



# *Minutes*

## *Ordinary Meeting of Council*

*20 April  
2023*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

President, Cr Wayne Della Bosca, apologised for his absence last meeting due to illness and thanked Deputy President Cr Bryan Close for conducting the meeting.

## 3. ATTENDANCE

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

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	F Mudau	Finance Manager
	L Della Bosca	Minute Taker

Apologies: Nil

Observers: Nil

Leave of Absence: Cr C Cobden

## 4. DECLARATION OF INTEREST

Nil

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

Nil

### 5.1. PUBLIC QUESTION TIME

Nil

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 16 March 2023

**45/2023**

***Moved Cr Rose/Seconded Cr Granich***

***That the minutes from the Ordinary Council Meeting held on the 16 March 2023 be confirmed as a true record of proceedings.***

**CARRIED (6/0)**

### 6.2 Central East Accommodation and Care Alliance (CEACA) Management Committee, Monday, 27 February 2023

**46/2023**

***Moved Cr Close/Seconded Cr Guerini***

***That the minutes of the CEACA Management Committee Meeting held on 27 February, 2023 be received***

**CARRIED (6/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Mr. Josh Conner, Chief Operating Officer from Altan Rio attended Council to give an overview of Altan Rio and their future activities.

Altan Rio are new to the Shire of Yilgarn and has a 30km strike along Fraser shear including Hopes Hill, Pilot and Corinthia currently with 14 gold and 2 nickel targets identified. No significant mining activities have yet begun but the starting point is to be the Pilot stockpile. Mr Connor impressed that the company has a very experienced executive staff and directors and are looking forward to working with Council within the coming months.

Mr Connor thanked Council for their time and left the meeting at 5.26pm

## 8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the Bushfire Advisory Committee meeting on the 22 March 2023
- Attended the Eastern Wheatbelt Declared Species Group on the 27 March 2023
- Attended the Central East Accommodation and Care Alliance discussion on the 12 April 2023
- Attended the Great Eastern Country Zone meeting on the 17 April 2023
- Attended the Wheatbelt North East Regional Road Group meeting on the 17 April 2023

Cr Close announced the following;

- Attended the Senior Citizens Sundowner on the 19 March 2023

Cr Rose announced the following;

- Attended the Shire of Yilgarn History Museum meeting on the 29 March 2023
- Attended the Senior Citizens Sundowner on the 19 March 2023

Cr Guerini announce the following:

- Attended the Bushfire Advisory Committee meeting on the 22 March 2023
- Attended the Eastern Wheatbelt Declared Species Group on the 27 March 2023

Cr Granich announced the following;

- Attended the Senior Citizens Sundowner on the 19 March 2023

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Review of Delegations Register 2023

<b>File Reference</b>	<b>2.3.3.6</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Chief Executive Officer – Nic Warren</b>
<b>Attachments</b>	<b>Delegation Register 2023 - Draft - Tracked Changes</b> <b>Delegation Register 2023 - Draft</b> <b>Delegation Amendment List 2023</b>

### Purpose of Report

To present to Council the annual review of the existing delegations to the Chief Executive Officer that is contained within the Shire of Yilgarn's Delegation Register.

### Background

To assist in the effective administration of the Shire, Council has granted various delegations to the Chief Executive Officer. Delegations made under the Local Government Act 1995 can only be made to the Chief Executive Officer or Council Committees. Where appropriate, the Chief Executive Officer can on-delegate to other Officers.

Delegations under other legislation are made directly to the officer concerned.

Council last reviewed the delegations register in April 2022.

### Comment

The Chief Executive Officer has reviewed the current Delegations Register and made various changes and additions.

A Delegations Amendment List has been provided as an attachment for Councillors perusal along with 2 copies of the draft delegations register, one showing tracked changes and one with the proposed document.

It is to be noted, the original inclusion of the relevant legislation has been removed from each delegation, upon recommendation from the Shires Regulation 17 audit report.

### Statutory Environment

#### **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.*

#### **5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

#### **9.10. Appointment of authorised persons**

- (1) *In this section —*  
**law** means any of the following —
  - (a) *this Act;*
  - (b) *the Caravan Parks and Camping Grounds Act 1995;*
  - (c) *the Cat Act 2011;*
  - (d) *the Cemeteries Act 1986;*
  - (e) *the Control of Vehicles (Off-road Areas) Act 1978;*
  - (f) *the Dog Act 1976;*
  - (g) *subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);*
  - (h) *a written law prescribed for the purposes of this section;***specified** means specified in the instrument of appointment.
- (2) *The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.*
- (3) *An appointment under subsection (2) is subject to any specified conditions or limitations.*
- (4) *The CEO must give to each person appointed under subsection (2) an identity card that —*
  - (a) *on the front of the card, sets out —*
    - (i) *the name and official insignia of the local government; and*
    - (ii) *the name of the person; and*
    - (iii) *a recent photograph of the person;*
  - and*
  - (b) *on the back of the card, specifies each law to which the person's appointment relates.*
- (5) *A person appointed under subsection (2) (the **authorised person**) must —*
  - (a) *carry their identity card at all times when performing functions under a specified law; and*
  - (b) *produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.*
- (6) *A person who, without reasonable excuse, fails to return their identity card to the*



*CEO within 14 days after their appointment ceases to have effect commits an offence.*

*[Section 9.10 inserted: No. 16 of 2019 s. 64.]*

### Strategic Implications

Nil.

### Policy Implications

Where a Policy exists for an activity/function that has been delegated, the Chief Executive Officer is to adhere to that Policy.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure that Council Officers are aware of their obligations relating to delegations	Moderate (9)	An up-to-date Delegations Register approved by Council and disseminated to appropriate staff
<b>Financial Impact</b>	Allows Officers to be aware of their delegation responsibilities	Moderate (9)	Approved delegations ensure minimal impact
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Compliance with Section 5.42 of the Local Government Act	Moderate (6)	Annual review of Register
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

#### Officer Recommendation and Council Decision

**47/2023**

***Moved Cr Close/Seconded Cr Guerini***

***That Council adopt the reviewed and amended 2023 Shire of Yilgarn Delegations Register as presented.***

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 Proposed Outbuilding –Lot 59 (No 88) Moorine South Road, Moorine Rock

<b>File Reference</b>	<b>3.1.1.2 &amp; 3.1.7.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

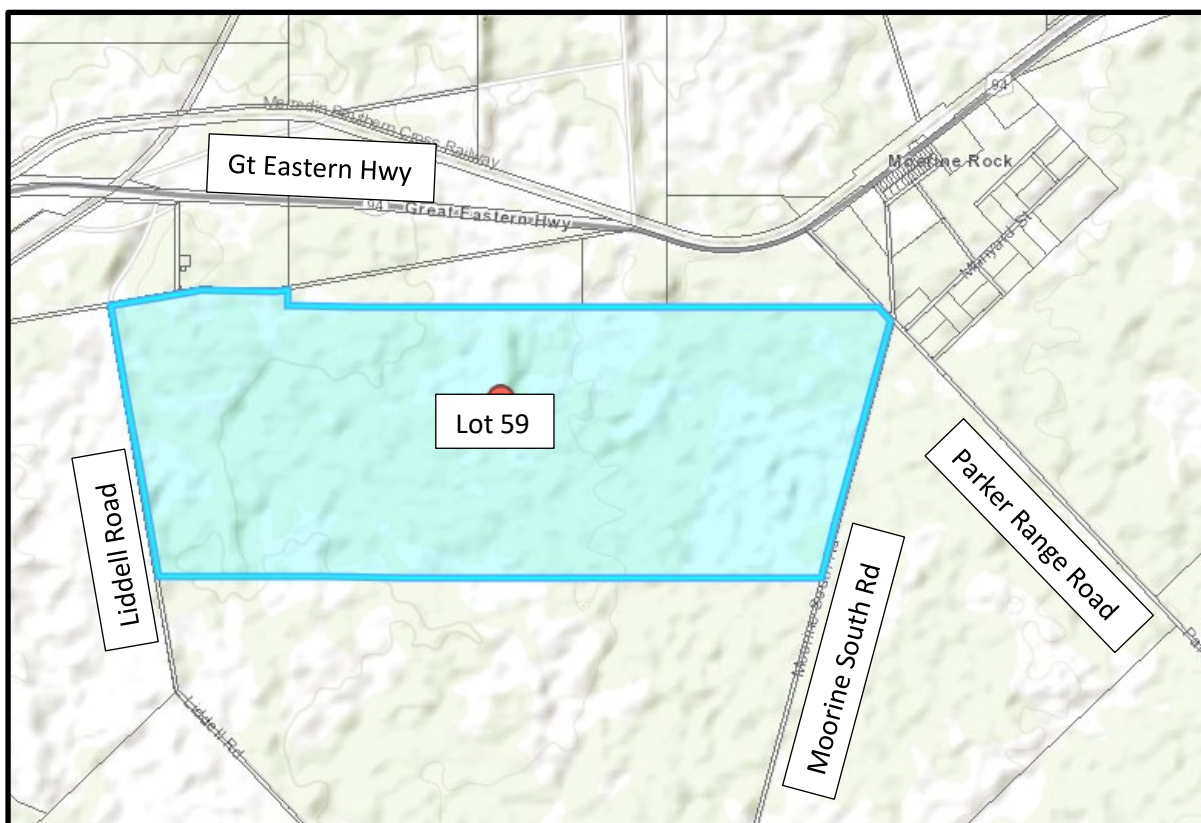
Council is to consider a planning application for an outbuilding on Lot 59 (No 88) Moorine South Road, Moorine Rock. The building is proposed for the storage of agricultural machinery.

#### Background

- Location and Existing Development**

Lot 59 is located to the south west of the main Moorine Rock townsite. approximately 44 kilometres to the south west of the Southern Cross townsite. The closest intersection is Moorine South Road and Parker Range Road in Moorine Rock.

A location plan is included over page for convenience.



Above: Location plan showing Lot 59 in blue

### Comment

- Zoning**

Lot 59 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

No density code applies to the 'Rural/Mining' zone under the Scheme, and no assessment is required under the Residential Design Codes, as the lot is not within a Residential zone.

- Description of Application**

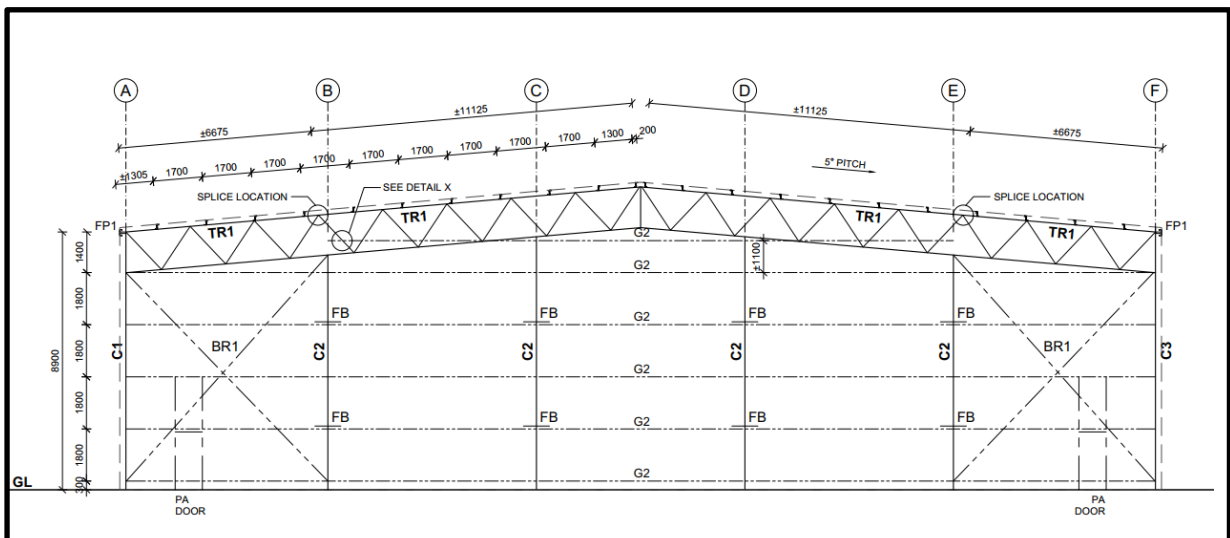
The building is proposed to be setback over 300 metres from Moorine South Road. It is proposed to measure 56 metres by 36 metres, with a wall height of 8.9 metres. The total floor area will be 2016m<sup>2</sup>.

All stormwater is proposed to be directed into a water tank via the shed gutters.

A partial site plan and elevation is included over page.



Above: Partial Site Plan showing eastern portion of the lot fronting Moorine South Road.



- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether there will be any significant visual impact associated with the proposed structure, or potential for negative impact on neighbouring lots or the existing streetscape.

Having regard for the size of the lot (which is over 550 hectares) combined with the significant setbacks proposed to the nearest lot boundaries, it is not considered that the development will have a significant negative impact on the amenity of the area.

TPI recommends conditional support for the proposal.

- **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’ (SPP 3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website.

Based on aerial photography and the location of existing sheds, it appears that the new building is proposed within the part of Lot 59 that is within the declared bushfire prone area – refer the map overpage.





*Above: Bushfire prone areas shown in pink Source: DFES website*

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for outbuildings/ agricultural sheds.

Despite the above, the Guidelines that make it clear that application of SPP3.7 is to the discretion of the decision maker, being the Shire Council.

TPI does not recommend that any Bushfire Attack Level assessment be required for the following reasons:

- a) The outbuilding will be separated from the other existing agricultural structures. This reduces the likeliness of any ember attack spreading between the buildings;
- b) The development is non habitable and will be used for storage.
- c) If a separate building permit is required, then building compliance will be examined at the more detailed building plan stage.

### **Statutory Environment**

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 61 outlines ‘development for which development approval is not required’. The majority of exemptions are for residential development that complies with the Residential Design Codes, and is not heritage listed.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Yilgarn Town Planning Scheme No 2 – explained in the body of this report.

Under Clause 3.1.1 the Scheme states that ‘*The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses.*’

A single house is permitted in the Rural/Mining zone under Table 1 (the Zoning Table), but the Scheme has no specific provisions or setback requirements for an outbuilding in the Rural/Mining zone.

Under Clause 6.1.2 (d) of the Scheme both a single house and ancillary outbuildings are exempt from the need for planning approval (as a single house is permitted in the Rural/Mining zone).

Notwithstanding the above, the development is not listed as exempt from the need for planning approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which is the dominant legislation.

### **Strategic Implications**

Approval of the development may set a precedent for similar setbacks and similar sized (agricultural) outbuildings in the Rural/Mining zone.

### **Policy Implications**

There are no Shire Policies that are relevant to this application.

The Shires Policy Manual includes town planning policies which have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

Essentially this means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.



### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

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 and Council Decision

**48/2023**

**Moved Cr Rose/Seconded Cr Guerini**

**That Council:**

**A. Approve the application for an agricultural outbuilding on Lot 59 (No 88) Moorine South Road, Moorine Rock subject to the following conditions and footnotes:**

- 1. The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.**
- 2. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
- 3. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

**Footnote:**

- (i) This is a planning consent only. Any owner needs to check if a separate building permit approval is required prior to commencing any site works or construction.**
- (ii) Parts of Lot 59 are within a declared bushfire prone area – refer to [Map of Bush Fire Prone Areas \(slip.wa.gov.au\)](https://slip.wa.gov.au)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 WEROC – Corella Management Coordinator

<b>File Reference</b>	<b>1.5.25.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider a funding contribution to the Wheatbelt Natural Resource Management Inc for a Corella Management Program.

#### Background

Dr. Karl O’Callaghan, Chief Executive Officer of Wheatbelt Natural Resource Management (NRM) presented to WEROC (Wheatbelt East Regional Organisation of Councils Inc) at the September 2022 meeting detailing a Corella Management Project for the Wheatbelt.

During the presentation, it was noted:

- Dr. O’Callaghan advised that approximately 12 months ago the Shire of Northam on behalf of AROC (Avon Regional Organisation of Councils) approached Wheatbelt NRM to ask if they could assist with a corella management strategy. Wheatbelt NRM engaged Edith Cowan University to complete a research report to better understand the extent of the issue.
- The key recommendation of the report was to create a coordinator position for the Wheatbelt, that would be responsible for identifying and trialling local solutions to the corella issue. The primary customers for the coordinator position will be Local Government and CBH.
- The cost per annum for the coordinator position is approximately \$200,000. Wheatbelt NRM are proposing that the position be co-funded by Wheatbelt Local Governments and CBH.
- Wheatbelt NRM have met with CBH, who have indicated that they need time to deliberate on the amount of funding they can commit but are, in general, supportive of the proposal.
- Wheatbelt NRM requested that individual Local Governments or ROCs signal their intent to support the proposal now and once they receive a response from CBH regarding their contribution, they will advise the cost to participate.

The Executive Officer of WEROC, Mrs Rebekah Burges met with Dr O’Callaghan on 28 March 2023, for an update of the proposal, and it has been advised:

- Wheatbelt NRM have secured a commitment of \$50,000 per annum each from CBH and AROC for a three-year period (total of \$300,000). As WEROC previously expressed an interest in supporting this initiative, it has been asked of WEROC if the member Councils are willing to make the same financial commitment.

- Mrs Burgess asked Dr. O’Callaghan what CBH and AROC have been promised in return for their contribution. It was advised that at this stage, there is no formal agreement because they are waiting on a response from WEROC to fully understand what level of resource they will have available. Dr. O’Callaghan stated that the role will be multi-faceted and have a research and development component with a focus on trialling new control measures as well as a lobbying/advocacy component with a focus on gaining support from WALGA and the State Government to enable the role to continue beyond the initial three-year period. Dr. O’Callaghan said a key deliverable will be the development of an action plan for long-term mitigation.
- In terms of AROC, their \$50,000 per annum contribution will be made up of \$25,000 of their collective funds with the remaining \$25,000 being evenly split amongst the Member Councils.
- If WEROC were to do likewise the \$25,000 would come from current consultancy budget (currently \$60,000 per annum) and each individual Shire would then need to contribute approximately \$4,167 each per annum.
- Wheatbelt NRM would like to get an indication of WEROC’s willingness to participate in the initiative so that they can move forward in preparing a more comprehensive scope/deliverables for the role. There will be opportunity for negotiations amongst the partner organisations before an agreement is finalised.

#### Comment

The Shire of Yilgarn do not currently have a significant issue with Corella’s and associated damage, however neighbouring WEROC Council’s have indicated they are experiencing significant maintenance and repair costs associated with Corellas.

It has been advised through presentations from Wheatbelt NRM, that the control programs generally do not eradicate the Corellas but move them to different areas, hence, should the Shire of Yilgarn not be involved, there is a risk of being a potential location for dispersed birds.

The Shire’s annual spend on the proposal will be \$8,333, split between the annual contribution to WEROC and a direct payment. Whilst the initial funding is for three years (\$25,000 commitment), Wheatbelt NRM intends to extend the program beyond this, and may request additional funding.

The CEO has discussed with the Shire President, and both raised concerns about the lack of detail in the proposal, and that it seems strategic as opposed to operational, with any proposed mitigation measures likely to be an additional cost to WEROC or Councils.

Whilst in general, a corella control program is supported, prior to Council committing funds to the Corella Management Coordinator proposal, it is recommended, through WEROC, a detailed scoping document is provided by the Wheatbelt NRM, such that WEROC and Councils are aware of what the allocation of funds will achieve locally as well future liabilities of the program, specifically, if implementation of control programs will be an additional cost.

The CEO and Shire President also discussed if Local Governments should be funding a program for local control, and queried if a state-wide approach, funded by the Department of Biosecurity, Conservation and Attractions should also be considered.

### Statutory Environment

Biosecurity and Agriculture Management Act 2007

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Possible funding contribution of \$8,333 per annum for three years.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Nil	Nil	Nil
<b>Financial Impact</b>	Cost associated with damage caused by Corellas.	Moderate (6)	Corella management program may reduce costs, but limited detail of program at present.
<b>Service Interruption</b>	Disruption to local services due to Corella damage	Low (3)	Corella management program may prevent interruptions, but limited detail of program at present.
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Damage to property from Corellas	Moderate (9)	Corella management program may limit property damage, but limited detail of program at present.
<b>Environment</b>	Nil	Nil	Corella management program may reduce environmental damage, but limited detail of program at present.damage, but limited detail at present.

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

#### Officer Recommendation and Council Decision

49/2023

*Moved Cr Granich/Seconded Cr Rose*

*That Council advise the Executive Officer of the Wheatbelt East Regional Organisation of Councils Inc, that in relation to the Corella Management Coordinator proposal from Wheatbelt NRM, the Shire of Yilgarn are generally supportive of a control program for corellas, however, prior to committing to funding the program, the Shire seeks a detailed scoping document from the Wheatbelt NRM, such that WEROC and Councils are aware of what the allocation of funds will achieve locally as well as future liabilities of the program, specifically, if implementation of control programs will be an additional cost.*

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Proposed Realignment of Parker Range, Marvel Loch and Marvel Loch Forresteria Roads

<b>File Reference</b>	<b>3.2.1.31, 6.1.1.038, 6.1.1.004 &amp; 9.1.1.3</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Tenure Map</b>

#### Purpose of Report

For Council to endorse the realignment of Parker Range, Marvel Loch and Marvel Loch-Forresteria Roads.

#### Background

At the November 2022 Ordinary Council meeting, Council endorsed the design for the upgrade of Parkers Range Road and Marvel Loch Forresteria Road, as part of the haul road for Covalent Lithium:

#### *Resolution 276/2022*

#### *Moved Cr Nolan/Seconded Cr Cobden*

*That Council, by Simple Majority pursuant to Section 3.53 (2) of the Local Government Act 1995 approves Covalent Lithium’s road construction design for the purpose of upgrading of Parker Range and Marvel Loch Forresteria Roads and that council requires a road user agreement prior to any construction.*

**CARRIED (6/0)**

The Shire of Yilgarn have been progressing through the relevant approval processes, with the assistance of and at the cost of Covalent Lithium. In relation to the upgrades, the Shire has received the following from the Department of Planning, Lands and Heritage (the Department):

*PROPOSED REALIGNMENT OF PARKER RANGE, MARVEL LOCH AND MARVEL LOCK-FORRESTERIA ROADS – WITHIN UNMANAGED “COMMON” RESERVE 10552, BEING LOT 1010 ON DEPOSITED PLAN 91883 AND “WATER SUPPLY” RESERVE 6608, VESTED IN THE WATER & RIVERS COMMISSION, BEING LOT 1009 ON DEPOSITED PLAN 91886, SHIRE OF YILGARN.*

*The Shire of Yilgarn request to realign Parker Range, Marvel Loch and Marvel Lock Forresteria Roads, has completed a preliminary assessment and is shown depicted red on the attached graphic.*

*To enable the Department of Planning, Lands and Heritage (Department) to commence its due diligence, it is necessary to confirm the Shire of Yilgarn has completed its obligations as set out by Section 56 of the Land Administration Act 1997 (LAA) and Regulation 8 of the Land Administration Regulations 1998 (LAR).*



*Please provide written confirmation the Shire Council has resolved to request the realignment of the abovementioned roads and has complied with the requirements of section 56 of the Land Administration Act 1997 (LAA) and Regulation 8 of the Land Administration Regulations 1998 (LAR) and to indemnify the Minister for Lands against all costs, fees and charges incurred, including the cost of survey, for Department actions necessary to complete the road realignment process.*

### Comment

To comply with the requirements of the Department, the Shire of Yilgarn must move a motion, resolving the realignment, and indemnifying the Minister.

### Statutory Environment

#### **Land Administration Act 1997**

##### **56. Dedication of land as road**

- (1) *If in the district of a local government —*
  - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
  - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
    - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
    - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

*or*

  - (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
- (2) *If a local government resolves to make a request under subsection (1), it must —*
  - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
  - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
  - (a) *subject to subsection (5), by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount*



*equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*
- (a) *unallocated Crown land or, in the case of a private road, alienated land; and*
  - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

### **Land Administration Regulations 1998**

#### **8. Local government request to dedicate land as a road (Act s. 56), requirements for**

*For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —*

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and*
- (c) *if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —*
  - (i) *written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years; and*
  - (ii) *a description of the section or sections of the public who have had that use; and*
  - (iii) *a description of how the private road is constructed; and*
- (d) *copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions; and*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request, and*
- (f) *written confirmation that the local government has complied with section 56(2) of the Act.*

### **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	Non-compliance with land administration legislation	Low (4)	Resolution ensures compliance with Land Administration Act and Regulations.
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 and Council Decision**

**50/2023**

***Moved Cr Nolan/Seconded Cr Rose***

***That Council:***

- 1. Endorse the proposed realignment of Parker Range Road, Marvel Loch Road and Marvel Loch-Forrestania Road, within the unmanaged “Common” Reserve 10552, being Lot 1010 on Deposited Plan 91883, and “Water Supply” Reserve 6608, Vested in the Water & Rivers Commission, being Lot 1009 on Deposited Plan 91886, as depicted on provided Tenure Map.***

***And***

- 2. As per Section 56 of the Land Administration Act 1997, request the Minister to dedicate that land as a road.***

***And***

- 3. The Shire of Yilgarn indemnifies the Minister for Lands against all costs, fees and charges incurred, including the cost of survey, for Department actions necessary to complete the road realignment process.***

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Application to Clear Native Vegetation under the Environmental Protection Act 1986

<b>File Reference Number</b>	<b>7.2.1.21</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts – Regulatory Services Officer</b>
<b>Attachments</b>	<b>1. Natmap 2. Photomap 3. Purpose Permit Application 4. Supporting Document</b>

#### Purpose of Report

For Council to consider a request from the Department of Mines, Industry, Regulation and Safety regarding an application for a permit to clear native vegetation under the Environmental Protection Act 1986 (the Act) for Rhapsody Mine, Marvel Loch, requested by Barto Gold Mining.

#### Background

The proposal seeks to clear land on tenements M77/775, M77/790 and M77/791 to facilitate extraction from the Rhapsody and Redox ore deposits, including open pits, waste rock dump, ROM and associated infrastructure, haul/access road and abandonment bunds.

#### Comment

The application documents are attached for Council's perusal.

#### 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 and Council Decision

51/2023

*Moved Cr Close/Seconded Cr Guerini*

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

*In relation to the application from Barto Gold Mining to Clear Native Vegetation under the Environmental Protection Act 1986 on tenements M77/775, M77/790 and M77/791 for the Rhapsody Mine, the Shire of Yilgarn has no objections.*

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.6 Application for Miscellaneous Licence 77/360 by Yilgarn Iron Pty Ltd Situated on Koolyanobbing Townsite

<b>File Reference</b>	<b>3.2.1.6</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts – Regulatory Services Officer</b>
<b>Attachments</b>	<b>Referral Letter L77/360</b>

#### Purpose of Report

For Council to consider a response to the Department of Mines, Industry Regulation and Safety regarding an application for miscellaneous licence from Yilgarn Iron Ore that encroaches on the Koolyanobbing Townsite.

#### Background

Yilgarn Iron Ore Pty Ltd have lodged application L77/360 which seeks to enable access from the Koolyanobbing mine site to Southern Cross Road as is required as ancillary infrastructure for the Koolyanobbing Iron Ore mine located on M77/990.

There is an existing road in place, with this tenure necessary for the ongoing operation and maintenance of the road and additional infrastructure as required.

The purposes of the application are a road, a pipeline, a power line, taking water and a bore.

#### Comment

Further details on the proposal are provided in the attachments;

#### 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 and Council Decision

52/2023

*Cr Nolan/Seconded Cr Rose*

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

*In regards to the miscellaneous licence application for Yilgarn Iron Ore, being L77/360, the Shire of Yilgarn has no objections.*

**CARRIED (6/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.7 Proposed Section 91 LAA Licence over Unallocated Crown Land - Case 2202448 File 00302-2022

<b>File Reference</b>	<b>1.6.37.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts-Regulatory Services Officer</b>
<b>Attachments</b>	<b>Land Parcel List Inquiry Tenure Map</b>

#### Purpose of Report

For Council to consider a response to the Department of Planning, Lands and Heritage (DPLH) regarding a request from Carbolt LTD for a section 91 LAA licence over unallocated crown land for two (2) years.

#### Background

The site in question is unallocated crown land, and the shire has received the following request from DPLH:

The Department of Planning, Lands and Heritage (DPLH) received a request from Carbonaut Limited for a section 91 LAA licence over unallocated Crown land. The proposed term of the s91 LAA licence is two (2) years.

The purpose of the proposed licence is as follows:

Investigation works related to a potential project involving land and vegetation regeneration management, biodiversity wildfire management and carbon abatement project(s), including:

1. General inspections;
2. Biological studies, including microbial, flora and fauna studies;
3. Soil and other sampling;
4. Geotechnical studies;
5. Heritage studies;
6. Site monitoring and testing, including aerial surveys, installation of remote sensors and other monitoring of flora and fauna and climatic conditions; and
7. Carrying out all activities reasonably necessary for or incidental to the abovementioned activities.

#### Comment

Please see the below attachments.

#### Statutory Environment

Nil



### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

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

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

## Officer Recommendation and Council Decision

**53/2023**

**Moved Cr Close/Seconded Cr Granich**

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

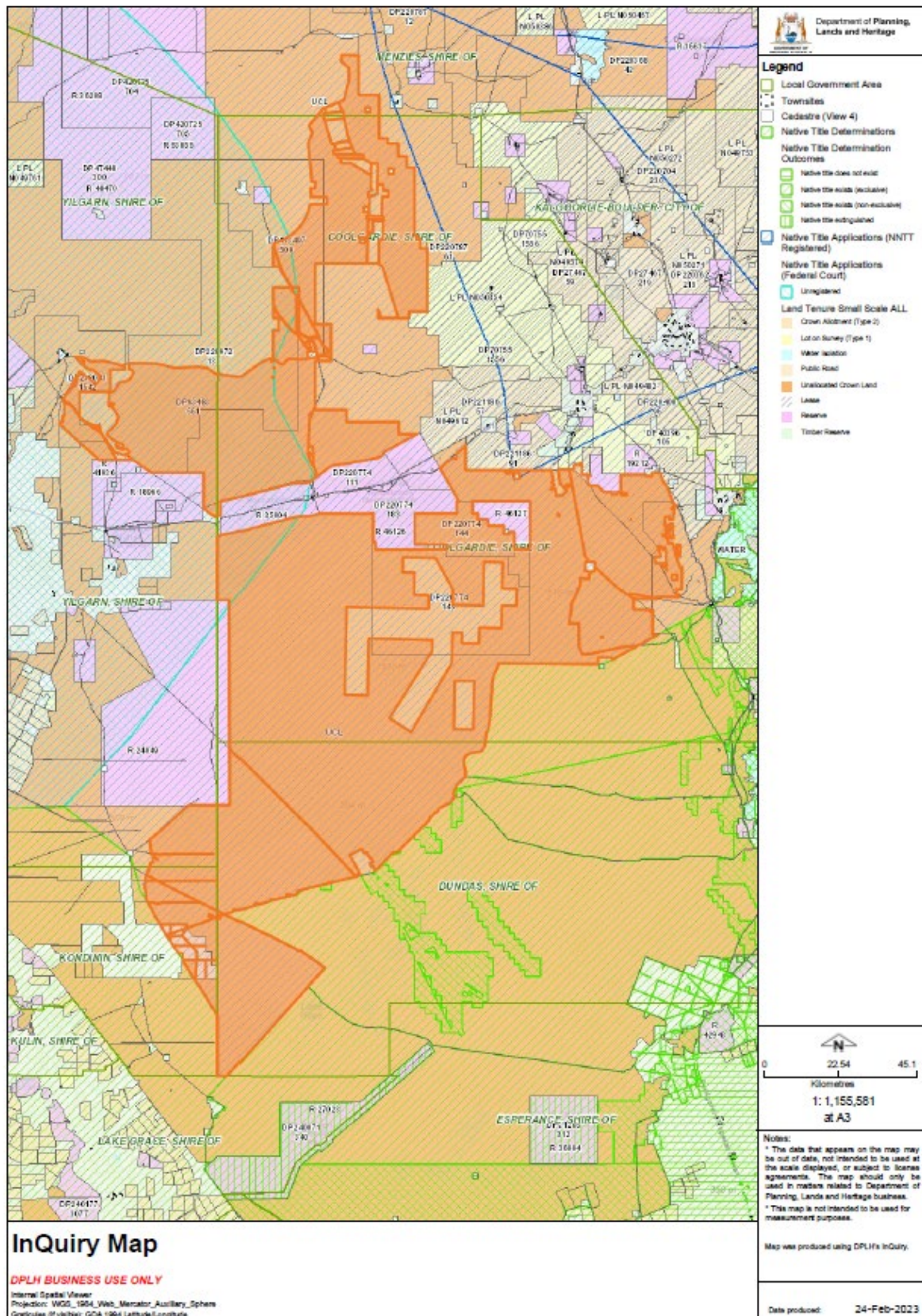
**Regarding the application from Carbonaut LTD for a section 91 LAA licence over the unallocated Crown land as listed below, for a proposed term of two (2) years, the Shire of Yilgarn has no objections.**

<b>Land Description</b>	<b>PIN</b>	<b>Tenure</b>	<b>LGA</b>
<b>PIN 1031144</b>	<b>1031144</b>	<b>UCL</b>	<b>Coolgardie, Dundas &amp; Yilgarn</b>
<b>PIN 1032078</b>	<b>1032078</b>	<b>UCL</b>	<b>Coolgardie, Menzies, Yilgarn</b>
<b>PIN 11481069</b>	<b>11481069</b>	<b>UCL</b>	<b>Coolgardie, Yilgarn</b>
<b>PIN 1342816</b>	<b>1342816</b>	<b>UCL</b>	<b>Coolgardie, Yilgarn</b>
<b>PIN 1093056</b>	<b>1093056</b>	<b>UCL</b>	<b>Dundas, Kondinin, Yilgarn</b>
<b>Lot 1542 on DP 238083</b>	<b>12077998</b> <b>12077999</b> <b>12078006</b> <b>12078008</b> <b>12078009</b> <b>12078010</b>	<b>UCL</b>	<b>Yilgarn</b>
<b>Lot 551 on DP 63483</b>	<b>11827335</b>	<b>UCL</b>	<b>Yilgarn</b>
<b>PIN 1053522</b>	<b>1053522</b>	<b>UCL</b>	<b>Yilgarn</b>
<b>PIN 1066862</b>	<b>1066862</b>	<b>UCL</b>	<b>Yilgarn</b>
<b>PIN 973507</b>	<b>973507</b>	<b>UCL</b>	<b>Yilgarn</b>
<b>PIN 973508</b>	<b>973508</b>	<b>UCL</b>	<b>Yilgarn</b>

## Attachments

### Land Parcels

Land Description	PIN	Tenure	LGA
PIN 1031144	1031144	UCL	Coolgardie, Dundas & Yilgarn
PIN 1032078	1032078	UCL	Coolgardie, Menzies, Yilgarn
PIN 11481069	11481069	UCL	Coolgardie, Yilgarn
PIN 1342816	1342816	UCL	Coolgardie, Yilgarn
PIN 1093056	1093056	UCL	Dundas, Kondinin, Yilgarn
Lot 1542 on DP 238083	12077998 12077999 12078006 12078008 12078009 12078010	UCL	Yilgarn
Lot 551 on DP 63483	11827335	UCL	Yilgarn
PIN 1053522	1053522	UCL	Yilgarn
PIN 1066862	1066862	UCL	Yilgarn
PIN 973507	973507	UCL	Yilgarn
PIN 973508	973508	UCL	Yilgarn





## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports-March 2023

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Fadzai Mudau-Finance Manager</b>
<b>Attachments</b>	<b>Financial Reports</b>

#### Purpose of Report

To consider the Financial Reports

#### Background

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

The following reports are attached and have been prepared as at the 31 March 2023

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

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

#### Comment

Nil

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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

#### **Strategic Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

### Risk Implications

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

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

### Officer Recommendation and Council Decision

54/2023

*Moved Cr Rose/Seconded Cr Granich*

*That Council endorse the various Financial Reports as presented for the period ending 31 March 2023.*

**CARRIED (6/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – March 2023

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Wes Furney-Finance Officer</b>
<b>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41203 to 41208 totalling \$4,430.74
- Municipal Fund - EFT 13748 to 13816 and 13818 to 13867 totalling \$1,022,208.15
- Municipal Fund – Cheques 2122 to 2140 totalling \$388,210.98
- Municipal Fund - Direct Debit Numbers:
  - 17676.1 to 17676.13 totalling \$24,544.60
  - 17703.1 to 17703.13 totalling \$25,527.08
  - 17734.1 to 17734.13 totalling \$26,271.33
- Trust Fund – Cheques 402674 to 402674 totalling \$330.00
- Trust Fund – EFT 13817 to 13817 totalling \$11,502.14

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

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

#### Officer Recommendation and Council Decision

55/2023

*Moved Cr Rose/Seconded Cr Nolan*

- *Municipal Fund – Cheques 41203 to 41208 totalling \$4,430.74*
- *Municipal Fund - EFT 13748 to 13816 and 13818 to 13867 totalling \$1,022,208.15*
- *Municipal Fund – Cheques 2122 to 2140 totalling \$388,210.98*
- *Municipal Fund - Direct Debit Numbers:*
  - *17676.1 to 17676.13 totalling \$24,544.60*
  - *17703.1 to 17703.13 totalling \$25,527.08*
  - *17734.1 to 17734.13 totalling \$26,271.33*
- *Trust Fund – Cheques 402674 to 402674 totalling \$330.00*
- *Trust Fund – EFT 13817 to 13817 totalling \$11,502.14*

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

**CARRIED (6/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 2023/24 - 2027/28 Corporate Business Plan

<b>File Reference</b>	<b>1.1.12.4</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson-Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>2023/24 – 2027/28 Corporate Business Plan</b>

#### Purpose of Report

To consider the modified Shire of Yilgarn 2023/24 – 2027/28 Corporate Business.

#### Background

The 2023/24 - 2027/28 Corporate Business Plan (CBP) includes a service delivery plan comprising 35 key services provided by Council. Each of these key services includes links to Councils Strategic Community Plan, a background on the service to be provided, expected service level and any anticipated issues that may impact the service being provided and any significant actions necessary to provide/maintain the expected service level or required due to statutory obligations.

The CBP also includes the projected operational income / expenditure necessary to provide the service for the coming budget year and estimates for the next four years.

#### Comment

The CBP is based on the current year's budget figures and a long-term historical average (adjusted for any anomalous instances) for the subsequent four years. An anticipated year on year Local Government Cost Index (LGCI) increase is then factored in. For the presented CBP the LRCI rate used is 6.4% as provided by WALGA in their October 2022 economic forecast.

#### 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) Regulations 1996

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business 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 corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
  - (3) A corporate business plan for a district is to —
    - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
    - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
    - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
  - (4) A local government is to review the current corporate business plan for its district every year.
  - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
  - (6) A council is to consider a corporate business 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.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

**Strategic Implications**

Contained within the Corporate Business Plan

**Policy Implications**

Nil

**Financial Implications**

The Corporate Business Plan is an informing document for current and future budgets.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Service delivery benefits the residents of the district.	Moderate (6)	Nil
<b>Financial Impact</b>	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.
<b>Service Interruption</b>	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.
<b>Compliance</b>	Local Government (Administration) Regulations 1996	Low (1)	Nil
<b>Reputational</b>	Service delivery not meeting community expectations.	Moderate (9)	Ensure services are adequately resourced.
<b>Property</b>	Various significant community buildings identified.	Moderate (6)	Ensure buildings are adequately maintained and resourced.
<b>Environment</b>	Effluent and putrescible waste treatment/disposal.	Moderate (6)	Well managed effluent treatment systems and waste management sites.

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

#### Officer Recommendation and Council Decision

56/2023

*Moved Cr Granich/Seconded Cr Rose*

*That Council adopts the 2023/24 – 2027/28 Corporate Business Plan as presented.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 2023/2024 Differential Rates – Objects & Reasons

<b>File Reference</b>	<b>8.1.1.5</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson-Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>Attachment 1 – 2023/2024 Rating Strategy</b> <b>Attachment 2 – 2023/2024 Rating Objects &amp; Reasons</b>

#### Purpose of Report

Council is requested to endorse the 2023/2024 Rating Strategy & Objects & Reasons.

#### Background

It is proposed to impose Differential Rates for the year ending 30<sup>th</sup> June 2024 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2023/2024 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

#### Comment

The Rates in the dollar being recommended are a result of efficiency measures being implemented over the previous few years. As a result of these measures, Council has significantly reduced the burden on its Ratepayers, in some categories, to the effect of as much as a 61% reduction in the rate in the dollar.

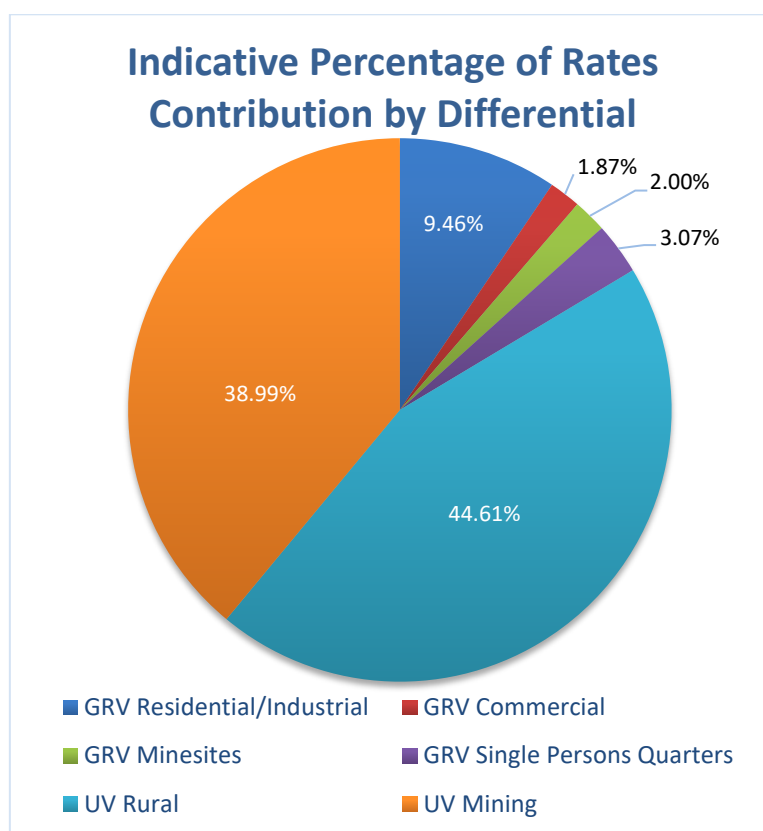
Due to the current economic uncertainties, it will be proposed to recommend that a small 2.5% increase in the Rate in the Dollar and between \$50 and \$100 dollar increase in the minimums be proposed for the 2023/24 financial year.

## 2023/2024 Proposed Differential Rates

The proposed Differential Rate for each rating category are as follows:

Land Category	Rate – Cents in the Dollar	Minimum Payment
GRV - Residential/Industrial	11.6294	\$600
GRV - Commercial	8.1865	\$450
GRV - Minesites	16.3727	\$450
GRV -Single Persons Quarters	16.3727	\$450
UV - Rural	1.5114	\$450
UV - Mining	16.3037	\$450

The proposed Rates in the dollar for 2023/2024 represents a 2.5% increase over those imposed in 2022/2023. It is proposed to raise the minimums by between \$50 and \$100 over those imposed in 2022/2023.



The recommended Rate in the dollar increase of 2.5% is less than the WA Local Government Cost Index (WALGCI) forecast for 2023/24 of 6.4% and December 2022 Perth CPI of 8.3%. The WALGCI is similar in principle to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments.

The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such

as food and non-alcoholic and alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government.

The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government.

### **Statutory Environment**

Attachment 1 - 2023/2024 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions with the addition of:

#### Local Government Act 1995

#### **1.7. Local public notice**

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

*[Section 1.7 inserted: No. 16 of 2019 s. 5.]*

#### **6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
  - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
  - (3) A notice referred to in subsection (1) —
    - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
    - (b) is to contain —
      - (i) details of each rate or minimum payment the local government intends to impose; and
      - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
      - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- and

- (c) is to advise electors and ratepayers that the document referred to in subsection (3A) —
  - (i) may be inspected at a time and place specified in the notice; and
  - (ii) is published on the local government's official website.
- (3A) The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
 it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

*[Section 6.36 amended: No. 16 of 2019 s. 62.]*

*[Section 6.36 modified: SL 2020/57<sup>1M</sup>.]*

### Local Government (Administration) Regulations 1996

#### **3A. Requirements for local public notice (Act s. 1.7)**

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
  - (a) the period specified in or under the Act in relation to the notice; or
  - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
  - (a) publication in a newspaper circulating generally in the State;
  - (b) publication in a newspaper circulating generally in the district;
  - (c) publication in 1 or more newsletters circulating generally in the district;
  - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;

- (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

*[Regulation 3A inserted: SL 2020/213 r. 15.]*

### Strategic Implications

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

### Policy Implications

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

### Financial Implications

The outcome of this recommendation will ultimately inform the direction for the 2023/2024 Income Budget as it relates to the raising of Rates.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Non or late payment of Rates by Ratepayers.	High (12)	If funding not received, projects and/or services can't be provided or undertaken.
Service Interruption	Non or late payment of Rates by Ratepayers.	Moderate (8)	Effective and efficient collection action.
Compliance	Act and Ministerial Policy differential rating requirements.	Moderate (9)	Ensure all requirements undertaken.
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 and Council Decision

57/2023

*Moved Cr Close Seconded Cr Granich*

*That Council:*

- 1. Endorse the Differential Rating – Objects and Reasons for the 2023/2024 rating years as presented;*
- 2. Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2023/2024 financial year:*

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.6294</i>	<i>\$600</i>
<i>GRV - Commercial</i>	<i>8.1865</i>	<i>\$450</i>
<i>GRV - Minesites</i>	<i>16.3727</i>	<i>\$450</i>
<i>GRV -SPQ</i>	<i>16.3727</i>	<i>\$450</i>
<i>UV - Rural</i>	<i>1.5114</i>	<i>\$450</i>
<i>UV - Mining</i>	<i>16.3037</i>	<i>\$450</i>

**3. Endorse a public notice and consultation process on the proposed Differential General Rates and General Minimum Rates as follows:**

- *Local public notice being place on Councils website on Monday, 1<sup>st</sup> May 2023 with ancillary notices being published as soon as practicable after this, as per the requirements of section 6.36 of the Local Government Act 1995.*
- *Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.*

**CARRIED (5/1)**

Cr Nolan voted against the decision.

\*The Council meeting was adjourned at 5.59pm for the Annual Electors meeting.

\*The Council meeting reconvened at 6.03pm



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.5 2032/24 – 2032/33 Long Term Financial Plan

<b>File Reference</b>	<b>8.2.5.6</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson-Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>2023/24 – 2032/33 Long Term Financial Plan</b>

#### Purpose of Report

For Council to consider adopting the revised Long-Term Financial Plan 2023/24 – 2032/33.

#### Background

In February 2009, the Minister for Local Government announced a package of wide-ranging local government reform strategies that were aimed at achieving greater capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

One of the requirements was to develop and review a long-term financial plan (LTFP) that is a ten-year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. From these planning processes, annual budgets that are aligned with the strategic objectives can be developed.

#### Comment

The operating income and expenditure aspects of the LTFP are primarily developed utilising a CPI increase of 4.5% for the life of the plan, however the historic percentage increase/decrease of a given income or expense item could be utilised if appropriate. All estimates can be manually adjusted were appropriate to reflect a realistic valuation for the specific income or expenditure item.

Rate income is calculated utilising a 2.5% increase for the first 5 years with the remaining 5 years being calculated on a CPI Increase.

The Forward Capital Works aspect of the LTFP has been developed in consultation with the senior management team and with Councils Asset Management Officer. It should be noted that many aspects of the proposed forward capital works are currently under review and as such are subject to change.

## Statutory Environment

### Local Government Act 1996

#### **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.

*[Section 5.56 inserted: No. 49 of 2004 s. 42(6).]*

### Local Government (Administration) Regulations 1996

#### **19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business 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 corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

The recommendation that follows is consistent with the legislative requirements.

## Strategic Implications

### Strategic Goal

Civic Leadership

### Strategic Outcome

A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

## Policy Implications

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

### Financial Implications

There are no immediate financial implications as a result of this report however if adopted will inform in the setting of the 2023/2024 Budgeted.

### 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 the Local Government Act and associated Regulations.	Low (2)	Ensure Long Term Financial Plan Reviewed.
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 and Council Decision

58/2023

*Moved Cr Guerini/Seconded Cr Close*

*That Council endorses the Long-Term Financial Plan 2023/24 – 2032/33 as presented.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

### 9.3 Reporting Officer– Executive Manager Infrastructure

#### 9.3.1 Plant Replacement Program 2023/2024 to 2033/2034

<b>File Reference</b>	<b>5.1.6.11</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Glen Brigg-Executive Manager Infrastructure</b>
<b>Attachments</b>	<b>Plan Replacement Program</b>

#### Purpose of Report

For Council to consider the 10 Year Plant Replacement 2023/2024 to 2033/2034 for adoption.

#### Background

The Plant Replacement program shall ensure that the Shire's fleet of machinery and vehicles are kept fully applicable, to meet the Shire's budgeted construction and maintenance programmes for all assets. This shall involve consideration of new technology, processes and materials as well as the ongoing balance of the Shire's ownership versus external hire of its machinery and vehicle needs.

The development of a ten-year plant replacement plan is important, as it ensures that the cost of new purchases, are spread over the life of the plan. It also ensures that Council's fleet remains relevant and in good working condition, thereby minimising maintenance costs and lost productivity due to machine breakdowns.

#### Comment

Asset lifecycle is the number of stages the Shire's asset goes through during the lifespan while owning the asset. It is the period that the Shire can effectively and efficiently utilize an asset to accomplish its business goals. An asset lifecycle typically covers all phases of an asset's life from acquisition through maintenance and eventual disposal.

The 2023-2024 plant replacement introduces the changes required to increase productivity by multi-tasking, while still maintaining the existing the core fleet of machinery and vehicles.

Over the last 12 months, staff have tracked and analysed the whole fleet for productivity and utilization. The 2023/24 plant replacement includes some changes to improve productivity and utilization to meet the needs of capital renewal, and maintenance needs.

Information sessions have been held with detailing the overall condition of road assets. Officers are still working on other classes of assets. There are some key areas which the shire needs to increase productivity and utilisation within the current fleet to meet its objectives.

Staff have included extra columns so council are aware that that the cost of plant and equipment has increased up to 30% over the last few years which will have an impact on the long-term financial planning.

As discussed in previous road information sessions, the Shire doesn't have the physical capability to cart enough gravel to keep pace with the gravel wear across the network. To purchase a new road train will cost up to \$800,000 and may take 2 years before delivery.

This plant replacement utilises the existing 8x4 Mack trucks and converts them from end tipping to side tipping units to match the side tipping trailers already in the fleet. Local fabricators have estimated the cost to convert both trucks will be \$200,000.

8x4 trucks and quad axle trailers will increase the volume of gravel delivered on the road at a reduced cost to any other configuration including road trains. The increased volume of gravel carted to site will improve the overall productivity of the construction crew as they won't be sitting idle waiting for gravel to be delivered.

The Freightliner prime mover will be replaced with 8x4 water truck with a lightweight tank. Light tare weights like a Fuso Shogun 8x4 makes them capable of carrying 18,000 litres of water. This is a 30% increase over the current Mack trucks in the fleet. Staff have been approached by a local contractor who can supply a second water truck on a full time basis.

In the past, the shire has predominantly had, a full-time construction crew and a separate gravel sheeting crew. The productivity of these crews has been slowed by the lack of gravel and water delivered to each job while working at the same time. Lack of contractors during key construction periods has prompted staff to make changes.

Increased gravel carting and water hauling capabilities will allow the shire to scale back to one full time construction crew for all gravel sheeting and construction work. This will free up a grader for road maintenance grading, which is also lacking physical capabilities to complete two full grades each year.

The plant replacement includes an equal wheeled backhoe which will replace the loader used at the Southern Cross waste disposal and a separate backhoe used by the works crew. Both of these machines have very low utilisation. Combining them into one unit will help increase utilisation at a reduced cost without interrupting operations.

This plant replacement does not make provisions to replace the Bomag multi tyre roller. One construction crew will only require one multi tyre roller. If there is any short term needs for a second roller staff will hire one.

The road maintenance truck is due for replacement. This is a big investment compared to previous trucks. In the past road maintenance has been split between two separate trucks, a bitumen patching truck and a signage truck. This system will be changed to one multi purpose truck with PTO driven Kreck Crane to auger holes. This will reduce the operational safety risk when installing signage.

The skid steer isn't due for replacement but the current wheeled machine isn't fit for purpose. Skid Steers are the most versatile machines within local government. The current unit has low utilisation because it is a wheeled machine. The current skid steer isn't fitted with a forestry pack which is needed when running the vegetation mulcher. Forestry pack includes complete guarding and extra hydraulic cooling to run the mulcher. A forestry pack also includes a bullet proof door to reduce the safety risks when operating a mulcher.

A track type skid steer will be utilised with the beaver tail truck each Friday to backfill tips, eliminating the need for heavy trucks to stop gravel carting.

The skid steer will be shifted by the beaver tail truck for cleaning culverts and vegetation management. The skid steer will be used with the slasher attachment within parks and gardens for better utilisation. This means the John Deere tractor will not be replaced. There is 12 months wait on machines with the forestry pack options.

Personnel Carriers are due for replacement. These light trucks have been set on 4 years replacement cycle. All asset management information is still recommending light trucks to be changed every 5 years. However, there are long delivery times with these vehicles and if ordered 2023/24, it is doubtful they will be delivered within the 2023/24 financial year.

Mechanic's Toyota Landcruiser to be replaced with a light 4x4 truck. The mechanic has outgrown the Landcruiser with extensive toolboxes. A 4x4 truck will be more useful to carry things like grader, loader tyres and grader cutting edges. This truck will come fully set up with Krevek Crane.

Light vehicles are still challenging to work with. The light fleet can't be finalised until budget is adopted as our Toyota dealer is still unsure if the new Landcruiser utilities ordered, will be delivered before the end of 2022/23 financial year.

Most of the light fleet will be included in 2023/24 plant replacement. Some of the vehicles currently on order will roll over into 2023/24. Some light vehicles due to be replaced in 2023/24, need to be ordered now if they are to be here within the 2023/24 financial year. Example Toyota Prado is a 14 month wait.

Shire ordered a Toyota Hilux SR5 to replace YL 252 in November 2021. The Toyota Dealer advised staff this vehicle won't be delivered in the 2022/23 financial year. This will make it a 2 year wait for a SR5 Hilux

Staff have been advised the Local Government fleet discount will be reduced in the near future. Landcruisers and Prado vehicles receive up to \$13,000 and Hilux up to \$11,000 discount. Local government discounts may be halved and the price increases will significantly impact long term budgets.

If the plant replacement net changeover of \$1,074,500 can't be fully funded from the general revenue, council has the option to utilise some funds from the Plant Reserve.

### **Statutory Environment**

The development and adoption of the 10 Year Plant Replacement Program forms a component of the Council obligation to produce a plan for the future under Section 5.56 (1) of the Local Government Act, 1995.

### Strategic Implications

The Plant Replacement shall ensure that the Shire's fleet of machinery and vehicles are kept fully applicable, to meet the Shire's budgeted construction and maintenance programmes for all assets. This shall involve consideration of new technology, processes and materials as well as the ongoing balance of the Shire's ownership versus external hire of its machinery and vehicle needs.

### Policy Implications

"Staff Policy N° 7.12 Motor Vehicle Replacement and Vehicle Standard and Accessories"

### Financial Implications

The 10 years Plant Replacement program will be included in the Shire's long-term financial plan.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Significant financial cost to Council with initial indications show the Plant Replacement Programme for 2023/2024 Financial Year is estimated to cost (net) \$1,074,500	Moderate (9)	That all vehicles listed for replacement in the 2023/2024 to 2033-3034 Plant Replacement Program be included in 2022/2023 Financial Year Budget deliberations
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 and Council Decision

59/2023

*Moved Cr Guerini/Seconded Cr Close*

*That Council endorses the Shire of Yilgarn's Plant Replacement Program – Amended April 2023 as presented in Attachment to this report.*

**CARRIED (6/0)**

## 10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

**60/2023**

*Moved Cr Guerini/Seconded Cr Rose*

*That the new business of an urgent nature be accepted by council for consideration.*

**CARRIED (6/0)**

## 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

**61/2023**

*Moved Cr Guerini/Seconded Cr Rose*

*That the meeting be closed to the public for the new business of an urgent nature which is confidential.*

**CARRIED (6/0)**

## 13 Officers Report – Chief Executive Officer

### 13.1 Covalent Lithium Road Use Agreement Update

<b>File Reference</b>	<b>3.2.1.31</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>1. Road User Agreement (Term Sheet) Draft - Covalent Marked Changes 04 04 2023 2. Road User Agreement (Term Sheet) Draft - Shire Marked Changes 28 03 23 - Working Draft</b>

### Purpose of Report

For Council to receive the current Road User Agreement Draft between the Shire of Yilgarn and Covalent Lithium, and for Council to provide feedback to management, to enable progression of negotiations.

### Officer Recommendation

*That Council receive the current Road User Agreement (Term Sheet) Draft, as amended by Covalent Lithium.*

*And*

*Council provide feedback to staff, as required, regarding the terms and conditions of the agreement, such that negotiations with Covalent Lithium can progress.*

### Alternate Motion Moved by Council and Council Decision

**62/2023**

*Moved Cr Nolan/Seconded Cr Close*

*That Council receive the current Road User Agreement (Term Sheet) Draft, as amended by Covalent Lithium.*

*And*

*Council endorse the proposed direction as detailed by the Shire of Yilgarn Executive Staff in the marked draft, subject to further feedback from Council.*

**63/2023**

*Moved Cr Guerini/Seconded Cr Close*

*That the meeting be reopened to the public.*

**CARRIED (6/0)**

## 14 EMERGING ISSUES

Cr Guerini requested permission from the presiding member to raise an issue. Cr Della Bosca, as the presiding member, agreed for Councillors to raise any emerging issues.

Cr Guerini raised an observation he believed to be an issue in regards to the new speed signage on the entrance into Southern Cross on the west side heading east. The new speed signs have removed the 80km zone instead warning drivers they are about to enter a 60km/h zone from a 110km/h zone leaving the T road intersection for Three Boys Road and the Great Eastern highway in a 110km/h zone. Due to a curve in the Great Eastern Highway visibility heading towards the intersection is limited which may be an issue with slow moving heavy traffic using the intersection and oncoming traffic having a top speed on 110km/h.

The CEO, Nic Warren, confirmed he would raise the concerns with Main Roads.

## 15 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 6.57pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 20 April 2023, are confirmed on Thursday, 18 May 2023 as a true and correct record of the April 2023 Ordinary Meeting of Council.

**Cr Wayne Della Bosca**  
**SHIRE PRESIDENT**