rates on assessment A7153 – 24-26 Williamson St Marvel Loch (currently \$72,477.64 in total) but have requested that the late payment penalty interest amount of \$2,374.06 be written-off.

It will be recommended that the write-off of the late payment penalty interest be approved as there is fault on both sides that led to this situation. In their correspondence from 2015 Barto indicated, in part:

“Hanking also provides that in the event Hanking reinstates the accommodation areas to their former size, we will liaise with you and provide you with all the necessary approval documentation and permitting required.”

This obviously did not occur. Similarly, Council staff approving the building application of the 10 x 4 room accommodation units should have performed the simple internal enquiry to ascertain the ownership or control of the assessment through rates. Either of these actions would have brought to light the assessments status and as such would have meant the correct processes would have been followed.

Statutory Environment

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.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

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 Rates Financial Hardship)

Financial Implications

Write-off of \$2,374.06 of late payment penalty interest.

The 2022/2023 budget has an inclusion of \$40,000 in Account E03118 – Debtors Written Off of which \$4,936.49 is being presented to Council for deliberation at this meeting.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and associated Regulations.	Low (2)	Ensure write-offs are endorsed by Council.
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, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write-off of the amount of \$2,374.06 of late payment penalty interest on assessment A7153 – 24-26 Williamson St Marvel Loch.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.1 Covalent Lithium – Ammendment to Existing Works Approval under the Environmental Protection Act 1986

File Reference	3.2.1.31
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Shane Chamber-Executive Manager Regulatory Services
Attachments	Maps provided by DWER; Supporting Documentation;

Purpose of Report

To consider a response to the Department of Water and Environmental Regulation (DWER), regarding an application from Covalent Lithium to amend Works Approval W6460/2020/1.

Background

The Department of Water and Environmental Regulation (DWER) received an application from Covalent Lithium Pty Ltd to amend works approval W6460/2020/1 under Division 3, Part V of the *Environmental Protection Act 1986* at the Earl Grey Lithium Project. The application is for the construction of a mobile crushing and screen plant, commissioning of the Processing Plant (Concentrator) and a change to proposed discharge of Reverse Osmosis (RO) Plant brine.

Comment

In February 2021, DWER issued works approval to Covalent Lithium for the construction of a processing plant (concentrator) and associated infrastructure. The concentrator has since been constructed and Covalent Lithium are seeking approval to commence operating the concentrator. The concentrator processing plant will be used to process 2 million tonnes per annum (Mtpa) of spodumene ore. The processed ore will be used to produce approximately 50,000 tonnes per annum (tpa) of Lithium Hydroxide (LiOH) at the Covalent Lithium Hydroxide plant at Kwinana.

In addition, Covalent Lithium are also seeking approval to construct a mobile crushing and screening plant and to add minor changes to way in which plant brine is managed on site.

The mobile crushing and screening plant is required to construct the perimeter embankment of the tailings storage facility (TSF). The TSF will be constructed using ex-mine pit waste. To ensure that the correct particle size can be achieved, a vibrating grizzly with 150mm aperture, jaw crusher with a vibrating screen is proposed.

Under the existing works approval, plant brine is managed through a saline water pit as well as being used for dust suppression on site. The minor change, includes the discharge of RO Plant brine into the South Ventilation Raises.

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.	Low (1)	DWER Assessment and Approval Processes.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Environmental Impacts from Mining Activities	Low (1)	DWER Assessment and Approval Processes

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

Officer Recommendation

Council endorse the following response to the Department of Water and Environmental Regulation:

With regards to the application from Covalent Lithium Pty Ltd to vary an existing works approval including the construction of a mobile crushing and screen plant, commissioning of the Processing Plant (Concentrator) and a change to proposed discharge of Reverse Osmosis (RO) Plant brine, the Shire of Yilgarn has no objections to the proposal.

9.4 Reporting Officer– Executive Manager Regulatory Services

9.4.2 Yilgarn Iron Ore – Proposed Freehold Subdivision

File Reference	1.6.23.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Shane Chamber-Executive Manager Regulatory Services
Attachments	Maps provided by WAPC; Supporting Documentation;

Purpose of Report

To consider a response to the Western Australian Planning Commission (WAPC), regarding an application from Yilgarn Iron Ore to subdivide Lot 1416 Great Eastern Highway, Bodallin.

Background

WAPC have received an application for planning approval from Yilgarn Iron Ore to subdivide Lot 1416 Great Eastern Highway, Bodallin. The proposed subdivision aims to divide Lot 1416 into two (2) lots, one of which will be for the purpose of the conservation of biologically significant areas and the other cleared portion will continue to be used for agricultural purposes.

Comment

The EMRS contacted the applicant Dynamic Planning to gain a better understanding of the reasons behind the subdivision. Dynamic Planning advised that under current mining license conditions, Yilgarn Iron Ore are required to offset some of the environmental impacts of their current mining activities in the region. The proposed subdivision aims to divide the property into two lots, one of which will be for the purpose of the conservation of biologically significant areas.

The area was selected for reservation due to its high levels of well maintained vegetation areas (99.4% considered pristine in the report completed by Phoenix Environmental Sciences in June 2021). It is proposed that this 828 hectare lot will become part of a greater reserve area consisting of itself, and the neighbouring Lots 543, 544, 545, 546, 547, 557, 558 and 559.

The second lot which is 486 hectares, is proposed to be a Freehold lot remaining under the Rural/Mining zoning, as this section of the subject site has been cleared, it will remain for agricultural purposes.

WAPC Development Control Policy 3.4 - Subdivision of Rural Land (DCP 3.4)

The WAPC Development Control Policy 3.4 aims to guide the subdivision of rural land to achieve the following objectives:

a) Support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

- b) provide investment security for existing, expanded and future primary production, and promote economic growth and regional development on rural land for rural land uses;*
- c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- e) avoid and minimise land use conflicts;*
- f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- g) protect and sustainably manage environmental, landscape and water resource assets.***

The subdivision proposal is aligned with the objectives of DCP 3.4, as it aims to retain the existing rural land use and protect the environmental assets within the subject site.

Section 6 of DCP 3.4 outlines that rural subdivision may be considered under the following circumstances:

- a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- b) to protect and actively conserve places of cultural and natural heritage;***
- c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*

Statutory Environment

*Western Australian Planning Commission Development Control Policy 3.4 Subdivision of Rural Land
Shire of Yilgarn Local Planning Scheme No. 2
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 Planning and Environmental and Legislation.	Low (1)	WAPC Assessment and Approval Processes
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

Council endorse the following response to the Western Australian Planning Commission:

With regards to the application from Dynamic Planning on behalf of Yilgarn Iron Ore Pty Ltd to to subdivide Lot 1416 Great Eastern Highway, Bodallin into two lots, the Shire of Yilgarn has no objections to the proposal.

10 APPLICATIONS 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 section 5.23 (2)(a) of the Local Government Act 1995

CONFIDENTIAL

13 Officers Report – Chief Executive Officer

13.2 Chief Executive Officer Performance Criteria and Annual Appraisal Process

File Reference	1.1.10.107
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren-Chief Executive Officer
Attachments	CEO Performance Criteria and Annual Appraisal – Circulated Separately

Purpose of Report

To present to Council, in accordance with the Chief Executive Officer's Contract of Employment, the Chief Executive Officers Performance Criteria and Annual Review document.

Background

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

4.1 Performance Criteria

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

4.2 Performance Criteria and performance review

Your performance under this Contract, must be reviewed and determined by the Reviewer –

- (a) by reference to the Performance Criteria;*
- (b) at least annually; and*
- (c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*

4.3 Selection of Reviewer

- (1) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 -*
 - (a) who the Reviewer is to be; and*
 - (b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.*
- (2) For example, the Reviewer may be –*
 - (a) the Council;*
 - (b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or*
 - (c) a person who is a HR professional who is agreed to by the Council to conduct the performance review.*
- (3) For the avoidance of doubt, if the Council and You are unable to agree on any of the matters set out in subclauses 4.3(1)(a), the Council is to make the relevant determination.*

Comment

At the November 2021 Council meeting, the following resolution was carried:

221/2021

Moved Cr Nolan/Seconded Cr Close

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

CARRIED (5/0)

The CEO has completed the approved Performance Criteria and Annual Appraisal document, of which will be circulated to Councillors separately.

Councillors on a leave of absence may choose to provide their comments direct to the Shire President, or to the CEO for inclusion in the discussions.

Statutory Environment

CEO Contract of Employment

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Contract of Employment and	Moderate (6)	Setting of annual review process in accordance with contract
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		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 receives the CEO's completed Performance Criteria and Annual Appraisal document and undertakes assessment and review of the CEO's performance over the preceding 12 months.

14 CLOSURE