



# *Minutes*

## *Ordinary Meeting of Council*

*20 July  
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

Nil

## 3. ATTENDANCE

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

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

Apologies: Nil

Observers: Kaye Crafter, Jackie Drzymulski, Ross Martelli, Anthea Pate, Cameron Levitzke and Christian Sputore.

Leave of Absence: Cr L Granich

## 4. DECLARATION OF INTEREST

Cr Wayne Della Bosca declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to agenda item 9.3.1 'RAV Route Determination N7.3 Frog Rock Marvel Loch, Bodallin South, Dulyalbin, Bennett and Gill Roads', due to being a partner in the family business which may have possible use of the road via a haulage contractor during harvest time.

Cr Gary Guerini declared an indirect financial interest pursuant to section 5.61 of the Local Government Act 1995 in relation to agenda item 9.1.2, 'Proposed Western Power Installation – Glendower Road Reserve', due to possible future financial gain.

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

Nil



## 5.1. PUBLIC QUESTION TIME

Kaye Crafter attended Public Question time and posed the following question;

**Question:** *What steps is the Yilgarn Shire taking to minimise the impact of the upcoming ACH claims on the running of business, farmers and rate payers within the Shire?*

*Has any communication been made with the Minister, Mr. Butti, also the premier Mr. Cook? They need to be made aware that we are not impressed with their lack of consultation with the public, lack of planning of LACHS, the arrogance in he expecting the public of WA to accept the nebulous nature of this new law!!*

*What is the Shire's response? And what does the Shire propose to do in addressing this? And what do you envisage the repercussions being to your constituents? Do you know?*

**Answer:** The Shire President referred the question to the CEO. The CEO stated that the Shire intends to comply with the new Aboriginal Cultural Heritage Act, however noted it will and already has had implications on Shire business.

The Western Australian Local Government Association is providing advocacy on behalf of all member local government in this space, and the Shire will engage with them where necessary to share concerns and issues.

The CEO stated he agrees with the concept of the legislation, in that Aboriginal Cultural Heritage should be protected, however it was mentioned that a number of gray areas exist in regards to the processes required under the Act. However, the Shire is establishing strategies and documentation to assist staff manage these processes.

Jackie Drzymulski attended public question time and posed the following question;

**Question:** *Some time ago I applied for a Shire of Yilgarn grant to replace the nets and matts at the cricket pitch, is this going to be actioned?*

**Answer:** The Shire President referred the question to the CEO. The CEO confirmed the items in question have been added into the 2023/2024 budget that is on the agenda to be considered tonight.

**Question:** *Can the oven in the Sports Complex be replaced as it is old and very hard to cook with, making catering in the sport's complex kitchen difficult.*

**Answer:** The Shire President referred the question to the CEO. The CEO advised the Shire would look into the oven and cook top to determine what the best course of action is to address the difficulties experienced.

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 15 June 2023

**94/2023**

***Moved Cr Cobden/Seconded Cr Close***

***That the minutes from the Ordinary Council Meeting held on the 15 June 2023 be confirmed as a true record of proceedings.***

**CARRIED (6/0)**

### 6.2 Special Meeting of Council, Monday 10 June 2023

**95/2023**

***Moved Cr Rose/Seconded Cr Guerini***

***That the minutes from the Special Meeting of Council held on the 10 June 2023 be confirmed as a true record of proceedings.***

**CARRIED (6/0)**

### 6.3 Great Eastern Country Zone (GECZ), Tuesday 20 June 2023

**96/2023**

***Moved Cr Close/Seconded Cr Cobden***

***That the minutes of the GECZ Meeting held on the 20 June 2023 be received***

**CARRIED (6/0)**

### 6.4 Central East Accommodation & Care Alliance Inc (CEACA), Monday 29 May 2023

**97/2023**

***Moved Cr Cobden/Seconded Cr Rose***

***That the minutes from the CEACA Meeting held on the 29 May 2023 be received.***

**CARRIED (6/0)**

### 6.5 Wheatbelt East Regional Organisation of Council Inc, Wednesday 28 June 2023

**98/2023**

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

***That the minutes of the WEROC Meeting held on the 28 June 2023 be received***

**CARRIED (6/0)**

6.6 Roads Committee Meeting, Monday 3 July 2023

**99/2023**

***Moved Cr Rose/Seconded Cr Guerini***

***That the minutes of the Road Committee Meeting held on the 3 July 2023 be received***

**CARRIED (6/0)**

**7. PRESENTATIONS, PETITIONS, DEPUTATIONS**

Ross Martelli (Project Director), Christian Sputore (Manager Expansion Study), Anthea Pate (Manager Environment & Approvals) and Cameron Levitzke (GM Commercial) from Covalent Lithium attended council to give an update on the future of the Covalent Mt Holland Lithium Project. Planning studies to expand the mine are underway, which will seek to increase the amount of ore processed at the mine from 2MTPA to 4MTPA, while reducing the mine life from 47 to 27 years, taking production from 383,000 to 766,000 dry tonne of lithium concentrate. In order to house the waste produce, a further 1600 hectares of land has been acquired which at the end of mine life will be rehabilitated and handed back as Crown Land.

Ross Martelli thanked Council for their time and invited questions.

***Cr Nolan: Who owns Covalent Lithium.***

*Ross Martelli: Covalent Lithium Pty Ltd is the manager appointed by a joint venture between SQM Australia and Wesfarmers owned MH Gold, who is the tenement holder.*

***Cr Nolan: Although I am aware Covalent Lithium are not the only road users within the Shire of Yilgarn, rubbish is an issue on the road, can management be mindful to remind staff and contractors to place litter in the bin.***

*Ross Martelli: Yes, we will follow up on this issue.*

***Cr Rose: The percentage of local employees by Covalent Lithium is marginal, there was no local advertising for the first intake, with the expansion of the mine will we see more local employment advertising.***

*Ross Martelli: I will take this issue back to HR and follow up to ensure opportunities are advertised locally.*

***Cr Rose: Is it correct that with mine expansion the amount of trucks hauling will double?***

*Ross Martelli: Yes, it is correct.*

***Cr Rose: In the event of a bush fire can/how can we gain access to the water tanks setup by Covalent Lithium?***

*Ross Martelli: We will set up a meeting with the bush fire brigade in order to arrange access*

**Cr Close:** *How far away from the mine and camp is there mobile coverage that may be needed in the event of a bushfire as the area has previously been quite a black spot.*

*Ross Martelli: The mobile coverage does not reach far out of the mine and camp however I believe there are plans to expand the coverage. Western Power is also looking to place a tower in the area as well.*

Cr Della Bosca thanked Ross Martelli, Anthea Pate, Cameron Levitzke and Christian Sputore for their time and they left the meeting at 5.27pm.

## **8. DELEGATES' REPORTS**

Cr Della Bosca announce the following;

- Attended the Great Country Zone meeting on the 20 June 2023
- Attended the Roads Committee meeting on the 3 July 2023
- Attended the Regional Roads Group meeting on the 17 July 2023

Cr Close announced the following;

- Attended the Great Country Zone meeting on the 20 June 2023
- Attended the Pox Eclipse meeting on the 26 June 2023
- Attended the Roads Committee meeting on the 3 July 2023

Cr Rose announce the following;

- Attended the Roads Committee meeting on the 3 July 2023

Cr Guerini announced the following;

- Attended the Pox Eclipse meeting on the 26 June 2023
- Attended the Roads Committee meeting on the 3 July 2023

Cr Nolan announced the following

- Attended the monthly Agcare meeting in July 2023
- Attended the Roads Committee meeting on the 3 July 2023
- Attended the Special Meeting of Council on the 10 July 2023

## 9.1 Officer Report – Chief Executive Officer

### 9.1.1 WALGA Annual General Meeting 2023

<b>File Reference</b>	<b>1.6.21.12</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

To advise Council of the Notice of the Western Australian Local Government Association (WALGA) 2023 Annual General Meeting and to endorse voting delegates.

#### Background

The Shire has received notification that the 2023 WALGA Annual General Meeting will be held on Monday, 18 September at Crown Perth.

Key dates are as follows:

- Friday, 4 August – Deadline for Members to submit motions for the AGM Agenda
- Friday, 8 September – Registration of Voting Delegates closes
- Monday, 18 September – Annual General Meeting, Crown Perth

#### Comment

Council are asked to consider voting delegates for the 2023 AGM.

#### Statutory Environment

Nil

#### Strategic Implications

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

#### Policy Implications

Nil.

#### Financial Implications

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

**100/2023**

**Moved Cr Cobden/Seconded Cr Guerini**

**That Council nominates Cr Wayne Della Bosca and Cr Linda Rose as the Shire of Yilgarn Voting Delegates at the 2023 WALGA Annual General Meeting.**

**And**

**That Council nominates Cr Granich and the CEO, Nic Warren as the Shire of Yilgarn Proxy Voting Delegates at the 2023 WALGA Annual General Meeting, in the event voting delegates are absent.**

**CARRIED (6/0)**

## 9.1 Officer Report – Chief Executive Officer

### 9.1.2 Proposed Western Power Installation – Glendower Road Reserve

<b>File Reference</b>	<b>6.1.1.219 &amp; 10.2.2.6</b>
<b>Disclosure of Interest</b>	<b>Cr Gary Guerini declared an indirect financial interest pursuant to section 5.61 of the Local Government Act 1995 due to a possible future financial gain.</b>
<b>Voting Requirements</b>	<b>Absolute Majority (Revoke Previous Decision) and Simple Majority (New Recommendation)</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

Cr Gary Guerini declared an indirect financial interest pursuant to section 5.61 of the Local Government Act 1995 in relation to agenda item 9.1.2, 'Proposed Western Power Installation – Glendower Road Reserve', due to possible future financial gain.

**101/2023**

***Moved Cr Close/Seconded Cr Rose***

***That Cr Gary Guerini be allowed to remain in chambers and vote on agenda item 9.1.2.***

**CARRIED (5/0)**

### Purpose of Report

For Council to re-consider a request to upgrade the Western Power network, to include a new 33 kV power line within the Glendower Road Reserve to service a proposed wind farm development.

### Background

As Council would be aware, Shire Executive have been liaising with Yilgarn Holdings Pty Ltd in relation to a proposed Wind farm development within the Shire of Yilgarn.

The proponents of the application had advised and sought the following:

*Yilgarn Holdings Pty Ltd propose to construct a wind farm approximately 13 km southeast of Southern Cross townsite located on an area of freehold rural land cleared, and historically used for cropping.*

*Southern Cross Wind Farm will comprise up to 10 wind turbines for the Phase 1 development, pending receipt of the relevant approvals.*

*Western Power Networks have undertaken Phase 1 technical assessment and concluded that the wind farm can be connected to existing Western Power Networks infrastructure.*

*The technical solution proposed by Western Power Networks includes a requirement to construct a new 33 kV power line from the existing 33 kV power line on Marvel Loch Road, running parallel to Glendower Road within the existing road reserve, before terminating at the windfarm (Refer to Attachment B).*

*It is our understanding that the road reserve on Glendower Road is Vested Crown land, vested to the Shire of Yilgarn. We are hereby seeking your principle support and consent to allow construction of the above, as part of the wind farm development and the Development Application.*

At the Special Council Meeting held on the 29 May 2023, Council carried the following resolution:

**83/2023**

***Moved Cr Nolan/Seconded Cr Granich***

***Council, in relation to the request from Yilgarn Holdings Pty Ltd to endorse the construction of a 33 kV powerline along the Glendower Road reserve from Marvel Loch Road, requests the following information from the proponent:***

- ***Provide comments or detail from Western Power as to why this solution was proposed;***
- ***Provide detail on the alternative options considered, and why these were deemed unsuitable;***
- ***If no alternatives were considered, Council seek for the proponents to investigate whether the following are feasible:***
- ***Connection to the existing 33 kV line running along a portion of Glendower Rd (C1024418);***
- ***Connection to existing 33 kV line running alongside the 220 kV line of which intersects with Glendower Road (C1172029)***

**CARRIED 7/0**

The proponents of the wind farm development provided further detail as requested by Council and advised the preferred options was to connect to the existing 33 kV line along Glendower Road, as per image below:





### Comment

At the June Councillor Discussions Session, the matter was discussed, with Council comfortable with the altered option, as it is seen to now minimise the amount of clearing required.

Council will need to carry a motion to revoke the prior decision by absolute majority, before considering the new recommendations.

The following conditions are also considered appropriate:

- The Shire of Yilgarn remains indemnified from any liability associated with the new line;
- The Shire of Yilgarn incur no costs associated with the installation;
- All relevant legislative requirements are adhered to by the proponents and Western Power; and
- If required by Western Power, local mining entities are consulted in regards to impact to their operations from the installation of the line.

### 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	Damage to reputation from not supporting a green energy initiative	Moderate (6)	Supporting wind farm through proper assessment and processes ensures Council is supporting green energy initiatives.
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

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

### Revoking of Previous Decision

**102/2023**

**Moved Cr Cobden/Seconded Cr Close**

**That Council, By Absolute Majority, revoke resolution 82/2023, which read:**

**83/2023**

**Moved Cr Nolan/Seconded Cr Granich**

**Council, in relation to the request from Yilgarn Holdings Pty Ltd to endorse the construction of a 33 kV powerline along the Glendower Road reserve from Marvel Loch Road, requests the following information from the proponent:**

- **Provide comments or detail from Western Power as to why this solution was proposed;**
- **Provide detail on the alternative options considered, and why these were deemed unsuitable;**
- **If no alternatives were considered, Council seek for the proponents to investigate whether the following are feasible:**
- **Connection to the existing 33 kV line running along a portion of Glendower Rd (C1024418);**
- **Connection to existing 33 kV line running alongside the 220 kV line of which intersects with Glendower Road (C1172029)**

**CARRIED 7/0**

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

### Officer Recommendation and Council Decision

**103/2023**

**Moved Cr Cobden Seconded Cr Rose**

**That Council endorse the installation of a 33 kV power line along the Glendower Road Reserve, for the purposes of servicing a proposed wind farm by Yilgarn Holdings Pty Ltd, on the following conditions:**

- **The new line is to connect to the existing 33kV line along Glendower Road (C1024418);**
- **The Shire of Yilgarn remains indemnified from any liability associated with the new line;**

- *The Shire of Yilgarn incur no costs associated with the installation;*
- *All relevant legislative requirements are adhered to by the proponents and Western Power; and*
- *If required by Western Power, local mining entities are consulted in regards to possible impacts to their operations from the installation of the line.*

**CARRIED (6/0)**

## 9.1 Officer Report – Chief Executive Officer

### 9.1.3 Proposed Closure of Parker Range Road and Marvel Loch Forrestania Roads

<b>File Reference</b>	<b>6.1.1.038 &amp; 6.1.1.004</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 closure of sections of Parker Range Road and Marvel Loch-Forrestania Road.

#### Background

At the November 2022 Ordinary Council meeting, Council endorsed the design for the upgrade of Parkers Range Road and Marvel Loch Forrestania 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 Forrestania Roads and that council requires a road user agreement prior to any construction.***

***CARRIED (6/0)***

As part of the required regulatory process the Shire of Yilgarn, after a public notice period, endorsed the realignment of the road and dedication of the road at the April 2023 Ordinary Council meeting, as follows:

##### ***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)**

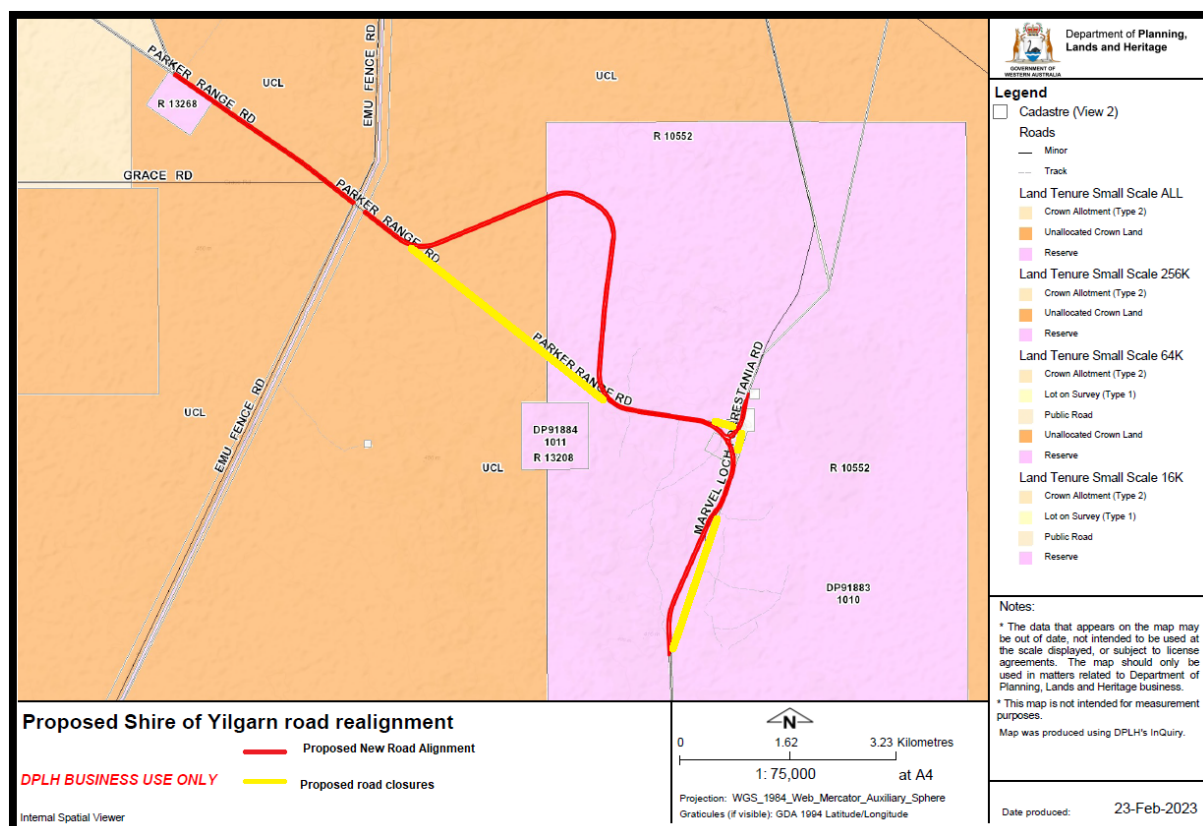
The Shire has now been advised by the Department of Planning Lands and Heritage, that the Shire of Yilgarn must advertise and then endorse the closure of the relevant sections of Parkers Range Road and Marvel Loch Forrestania Road

### Comment

To comply with the requirements of the Department, the Shire of Yilgarn undertook a 35 day public notice period as defined under Section 58(5) of the Land Administration Act 1997, including an advertisement in the Kalgoorlie Miner newspaper on the 13<sup>th</sup> May 2023, posts on the Shire's website and facebook page, as well as advertising in the local crosswords publication and notice boards.

No submissions were received by the closing date, which was the 19<sup>th</sup> June 2023.

As such, it is recommended that Council endorse the closure of the relevant sections of Parkers Range Road and Marvel Loch Forrestania Road as per image below:





## Statutory Environment

### *Land Administration Act 1997*

#### 58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - a. 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.*
- (5) If the Minister grants a request under subsection (4) —*
  - a. the road concerned is closed on and from the day on which the relevant order is registered; and*
  - b. any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road —*
  - a. becomes unallocated Crown land; or*
  - b. if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

## 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		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**

**104/2023**

***Moved Cr Guerini/Seconded Cr Rose***

***That Council:***

- 1. Note the shire of Yilgarn undertook the relevant 35 day notice period as required under Section 58 of the Land Administration Act 1997;***

***And***

- 2. Note there were no submissions received in relation to the proposed closure, and as such, no objections;***

***And***

- 3. There being no objections, resolve to close sections of Parker Range 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***

- 4. As per Section 58 of the Land Administration Act 1997, request the Minister to close the relevant sections of road.***

**CARRIED (6/0)**

## 9.1 Officer Report – Chief Executive Officer

### 9.1.4 Waiver of Fees and Charges – Deb Schoen Podiatry

<b>File Reference</b>	<b>8.2.3.27</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Author</b>	<b>Nic Warren - CEO</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To submit to Council a request from Deb Schoen, Podiatrist, for the waiving of fees associated with accommodation at the caravan Park during visits to Southern Cross.

#### Background

Deb Schoen has been providing podiatry services to the Yilgarn community for many years, originally from the southern cross Hospital, then in 2016/2017 arrangements were made for Deb to work out of the Southern Cross Seniors Centre one day every 7-8 weeks.

Deb has written to seek use of the Seniors Centre for two days per visit, with visits between 7-8 weeks apart. Deb had also sought 2 nights accommodation at the Southern Cross Caravan Park to be provided.

Deb states there is unprecedented demand at the moment for her services, with the additional days allowing reduction to waiting list and waiting times for the Yilgarn community.

#### Comment

The previous arrangement in 2016/2017 saw the Shire waive hire fees for the Seniors Centre and Caravan Park.

The Shire's Fees and Charges permits the CEO to hire and charge for use of the Seniors Centre at their discretion. This discretion has been used to hire out a room at the seniors centre for no cost to professional health providers, such as Deb Schoen's podiatry services and Chiropractic providers.

However, the Shire's Delegation Register "*LGA 14 Donations and Waiver of Hire Fees*" does not permit the CEO to waive accommodation charges at the caravan park for for-profit entities, and as such, Council must make a determination of the waiver of fees request.

Deb Schoen normally utilised the sandalwood rooms at the Caravan Park, at a cost of \$100 to \$120 per night. If Council were to permit the ongoing waiver of accommodation fees, then based on Deb's request for 2 nights per visit, and visits being between 7-8 weeks apart, it is

estimated Deb would average 7 visits a year, for 2 nights, meaning the Shire would waive approximately 14 nights accommodation, being a waiver of \$1400 to \$1680 dependant on the room availability.

Podiatry is a service not available locally, and as such, many Yilgarn residents rely on Deb Schoen's services.

Whilst Deb is a commercial operator, there is precedence of the Shire supporting commercially operated medical services within the Yilgarn area, either via directly funding or waiving of hire fees.

The amount to be waived is considered relatively small if it secures Deb Schoens Podiatry services into the future. As such, it is the reporting Officers recommendation that Council agree to the waiver of fees associated with Deb Schoen's accommodation at the caravan park, up to 14 nights per annum, and that the arrangement is to be reviewed every 3 years.

## Statutory Environment

### Delegation Register

#### LGA14 Donations and Waiver of Hire Fees

<b>Date Adopted:</b>	17 March 2016
<b>Document Control:</b>	Amended – 20 April 2023 Amended - 21 April 2022 - <a href="#">Link</a> Amended – 21 February 2019 - <a href="#">Link</a> Adopted – 17 March 2016 - <a href="#">Link</a>
<b>Policy Reference:</b>	
<b>Delegate:</b>	CEO
<b>Sub-Delegated:</b>	No
<b>Chief Executive Instruction/Procedure:</b>	N/A
<b>History:</b>	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 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) *wave 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 – Social – Maintain/increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire.

**Policy Implications**

Nil.

**Financial Implications**

Requested Donation/Waiving of Hire Fees for 14 nights accommodation at the caravan park per annum for 3 years.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Yilgarn community not able to readily access podiatry services.	Moderate (8)	A contribution in the form of a waiver of fees, assists with providing the services in Southern Cross.
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Reputation damage by not seizing an opportunity to secure podiatry services for the community.	Low (3)	A contribution in the form of a waiver of fees, assists with providing the services in Southern Cross.
<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

**105/2023**

***Moved Cr Close/Seconded Cr Rose***

***That Council waives the fees associated with accommodation at the Southern Cross Caravan Park for Deb Schoen Podiatry, on the following provisions:***

- 1. Waiver is for a maximum of 14 nights accommodation per annum;***
- 2. Accommodation is only provided after each full day of podiatry services provided to the community from the Southern Cross Seniors Centre;***
- 3. The waiver of accommodation applies for three years, after which Council must redetermine the arrangements.***

**CARRIED (6/0)**

## 9.1 Officer Report – Chief Executive Officer

### 9.1.5 Referral of a Licence Amendment – Barto Gold

<b>File Reference</b>	<b>3.2.1.30</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>Application for Licence Amendment – Supporting documentation</b>

#### Purpose of Report

For Council to consider a licence amendment application from Barto Gold Mining for mine dewatering.

#### Background

The Shire has received a referral from the Department of Water and Environmental Regulation regarding an application from Barto Gold Mining seeking an amendment to licence L4597/1988/14 under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at the Southern Cross Operations within Mining Tenement M 77/225.

The proposed licence amendments is to utilise a pre-existing dewatering pipeline to discharge water from Frasers pit to the Transvaal complex. The proposed amendment will also add additional mining tenements to the Prescribed Premise Boundary.

The application states:

*Licence L4597/1988/14 currently authorises Barto for Prescribed Premises Category 6 “Mine Dewatering”, for dewatering to be discharged to Marvel Loch Pit, Glendower Pit, Jaccoletti Pit, Nevoria Pit, Frasers Pit, Triad Pit, Polaris South Pit, Axehandle Pit and Yilgarn Star Pit.*

*Barto Intends to recommence mining via underground methods at the Frasers mine. Prior to this occurring, dewatering of an estimated 3,300,000 kilolitres (kL) from Frasers Pit is required to enable access for mining. Frasers has historically been used as a discharge location for dewatering from the nearby Transvaal complex, during mining activities between 2018-2020. An existing, licensed pipeline is in place between Frasers and Transvaal complex. Barto seek to utilise the existing pipeline to dewater Frasers pit.*

#### Comment

The relevant referral documentation from DWER is attached for Councillors 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 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

**106/2023**

***Moved Cr Cobden/Seconded Cr Close***

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

***Regarding the application from Barto Gold to amend licence L4597/1988/14, for Mine Dewatering from Frasers Pit to the Transvaal complex, the Shire of Yilgarn has no objections.***

**CARRIED (6/0)**

Cr Nolan wishes to make a comment, of which the presiding member permitted:

- Barto is about to be sold, I suggest we liaise with new owners with regards to their dewatering across all tenements;
- Arrange with Barto or buyer a tour of the tenements, to ensure rehabilitation works are being undertaken.

## 9.1 Officer Report – Chief Executive Officer

### 9.1.6 Proposal Renew Of Expired Lease - N598009

<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>Tenure Map</b> <b>Lease N598009 - Aerial</b>

#### Purpose of Report

For Council to consider a proposed lease renewal referral from the Department of Planning, Lands and Heritage, in relation to Lease N598009 over Lot 303 on Deposited Plan 44538.

#### Background

The Department of Planning, Lands and Heritage, Land Use Management Division has received a request from Jeffery Taylor to renew expired lease N598009 over Lot 303 on Deposited Plan 44538 (Reference QCLT LR3141-224). As part of the renewal process, the Department seeks comment from the Shire of Yilgarn

The parcel of land subject to the above proposal is depicted on the attached tenure and aerial image for Councillors information and reference.

#### 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

**107/2023**

***Moved Cr Cobden/Seconded Cr Close***

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

***Regarding the request from Jeffery Taylor to renew expired lease N598009 over Lot 303 on Deposited Plan 44538, reference QCLT LR3141-224, the Shire of Yilgarn has no objections.***

**CARRIED (6/0)**





Legend

☐ Cadastre (View 1)

L PL N049818

L GE N598009

L GE N598009

11

303  
303

L GE N598009

12

L GE N598009

12

1567

305

2

R 48939

306

2

2

R 13731

1576

R 23972  
1392

R 13731

746

UCL

Notes:

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

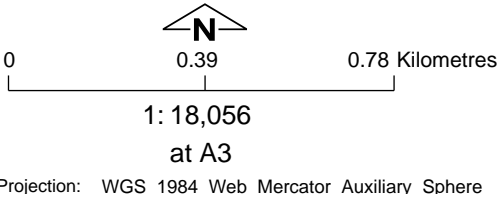
\* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuery.

Date produced: 12-Feb-2021

# InQuery Map

**DPLH BUSINESS USE ONLY**





# Legend

- Land Districts
- Townships
- Cadastral (View 2)
- Lodged Layer
- Native Title Applications (NNTT Registered)

## Land Tenure Small Scale ALL

- Crown Allotment (Type 2)
- Unallocated Crown Land
- Lease
- Reserve

## Land Tenure Small Scale 256K

- Crown Allotment (Type 2)
- Lot on Survey (Type 1)
- Lease
- Reserve

## Land Tenure Small Scale 64K

- Crown Allotment (Type 2)
- Lot on Survey (Type 1)
- Public Road
- Unallocated Crown Land
- Reserve

## Land Tenure Small Scale 16K

- Crown Allotment (Type 2)
- Lot on Survey (Type 1)
- Public Road
- Unallocated Crown Land
- Reserve

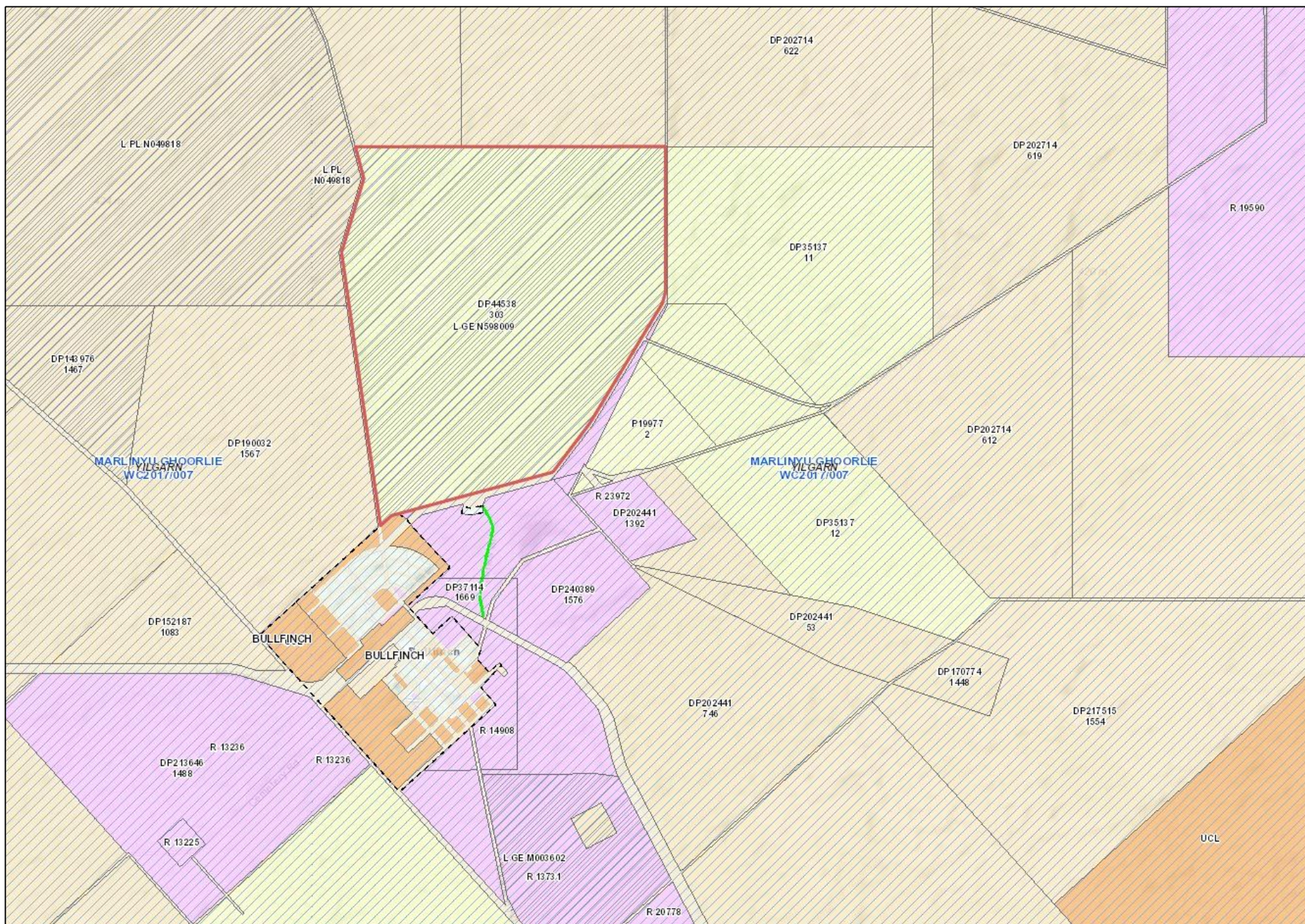
## Notes:

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

\* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuery.

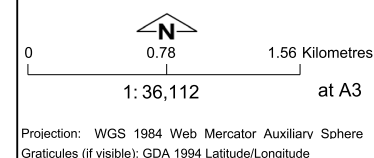
Date produced: 22-Jun-2023



## InQuery Map

DPLH BUSINESS USE ONLY

Internal Spatial Viewer





## 9.1 Officer Report – Chief Executive Officer

### 9.1.7 Application to Clear Native Vegetation - Lot 759 on Deposited Plan 207952, Ghooli

<b>File Reference</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>Referral Documentation</b>

#### Purpose of Report

For Council to consider a response to an application for native clearing on Lot 759 on Deposited Plan 207952, Ghooli.

#### Background

The Shire of Yilgarn is in receipt of a referral from the Department of Water and Environment Regulation, seeking comments on a request to clear 1.44 hectares of native vegetation on Lot 759 on Deposited Plan 207952, Ghooli.

The proposed use of the land is cropping and agriculture.

#### Comment

Aerial maps provided with the referral have been provided as attachments 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 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

**108/2023**

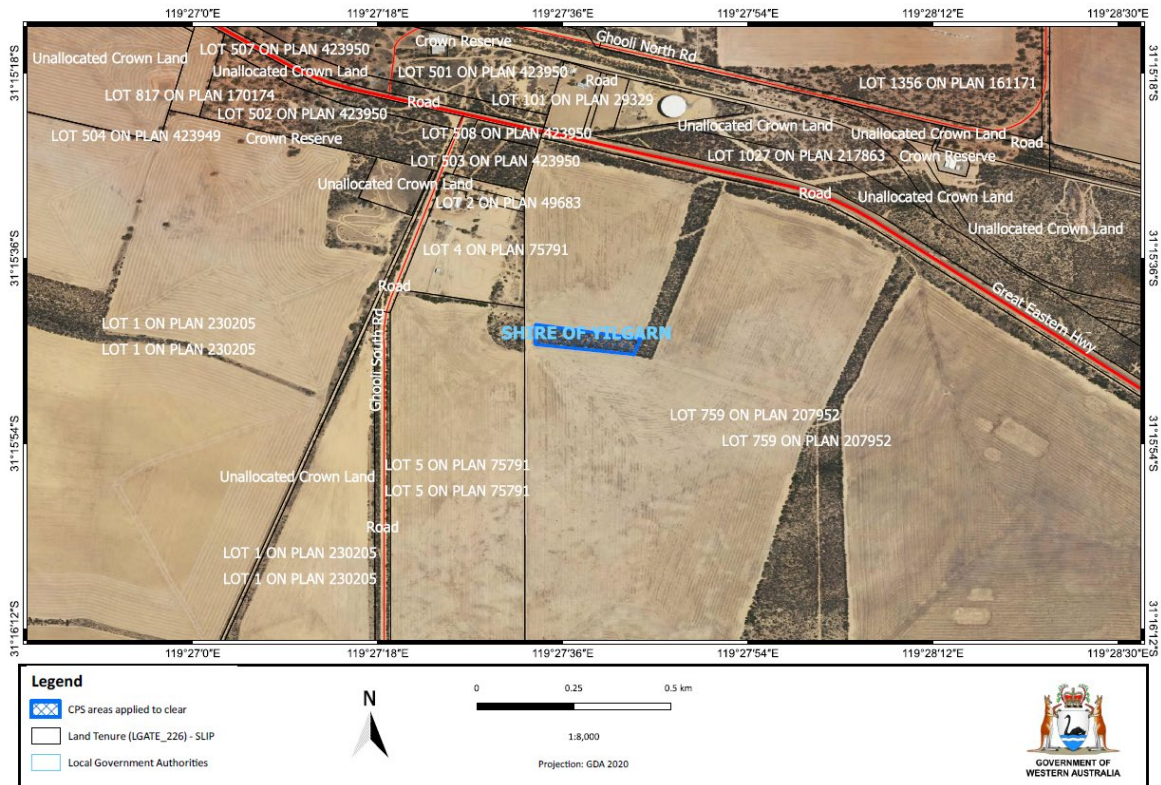
**Moved Cr Cobden/Seconded Cr Rose**

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

***In regards to the request to clear 1.44 hectares of native vegetation on Lot 759 on Deposited Plan 207952, Ghooli for the purpose of cropping and agriculture, the Shire of Yilgarn have no objections.***

**CARRIED (6/0)**

### CPS 10160/1 - Map





## 9.1 Officer Report – Chief Executive Officer

### 9.1.8 Application to Clear Native Vegetation – Symes Find

<b>File Reference</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>10133 – Photomap</b>
	<b>10133 – Natmap</b>
	<b>Appendix A – Environment Assessment</b>

#### Purpose of Report

For Council to consider a request from the Department of Mines, Industry, Regulation and Safety regarding an application to clear native vegetation on various mining tenements, forming the Symes Find project.

#### Background

Edna May Operations Pty Ltd (EMO), a wholly owned subsidiary of Ramelius proposes to develop an open pit gold mine and associated infrastructure at the Symes Find project site.

Mined ore will be hauled to the Edna May mine site in Westonia for processing, located approximately 121 km by road to the north-west of the Symes Find project.

The Project is scheduled to commence in Q2 2023 with an operational mine life estimated at 18- 24 months.

The project will comprise the following components:

- Waste Rock Landform (WRL)
- Mining voids
- Turkeys nests
- Mine ore pad (MOP)
- Buildings and offices
- Workshop
- Transport infrastructure corridor (access and haul roads)
- Laydown / hardstand storage areas
- Water bores and pipelines
- Explosives magazine
- Communication facilities (telephone, internet, radio telemetry)

The Project requires the clearing of 3.4 hectares of native vegetation to accommodate the above.

## Comment

The referral documentation has been provided as attachments, with aerial maps showing location and affected areas provided below.

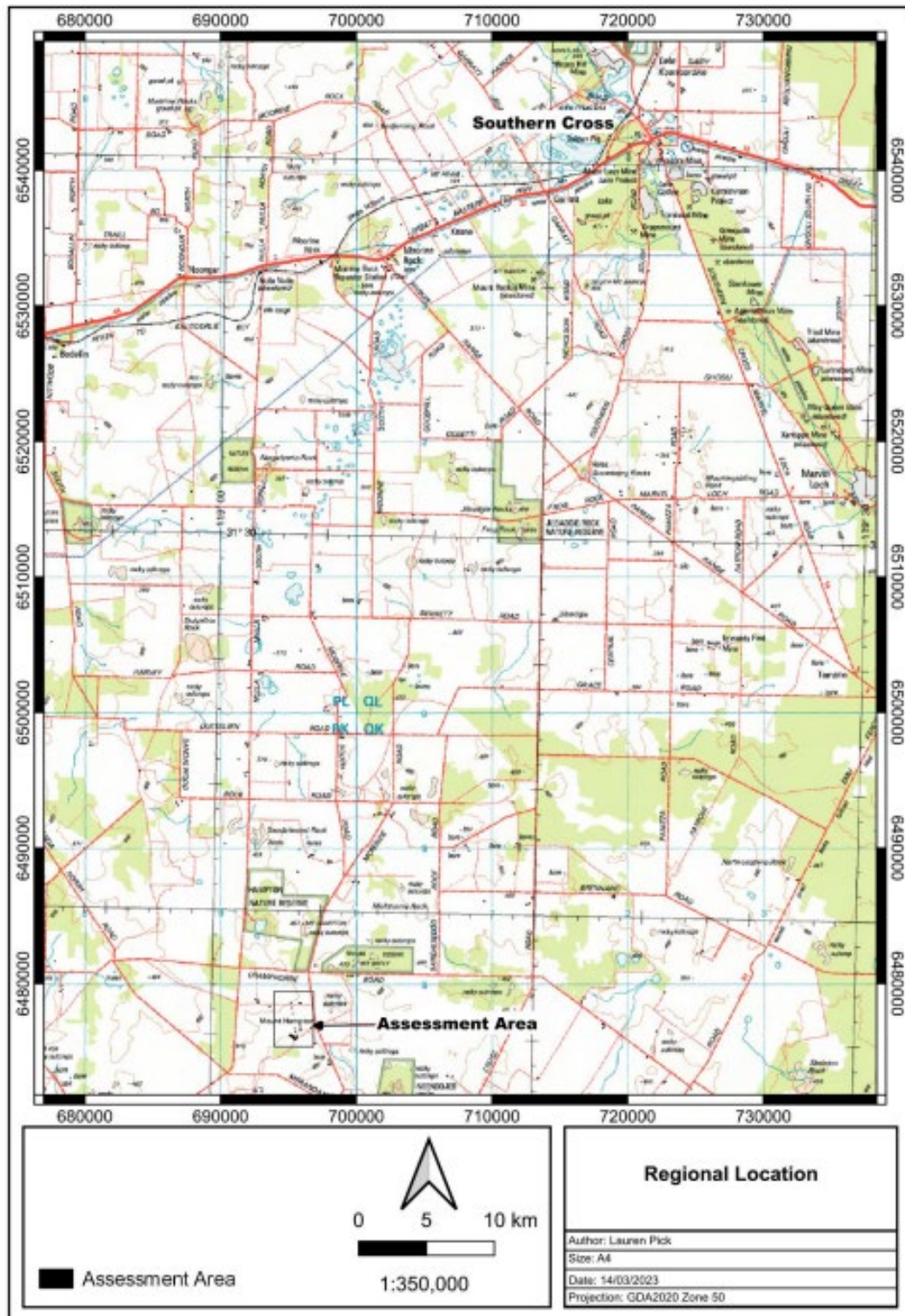


Figure 1-1: Regional location of the Symes Find Project



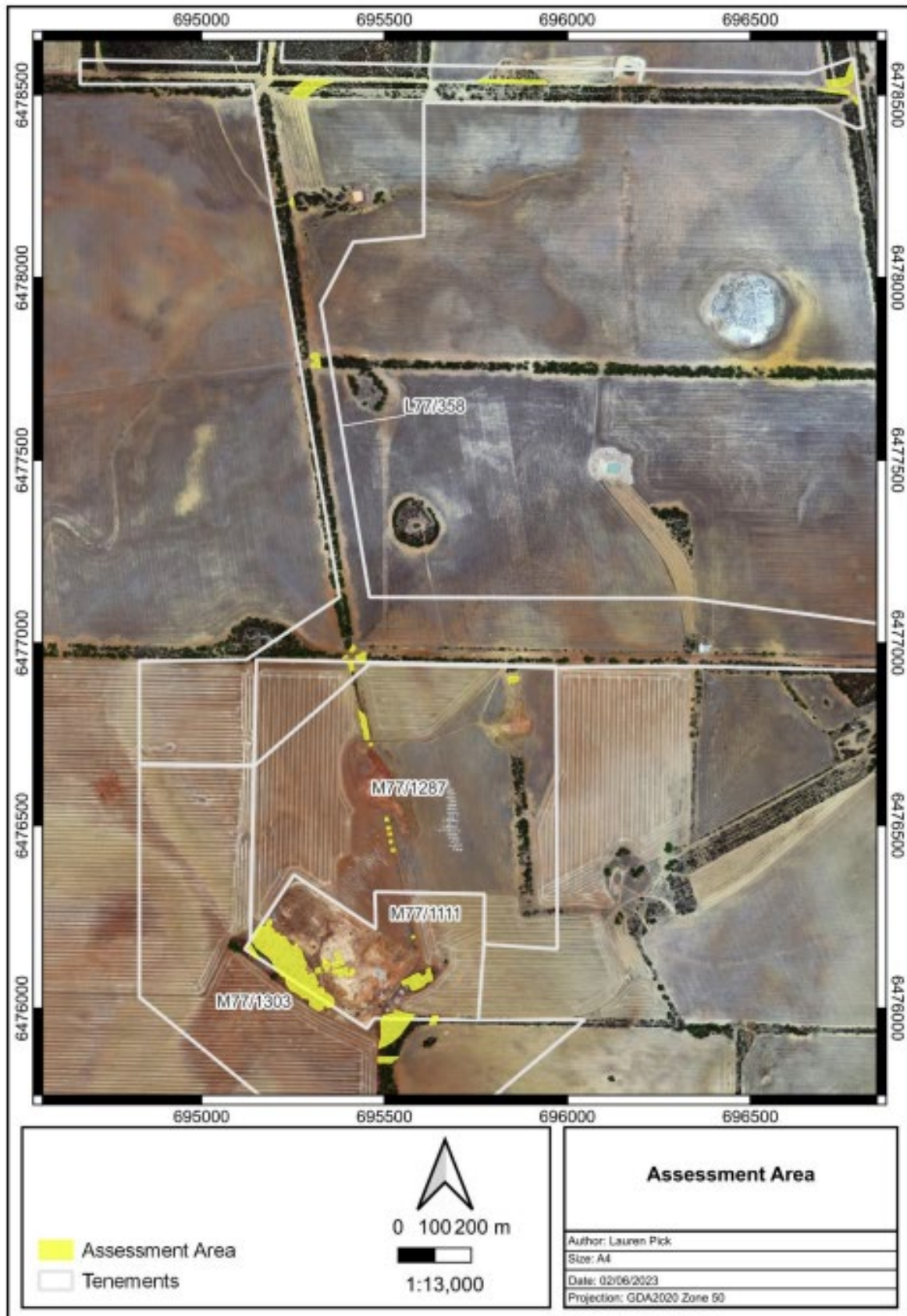


Figure 1-2: Assessment Area

### 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

**109/2023**

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

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

***In relation to the application (CPS10133/1) from Edna May Operations Pty Ltd to clear 1.44 hectares of Native Vegetation under the Environmental Protection Act 1986 on Mining Leases 77/1111, 77/1287, 77/1303 and Miscellaneous Licence 77/358, the Shire of Yilgarn has no objections.***

**CARRIED (6/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports-June 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 30 June 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

**110/2023**

**Moved Cr Rose/Seconded Cr Cobden**

**That Council endorse the various Financial Reports as presented for the period ending 30 June 2023.**

**CARRIED (6/0)**



## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Accounts for Payment – June 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 41217 to 41229 totalling \$8,453.03
- Municipal Fund - EFT 14065 to 14113 and EFT 14117 to 14209 totalling \$1,118,370.95
- Municipal Fund – Cheques 2176 to 2195 totalling \$335,492.95
- Municipal Fund - Direct Debit Numbers:
  - 17932.1 to 17932.14 totalling \$23,705.39
  - 17978.1 to 17978.14 totalling \$27,187.84
- Trust Fund – Cheques 402687 to 402691 totalling \$8,581.71
- Trust Fund – EFT 14064 and EFT 14114 to 14116 totalling \$2188.71

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)

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

### Officer Recommendation and Council Decision

**111/2023**

**Moved Cr Cobden/Seconded Cr Close**

- **Municipal Fund – Cheques 41217 to 41229 totalling \$8,453.03**
- **Municipal Fund - EFT 14065 to 14113 and EFT 14117 to 14209 totalling \$1,118,370.95**
- **Municipal Fund – Cheques 2176 to 2195 totalling \$335,492.95**
- **Municipal Fund - Direct Debit Numbers:**
  - **17932.1 to 17932.14 totalling \$23,705.39**
  - **17978.1 to 17978.14 totalling \$27,187.84**
- **Trust Fund – Cheques 402687 to 402691 totalling \$8,581.71**
- **Trust Fund – EFT 14064 and EFT 14114 to 14116 totalling \$2188.71**

**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 2023/2024 Budget Adoption

<b>File Reference</b>	<b>8.2.5.3</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>Attachment – 2023/2024 Statutory Budget</b>

#### Purpose of Report

To consider and adopt the Municipal Fund Budget for the 2023 / 2024 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

#### Background

The 2023 / 2024 operating budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2023 / 2024 budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on the 10<sup>th</sup> of July 2023.

The rating structure proposed for the 2023 / 2024 financial year is based on a 2.5% increase in the Rate raised from those imposed in the previous year. The proposed differential rates for 2023 / 2024 are, as previously indicated, an across the board 2.5% increase in the rate raised from those of the prior year. This equates to 0% reduction for the Rate in the Dollar (RID) advertised for GRV and a 16.520% reduction for UV Rural and 9.000% reduction for UV Mining on those raised in the prior year.

The advertising period for the receipt of submissions closed on the 24<sup>th</sup> of May and resulted in one submission being received.

#### Comment

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

- **The Schedule of Fees & Charges.**

There have been no changes to the Fees & Charges that Council considered in May.

- General Rates and Minimums**

The general value of rates raised will have a 2.5% increase, the general minimums will be raised by between \$50 & \$100:

Land Category	Rate in the Dollar		Rates Raised 2022/23	Rates Raised 2023/24	\$ Increase/ (Decrease)	% Increase/ (Decrease)
	2023/24	2022/23	\$	\$		
<u>General Rate</u>						
GRV - Residential / Industrial	11.6294	11.3458	383,309	384,368	1,059	0.28%
GRV- Commercial	8.1865	7.9868	78,367	79,799	1,432	1.83%
GRV- Minesites	16.3728	15.9734	84,590	86,705	2,115	2.50%
GRV - Single Persons Quarters	16.3728	15.9734	130,378	133,638	3,260	2.50%
UV - Rural	1.2500	1.4745	1,890,891	1,938,164	47,273	2.50%
UV - Mining Tenements	14.9184	15.9062	1,574,273	1,613,699	39,426	2.50%
<u>Minimum General Rate</u>						
GRV - Residential / Industrial	\$600	\$500	58,500	82,800	24,300	
GRV- Commercial	\$450	\$400	2,800	3,600	800	
GRV- Minesites	\$450	\$400	1,200	1,350	150	
GRV - Single Persons Quarters	\$450	\$400	800	900	100	
UV - Rural	\$450	\$400	16,400	20,250	3,850	
UV - Mining Tenements	\$450	\$400	95,600	124,200	28,600	

There was a general revaluation carried out to UV rated assessments effective 1<sup>st</sup> July 2023. This revaluation resulted in the following:

COMPARATIVE VALUATIONS		Valuations as at 1st July of the given year.						
	2022/23			2023/2024			Change \$	Change %
	Rateable Valuation	Minimum Valuation	Total Valuation	Rateable Valuation	Minimum Valuation	Total Valuation		
Non-Rateable	-	-	293,719	-	-	312,352	18,633	6.34%
GRV - Mine Sites	529,565	2,408	531,973	529,565	2,408	531,973	0	0.00%
GRV - Single persons Quarters	816,219	1,075	817,294	816,219	1,075	817,294	0	0.00%
GRV - Residential / Industrial	3,305,096	234,946	3,540,042	3,305,096	243,353	3,548,449	8,407	0.24%
GRV - Commercial	981,205	20,061	1,001,266	974,765	21,561	996,326	(4,940)	(0.49%)
UV - Rural	127,919,117	576,145	128,495,262	155,053,117	446,045	155,499,162	27,003,900	21.02%
UV - Mining	9,785,622	400,664	10,186,286	10,816,836	382,996	11,199,832	1,013,546	9.95%

Sewerage Rate in the Dollar and household rubbish collection charges will remain unchanged from those imposed in 2022/2023.

- **Major Income and Expenditure**

Capital expenditure totalling \$9.430M is budgeted, being made up of:

Land & Buildings	\$2,546,999
Furniture & Equipment	\$146,225
Plant & Equipment	\$2,119,350
Infrastructure - Roads & Footpaths	\$3,909,866
- Parks & Ovals	\$650,000
- Sewerage	\$43,000
- Refuse Sites	\$15,000

Non-Operating grant income includes:

Roads to Recovery – 23/24 Grant	\$906,705
Roads to Recovery – 22/23 Grant	\$906,705
Regional Road Group	\$1,107,712
Main Roads WA Direct Grant	\$427,631
Federal Local Roads & Community Infrastructure Grant	\$160,311

Operating grant income includes:

Federal Equalisation Grant	\$77,939 (Est)
Federal Untied Roads Grant	\$54,378 (Est)

### Statutory Environment

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

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2023 / 2024 budget as presented is considered to meet statutory requirements.

### Strategic Implications

The draft 2023 / 2024 budget has been developed based on the existing Plan for the Future and strategic planning documents adopted by council.

### Policy Implications

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

## Financial Implications

Forms the basis for Income and Expenditure for the period 1 July 2023 to 30 June 2024.

## Risk Implications

<b>Risk Category</b>	<b>Description</b>	<b>Rating (Consequence x Likelihood)</b>	<b>Mitigation Action</b>
<b>Health/People</b>	Service delivery benefits the residents of the district.	Moderate (6)	Community Strategic Planning process.
<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 Act 1995 and applicable Regulations	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>	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 1 and Council Decision

112/2023

Moved Cr Cobden/Seconded Cr Rose

#### **GENERAL & MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

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

#### General Rate

GRV - Residential / Industrial	11.6294
GRV- Commercial	8.1865
GRV- Minesites	16.3728
GRV - Single Persons Quarters	16.3728
UV - Rural	1.2500
UV - Mining Tenements	14.9184

#### Minimum Payments

GRV - Residential / Industrial	\$600
GRV- Commercial	\$450
GRV- Minesites	\$450
GRV - Single Persons Quarters	\$450
UV - Rural	\$450
UV - Mining Tenements	\$450

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

***Single Full Payment:-***

- ***Full payment due date 22<sup>nd</sup> September 2023***

***Payment by Two Instalments:-***

- ***First instalment due date 22<sup>nd</sup> September 2023***
- ***Second instalment due date 29<sup>th</sup> January 2024***

***Payment by Four Instalments:-***

- ***First instalment due date 2<sup>nd</sup> September 2023***
- ***Second instalment due date 27<sup>th</sup> November 2023***
- ***Third instalment due date 29<sup>th</sup> January 2024***
- ***Fourth instalment due date 1<sup>st</sup> April 2024***

- 3. Pursuant to Section 6.46 of the Local Government Act 1995, council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears, waste and service charges, within 35 days of the issue date of the rate notice.**
- 4. Pursuant to section 6.45 of the Local Government Act 1995, regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.**
- 5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 3% where the owner has elected to pay rates and service charges through an instalment option.**
- 6. Pursuant to section 6.51(1) & section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for all overdue rates (and service charges) and costs of proceedings to recover such charges.**

**CARRIED BY ABSOLUTE MAJORITY (5/1)**

**\*Cr Nolan is recorded as being against the decision.**

## **Officer Recommendation 2 and Council Decision**

**113/2023**

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

***SEWERAGE RATES & CHARGES***

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

- 1. Southern Cross Sewerage Scheme Charge (Residential/Industrial):***  
***7.3 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Town-site.***
  - Minimum Charge per vacant land - \$210.00***
  - Minimum Charge per residential property - \$276.00***
  - Non-Rated Class 1st Fixture - \$176.00***
  - Non-Rated Class Additional Fixtures - \$89.00***
  - Non-Rates Class 2 and 3 Fixture - \$937.00***
- 2. Southern Cross Sewerage Scheme Charge (Commercial):***  
***5.0 cents in the dollar on GRV (Commercial) properties within the Southern Cross Town-site.***
  - Minimum Charge per commercial property - \$583.00***
- 3. Marvel Loch Sewerage Scheme Charge (Commercial/SPQ):***  
***12.0 cents in the dollar on GRV (Commercial/SPQ) properties within the Marvel Loch Town-site.***
  - Minimum Charge per property - \$300.00***
  - Non-Rated Class 1st Fixture - \$138.00***
  - Non-Rated Class Additional Fixtures - \$62.00***
- 4. Marvel Loch Sewerage Scheme Charge (Residential):***  
***6.4 cents in the dollar on GRV (Residential) properties within the Marvel Loch Town-site.***
  - Minimum Charge per property - \$300.00***

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

### Officer Recommendation 3 and Council Decision

**114/2023**

**Moved Cr Cobden/Seconded Cr Rose**

**SANITATION HOUSEHOLD REFUSE - RATES AND CHARGES**

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

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

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

### Officer Recommendation 4 and Council Decision

**115/2023**

**Moved Cr Cobden/Seconded Cr Close**

**ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2023 / 2024**

**1. Pursuant to section 5.98 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996, council adopts the following sitting fees for individual meeting attendance:**

- *Shire President \$600 per Council meeting attended*
- *Councillors \$400 per Council meeting attended*
- *Shire President and Councillors \$200 per Committee Meeting attended*

**2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:**

- **Travel Allowance**

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

- **ICT Allowance**  
*Annual allowance for hardware upgrades and data usage - \$1,180 per Councillor per annum*

**3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**

- **Shire President \$12,000**

**4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:**

- **Deputy Shire President \$3,000**

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

#### **Officer Recommendation 5 and Council Decision**

**116/2023**

**Moved Cr Guerini/Seconded Cr Rose**

**MATERIAL VARIANCE REPORTING FOR 2023 / 2024**

***In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2023 / 2024 for reporting material variances shall be +/- 10% or \$30,000, whichever is the greater.***

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

#### **Officer Recommendation 6 and Council Decision**

**117/2023**

**Moved Cr Close/Seconded Cr Rose**

**OTHER STATUTORY COMPLIANCE**

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

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

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

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

**Officer Recommendation 7 and Council Decision**

**118/2023**

***Moved Cr Cobden/Seconded Cr Guerini***

***MUNICIPAL FUND BUDGET FOR 2023 / 2024***

***Pursuant to the provisions of section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget for the Shire of Yilgarn for the 2023 / 2024 financial year which includes the following:***

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

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

### 9.3 Reporting Officer– Executive Manager Infrastructure

#### 9.3.1 RAV Route Determination N7.3 Frog Rock Marvel Loch, Bodallin South, Dulyalbin, Bennett and Gill Roads

<b>File Reference</b>	<b>10.1.3.2</b>
<b>Disclosure of Interest</b>	<b>Cr Wayne Della Bosca declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 due to being a partner in the family business which may have possible use of the road via a haulage contractor during harvest time.</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Glen Brigg- Executive Manager Infrastructure</b>
<b>Attachments</b>	<b>Nil</b>

### Purpose of Report

For Council to consider a request to amend the Restricted Access Vehicle (RAV) Network.

### Background

An application was submitted to Heavy Vehicle Services Main Roads Western Australia (MRDWA) requesting to inspect a list of roads for a route determination of Network 7.3.

Table of Roads for Route Determination supplied by Main Roads Western Australia, Heavy Vehicle Services is detailed below.

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
6110049	Bennett Rd	Sothorn Cross Rd (26.92)	Moorine South Rd (43.92)	Tandem Drive Network 4	Tandem Drive Network 7
6110005	Bodallin South Rd	Bodallin South Rd (0.00)	Dulyalbin Rd & Sykes Rd (28.99)	Tandem Drive Network 7	No change
6110083	Dulyalbin Rd	Bodallin South Rd & Sykes Rd (15.73)	Southern Cross Rd (48.52)	Tandem Drive Network 6 & 7	Tandem Drive Network 7
6110059	Frog Rock – Marvel Loch Rd	Moorine Rd (0.00)	Southern Cross South Rd (12.53)	Tandem Drive Network 4	Tandem Drive Network 7
6110040	Gill Rd	Bennett Rd (0.00)	Moorine South Rd (6.76)	Tandem Drive Network 4	Tandem Drive Network 7
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
6110049	Bennett Rd	Sothorn Cross Rd (26.92)	Moorine South Rd (43.92)	AMMS Level 1	AMMS Level 3
6110005	Bodallin South Rd	Bodallin South Rd (0.00)	Dulyalbin Rd & Sykes Rd (28.99)	AMMS Level 1	AMMS Level 3
6110083	Dulyalbin Rd	Bodallin South Rd & Sykes Rd (15.73)	Southern Cross Rd (48.52)	AMMS Level 1	AMMS Level 3
6110059	Frog Rock – Marvel Loch Rd	Moorine Rd (0.00)	Southern Cross South Rd (12.53)	AMMS Level 1	AMMS Level 3
6110040	Gill Rd	Bennett Rd (0.00)	Moorine South Rd (6.76)	AMMS Level 1	AMMS Level 3

### Comment

The Commissioner is empowered under the Road Traffic (Vehicles) Act 2012 to approve RAV access on the public road network. The Commissioner has delegated these powers to the Heavy Vehicle Services (HVS). HVS is responsible for reviewing all route assessments to decide if RAV access will be approved and what conditions, if any, will be applied. HVS will issue the approvals via either a RAV Notice or a RAV Permit.



A Restricted Access Vehicle (RAV) is a vehicle that exceeds a statutory mass or dimension limit as prescribed in the Road Traffic (Vehicles) Regulations 2014. RAVs can only operate on roads approved by Main Roads, under either an Order (Notice) or a permit. A Notice is an instrument of approval that is published in the Government Gazette and grants access for certain types of RAVs on defined networks of roads. All RAVs require a permit unless they are authorised under a Notice.

The Main Roads Regional Offices conduct route assessments on behalf of HVS and provide recommendations to HVS on the level of access that should be approved and if conditions should be applied. It is not practical for HVS to continually review RAV access on every road within the State. As such, there is a need for road managers to monitor the roads under their management and report any safety concerns to HVS.

If any safety concerns are identified on a road, HVS will conduct a reassessment of the road to establish if it is necessary to downgrade the level of RAV access or if appropriate access conditions can be applied to mitigate any identified risks. If the road is assessed as being unsuitable for the current level of RAV access, consideration will need to be given to the impact of removing the RAV access

The road manager may apply to have RAV access with concessional mass limits downgraded on the basis the road is unable to safely sustain the current or proposed level of RAV access. Depending on the road classification and current usage, the road manager may be required to confirm that there is no practical or reasonable likelihood that additional maintenance to deal with this damage can be provided by the road manager and they have exhausted alternative maintenance funding sources.

Where a road has been assessed as not meeting the relevant requirements (such as structural and vehicular suitability) for the requested level of RAV access and appropriate access conditions cannot be applied to mitigate the concerns, the application will be declined.

Often, the road manager will not have sufficient budget to fund the necessary road improvements, or the road improvements are not in the interest of the road manager, e.g. the road improvements are of minimal benefit to the local community. In circumstances such as these, the road manager may decide to approach the applicant to negotiate upfront financial contributions, or “in kind” works, for the required road improvements.

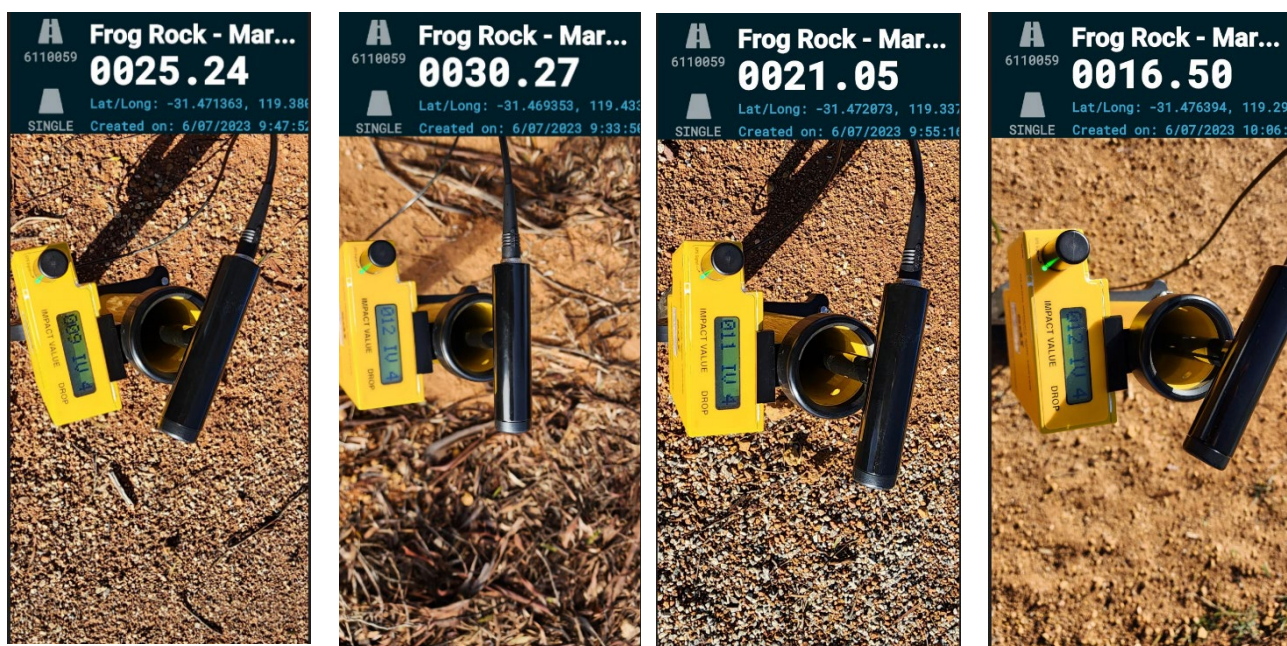
Due to the adverse impact concessional mass limits can have on certain roads, compared to equivalent transportation under statutory mass limits, HVS will liaise with the relevant road manager to obtain support prior to approving a road for RAV access with concessional mass limits.

It is acknowledged that road managers are not always aware of the construction of the road and its current state. Where possible, road managers should make use of available pavement data (pavement strength and condition data, visual defect inspection, pavement depth, maintenance history, future work programs and traffic) to assess the capacity of the road for the nominated concessional mass RAV vehicles, in the interests of the ongoing safe and orderly operation of the road.

If the current state of the road is uncertain, it may be appropriate for the road manager to request road pavement testing be undertaken, at the cost of the applicant, to determine if the pavement strength is suitable for concessional mass limits. This is a reasonable alternative to declining the application and will be of future benefit to the road manager.

The **California Bearing Ratio (CBR)** is a measure of the strength of the subgrade of a road or other paved area, and of the materials used in its construction.

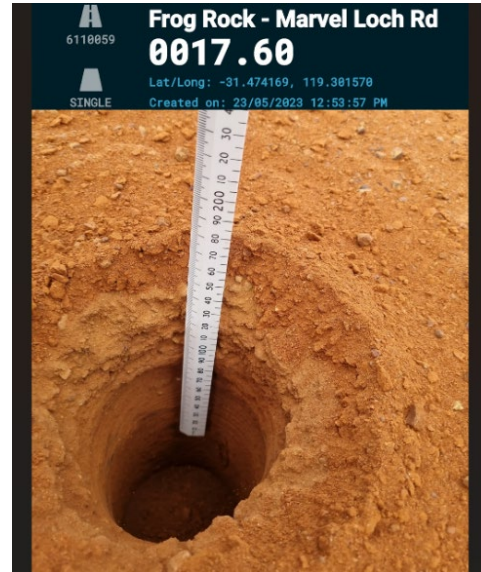
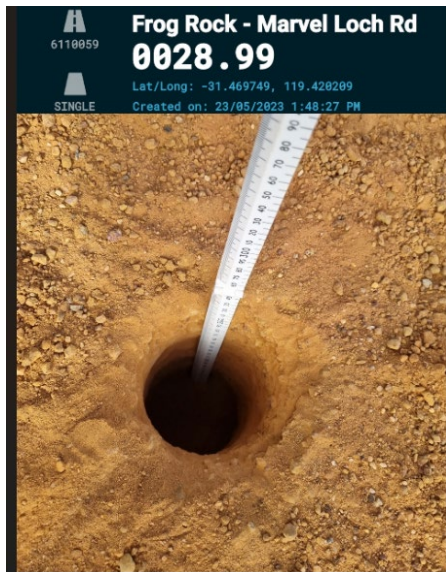
Staff carried out the pavement assessment using a Clegg Hammer, testing the strength of the subgrade and dug test holes to determine the depth of the gravel pavement, beneath the seal.



Subgrade CBR testing on the sealed section of Frog Rock Marvel Loch Road, all tests ranged from a CBR of 9 and 12.

- SLK 16.5: CBR of 12
- SLK 21.05: CBR of 11
- SLK 25.24: CBR of 9
- SLK 30.27: CBR of 12

Gravel pavement test holes were every kilometre, with 2 examples shown in this report. Gravel pavement thicknesses ranged from 130mm to 210mm



Frog

Rock Marvel Loch Road SLK 17.60: Depth of gravel pavement 130mm

Frog Rock Marvel Loch Road SLK 28.99: Depth of gravel pavement 210mm

Average ADT (outside harvest season) is 38 equivalent axles per day = 554,800 ESAs over the 40 - year life of the sealed road. 2% compounding increased per year (standard practice) hasn't been included in this calculation.



A1.2 Average Daily Traffic (ADT) <b>MANDATORY REQUIREMENT</b>						
Count No	Location (SLK)	Start Date	End Date	Duration (Days)	All Vehicles TOTAL	DAILY AVERAGE
1	SLK 18	11/04/2022	7/05/2022	27	1,333	49.4
2						
3						
4						
5						
				27		
Total Number of Vehicles all traffic counts as listed above					1333	
Average Daily Traffic (ADT):					49	

A1.3 Daily Equivalent Vehicles/Axles <b>MANDATORY REQUIREMENT</b>												
Count No (As above)	No. of Vehicles for AUSTROADS Vehicle Classes (from Classifier Reports)											
	1	2	3	4	5	6	7	8	9	10	11	12
1	668	36	431	2	12	11	65	2	54	14	64	0
2												
3												
4												
5												
Total Traffic	668	36	431	2	12	11	65	2	54	14	64	0
Multiplier	0	0	0.61	1.63	2.82	1.3	1.36	2.28	2.57	4.97	6.41	8.12
ESA's	0	0	263	3	34	14	88	5	139	70	410	0

Count No (As above)	Average Daily Vehicles	Daily Eqiv Standard Axles										
1	50.33	38.00										
2												
3												
4												
5												
Average Daily Equivalent Standard Axle (ESA):			38.00									

The Accredited Mass Management Scheme (AMMS) is a concessional loading scheme that replaces similar schemes that were previously available, including the Certified Weighbridge Mass Management Scheme and the Concessional Loading Bulk Products Scheme. Other existing concessional loading schemes include the Concessional Livestock Scheme and the Import / Export Containerised Cargo Concessional Scheme.

AMMS was developed in consultation with the Ministerial Heavy Vehicle Advisory Panel to provide the transport industry with a more flexible concessional loading scheme that allows more transport operators access to concessional mass limits, provided they have suitable loading controls in place.

	Tandem Axle Groups	Tri Axle Groups
Level 1	17.0 t	21.5 t
Level 2	17.0 t	22.5 t
Level 3	17.5 t	23.5 t

Working with the Austroads Design Traffic guide, The Frog Rock Marvel Loch Road wasn't constructed to suit the Equivalent Standard Axles using it today. Heavy Vehicle Services are seeking a route determination which includes level 3 of the Accredited Mass Management Scheme. Weightings for concessional axle loading haven't been included into these calculations.

Design Traffic in ESA (DESA):\*

554800

Design Traffic in ESA (DESA):\*

554800

Subgrade CBR:\*

9

Subgrade CBR:\*

12

Thickness of Granular Material (mm):

258.26

Thickness of Granular Material (mm):

215.65

Without falling weight deflection testing it is hard to predict the end of life for the gravel pavement beneath the sealed section of the Frog Rock Marvel Loch Road.

Data from the Shire's Road Asset system indicates, the sealed section from SLK 17.54 to 30.90 Frog Rock Marvel Loch Road is 8 years (20%) into its lifecycle.

road_id	tl_start_m	tl_end_m	pavement_type	surface_date	layer_date	pave_int eg_inde x	surf_cond_index	component	standard_rc	ID	def_construct_date
FROG ROCK - MARVEL LOCH ROAD	0	40	Thin Surfaced Flexible	1/01/2004	1/01/2004	1	1	Surface Structure	Surface Structure - Access	1220	1/01/2004
FROG ROCK - MARVEL LOCH ROAD	17540	17990	Thin Surfaced Flexible	20/10/2014	1/01/2008	1	1	Surface Structure	Surface Structure - Access	1238	20/10/2014
FROG ROCK - MARVEL LOCH ROAD	17990	18070	Thin Surfaced Flexible	20/10/2014	1/01/2008	3	1	Surface Structure	Surface Structure - LD	1241	20/10/2015
FROG ROCK - MARVEL LOCH ROAD	18070	22460	Thin Surfaced Flexible	20/10/2014	1/01/2006	3	1	Surface Structure	Surface Structure - LD	1244	1/11/2015
FROG ROCK - MARVEL LOCH ROAD	22460	22800	Thin Surfaced Flexible	1/11/2015	1/01/2006	3	1	Surface Structure	Surface Structure - LD	1247	1/11/2015
FROG ROCK - MARVEL LOCH ROAD	22800	22860	Thin Surfaced Flexible	1/11/2015	1/01/2006	1	1	Surface Structure	Surface Structure - LD	1250	1/11/2015
FROG ROCK - MARVEL LOCH ROAD	22860	27650	Thin Surfaced Flexible	1/11/2015	1/01/2006	3	1	Surface Structure	Surface Structure - LD	1253	1/11/2015
FROG ROCK - MARVEL LOCH ROAD	27650	30920	Thin Surfaced Flexible	1/11/2015	1/01/2008	1	1	Surface Structure	Surface Structure - LD	1256	1/11/2015

### **Bennett, Bodallin South, Dulyalbin and Gill Roads**

The requirements for unsealed road material is generally as follows:

- sufficient strength to withstand the applied traffic and environmental stresses
- sufficient hardness to withstand applied loads without inducing particle breakdown
- ability to be placed and compacted to meet specification requirements
- durable and not degrade or disintegrate significantly over the life of the pavement
- quality that is fit-for-purpose.

**4 day soaked CBR values for pavement materials for unsealed roads**

Pavement layer	Minimum typical CBR (soaked)
Wearing course (gravel materials)	40
Base	50
Subbase	30
Source: Austroads AGPT06 Table 3.1.	

The subgrades and pavements were tested using a Clegg Hammer, (only 2 results shown in this report) CBR subgrade testing ranged from a CBR of 6 to 9. Road surface CBR testing ranged from CBR of 19 to 27 which is well below, what is recommended

Bennett Road SLK 43.68 Subgrade CBR 8 (subgrade)

Bennett Road SLK 43.70 Pavement CBR 21 (wearing & base course)




All testing on Bodallin South, Dulyalbin and Gill showed very similar results.

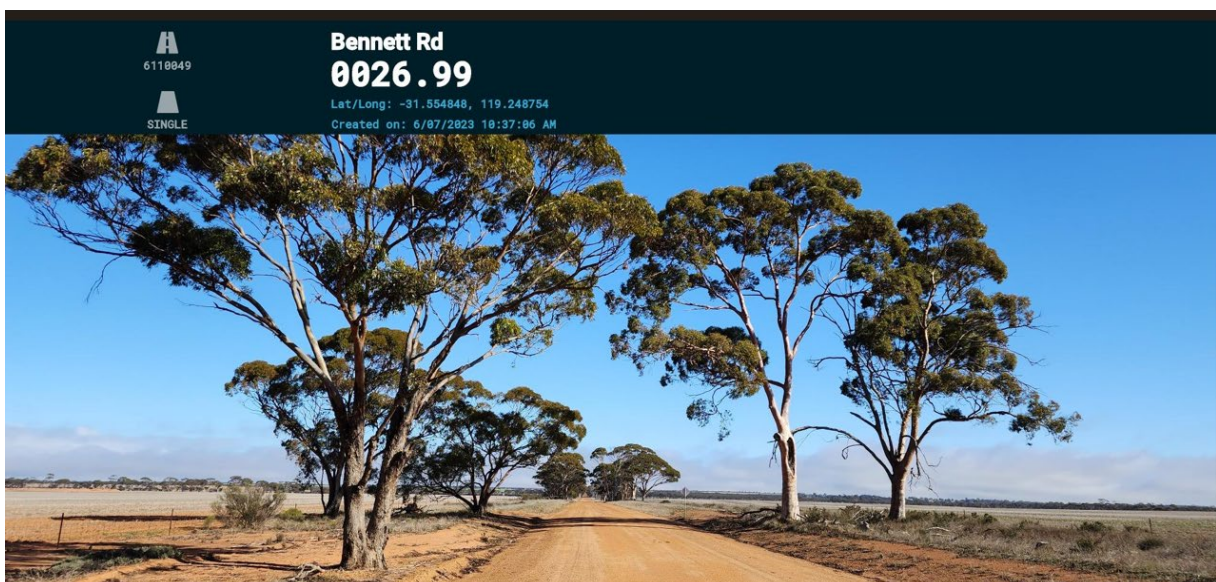
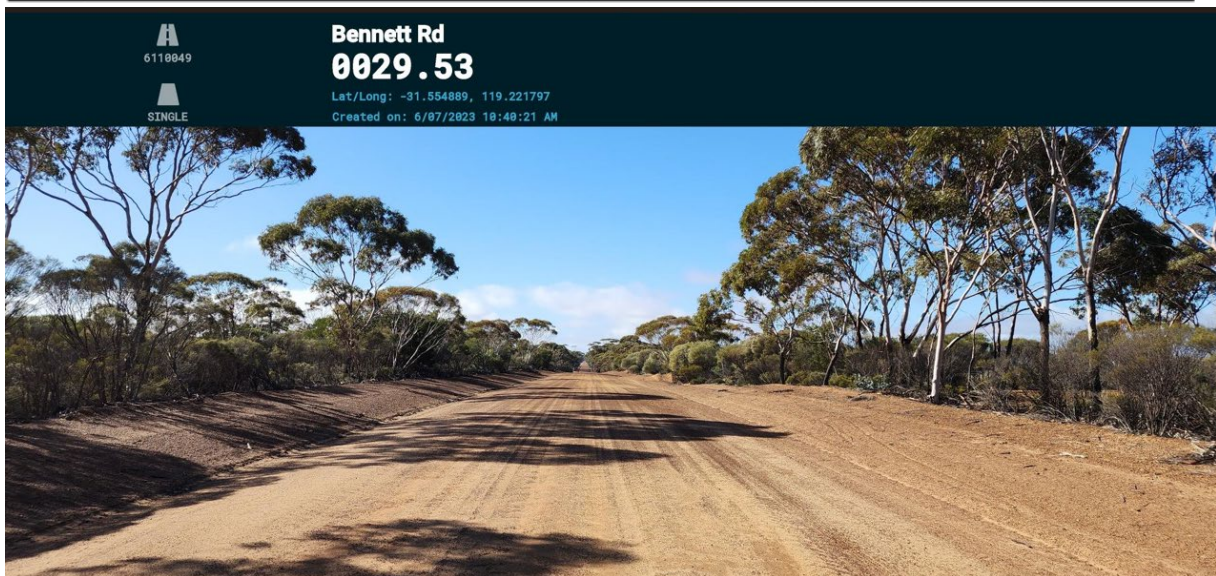
*Where possible, road managers should make use of available pavement data (pavement strength and condition data, visual defect inspection, pavement depth, maintenance history, future work programs and traffic) to assess the capacity of the road for the nominated concessional mass RAV vehicles, in the interests of the ongoing safe and orderly operation of the road.*

Staff have inspected Frog Rock Marvel Loch Road, Bennett Road, Dulyalbin Road and Gill Road to determine if these roads meet the guidelines for a route determination for Network 7.1 (27.5m to 36.5m). These roads are within the guidelines set out by HVS.



The pavement assessments, do not support Heavy Vehicle Services, to apply level 3 of Accredited Mass Management on Frog Rock Marvel Loch Road, Bennett Road, Dulyalbin Road, Bodallin South Road and Gill Road.

Category 7 RAVs						
Cat.	Vehicle Description	Length	AMMS Level	Max. Gross Mass	Max. Modified Mass	Approved Network
7A	 AB-Triple (Prime Mover, Semi Trailer & B-double)	>27.5 m ≤36.5 m	Level 1	115 t	7 t	N7.1
			Level 2	119 t	11 t	N7.2
			Level 3	123.5 t	15 t	N7.3





## Statutory Environment

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

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

## Strategic Implications

Strategic Community Plan

## Policy Implications

There is no current policy for Restricted Access Vehicle (RAV) Accredited Mass Management Scheme (AMMS).

## Financial Implications

There are no immediate financial implications, however a change in RAV Network Rating for all or part of the road has the potential to reduce the life of the road and increase the maintenance requirements of the road.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Roads will be subject to increased deterioration if not fit for purpose	High (12)	Applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.
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

119/2023

*Moved Cr Close/Seconded Cr Rose*

1. *That, by Simple Majority pursuant to the Road Traffic Act 1974 and Section 3.53 (2) of the Local Government Act 1995, that Council supports Heavy Vehicle Services to carry out a Route Determination Network 7.1 (Level 1 of the Accredited Mass Management Scheme) on Frog Rock Marvel Loch Road, Bennett Road, Dulyalbin and Gill Roads.*
2. *Council does not support Heavy Vehicles Services to include level 3 of the Accredited Mass Management Scheme on Frog Rock Marvel Loch Road, Bennett Road, Dulyalbin Road, Bodallin South Road and Gill Road.*
3. *Depending on the need for access, Council may support RAV Network N7.3 which includes level 3 of the Accredited Mass Management Scheme if the applicant accepts responsibility to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.*

**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

**120/2023**

***Moved Cr Cobden/Seconded Cr Rose***

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

**CARRIED (6/0)**

The following motion relates to a discussion held during the Councillor Discussion Session held on the 20 July 2023, in relation to a Route Determination referral from Main Roads WA Heavy Vehicle Services.

**121/2023**

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

***That Council, in relation to the route determination referral from Main Roads WA Heavy Vehicle Services, seeking Council response to an application for PBSTD3B.3 access along, Moorine South Road, Parker Range Road and Stubbs Road for MLG Oz Pty Ltd on behalf of Ramelius Resources Ltd;***

- ***Support Main Roads Heavy Vehicle Services undertaking a route assessment for the above mentioned roads and configuration, with Shire staff to provide the relevant technical information relating to traffic data, road condition information and relevant planning and development issues, if any; and***
- ***Seek Main Roads Heavy Vehicles Services to undertake a risk assessment of the route, in particular, the intersection of Moorine South Road and Parker Range Road, and the sweeping bend near Gill Road.***
- ***Seek Main Roads to apply conditions CA07, CA13 and request line marking if applicable;***
- ***Advise Main Roads Heavy Vehicle Services, that any upgrades required to ensure the road meets the requirements for PBSTD3B.3 will be at the cost of the applicant.***
- ***Support Shire staff applying a Heavy Vehicle Cost Recovery contribution requirement to the haulage campaign.***
- ***Require Ramelius Resources to seal the mine haul road 50 metres back from Moorine South road.***

***And***

***That Council, accepts the offer from Ramelius Resources Ltd to:***

- ***Commission a suitably qualified Road Engineer to provide a design and cost***

*estimate (to the satisfaction of the Shire) to upgrade the inside corner of the Moorine South Road and Parker Range Road intersection;*

- *Upon Shire approval of the upgrade design and cost estimate, Ramelius will make a payment to the Shire for the sum of the agreed cost estimate;*
- *Reciprocally, the Shire will support the current application for the amendment to the road rating with MRWA, allowing Ramelius to operate PBSTD3B.3 trucks on the haul route between Symes Gold Mine and Edna May Gold Mine, immediately upon MRWA making amendments to the RAV rating.*

**CARRIED (6/0)**

## 13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

**122/2023**

**Mover Cr Guerini/Seconded Cr Cobden**

***That the Council meeting be close to the public under section 5.23(2) (c) and (d) of the Local Government Act 1995***

**CARRIED (6/0)**

Kaye Crafter and Jackie Drzymulski left the meeting at 6.09pm

### 13.1 Officer Report – Chief Executive Officer

#### 13.1.1 Roads Committee Recommendations – Covalent Lithium Road Use Agreement

<b>File Reference</b>	<b>3.2.2.31</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>- Current Draft Road Use Agreement-CONFIDENTIAL</b> <b>- Civic Legal Advice-CONFIDENTIAL</b> <b>- Roads Committee Recommendations-CONFIDENTIAL</b>

#### Purpose of Report

For Council to consider recommendations from the Roads Committee from the meeting held on the 3 July 2023 in relation to the Covalent Road Use Agreement.

Laura Della Bosca left the meeting at 6.25pm

Laura Della Bosca re-joined the meeting at 6.27pm

Cameron Watson left the meeting at 6.38pm

Cameron Watson re-joined the meeting at 6.42pm

#### Officer Recommendation and Council Decision

**123/2023**

**Moved Cr Close/Seconded Cr Nolan**

***That Council receive the current Road User Agreement (Term Sheet) Draft, as provided.***

***And***

***That Council receive the advice provide by Civic Legal in relation to the Road User Agreement, as provided;***



*And*

*That Council receive and consider the recommendations provided by the Roads Committee as per the attachment, provided separately.*

**CARRIED (6/0)**

**124/2023**

**Mover Cr Nolan/Seconded Cr Cobden**

*That the Council meeting be re-opened to the public under section 5.23(2) (c) and (d) of the Local Government Act 1995*

**CARRIED (6/0)**

## **14 CLOSURE**

As there was no further business to discuss, the Shire President declared the meeting closed at 7:01pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 20 July 2023, are confirmed on Thursday, 17 August 2023 as a true and correct record of the July 2023 Ordinary Meeting of Council.

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