



Minutes

Ordinary Meeting of Council

19 October 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

3. ATTENDANCE

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

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

Apologies: Cr B Close, Cr P Nolan and F Mudau-Finance Manager

Observers: Melissa Zweck, Andrew Zweck, Joanne Pope, Tim Pope, Lara Kent, Kelvin Kent, Chloe Harvey, Tom Wells, Kaye Crafter, Will Harvey, Linda Warren, Gary Barona, Shaun Hart, Lynn McPhedran, Mohammed Khan, Paul Nieuwkerk and Erin Pope

Leave of Absence: Cr L Granich

4. DECLARATION OF INTEREST

Cr Gary Guerini declared a financial interest pursuant to Section 5.60A of the Local Government Act in relation to agenda item 9.1.1 'Development Assessment Panel Form 1 Application- Lots 231, 640, 620 and 622 due to being the proposed wind farm is on land owned by my father and used by the farm business.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the September 2023 Ordinary meeting of Council, the following question was posed by Kaye Crafter

Question: I have a problem with the supply of water in the Yilgarn, mining companies are using water from Mundaring Weir in greater volumes - Mt Holland, Koolyanobbing and Marvel Loch. Main roads are having a field day also, even though they are using whatever free water they can find.

I pay \$9.22 a kiloliter now and by the end of summer it will be a lot more. Do the big users pay more or less than the average householder or do we subsidise their costs? We have many voids that hold salt water in the Yilgarn and some are quite close to Southern Cross, Marvel Loch, Bullfinch, Koolyanobbing and probable Mt Holland. I don't know the volumes that are available but can we make use of this resource? Can we use reverse osmosis or some other way to give our water supply a boost? Would it be possible for the Shire to put funds aside to look for a way to use these sources for the betterment of our communities? I know it will be expensive but so will the alternative be if and when we run out of water from Mundaring-that is on the cards in El Nino gets happening. Why not be proactive and start researching ways to future drought proof our shire.

Water has been a problem in the Yilgarn for 60,000 years or more. Now we have water that can be used for our benefit. Let's use it.

Incidentally, the sprinklers in Antares Street need attention, the ducks have taken up residence in the puddle outside the Club Hotel and the service road near the tyre service has had a really good wash down. Tuesday night was still no breeze and the sprinklers spread water from the Club to the eagle servo. Not a good look for a town that should be conserving water much better than it is.

Answer during the meeting: The Shire President replied that a lot of water in the Mundaring weir is desalinated ocean water and although there is a lot of water around the Shire of Yilgarn the water has a very high concentration of salt. The Shire President then referred the questions to the CEO. The CEO addressed the issues as follows

- If Council feel the issue of how to boost the Shire water supply is of interest the issue can be budgeted for.
- Shire staff are aware of the issue with the sprinklers in the main street and will take this issue on notice.
- The Department of Water and Regulatory Service are working on Dulyalbin and Lapsley tanks water sources to ensure continuity of the water supply.
- As the question was quite lengthy the CEO took on notice to ensure the full matter is considered and actioned as necessary.

Cr Nolan noted that the issue of water rates and usage is a State Government Policy issue and should be taken up to State Government level.

Follow up information for Council and Observers

The Shire administration is still considering the complex matter, as such, further updates will be provided in due course.

5.1. PUBLIC QUESTION TIME

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

Question: Ramelius Resources who are carting on the Bullfinch Evanston Road keep the road well maintained, in comparison the Marvel Loch Forrestania Road does not seem as well maintained with dust being a huge issue.

Answer: *The Shire President referred the questions to the Executive Manager Infrastructure. The Executive Manager confirmed that Covalent Lithium traffic on the road was causing issues with dust which is being addressed via watering of the road.*

Tim Pope attended Public Question Time and posed the following question;

Question: Does the Council have a Windfarm policy.

Answer: *The Shire President confirmed that Council does not have a Windfarm policy but instead deal with planning issues as they are applied for, the Shire President then referred the question to the Chief Executive Officer. The Chief Executive Officer added that a planning policy could be investigated to be implemented for such development applications but currently if an application is large enough as with a windfarm the application is passed to the Development Assessment Panel on which the Shire of Yilgarn Council has two members sitting. The Development Assessment Panel then make the decisions and as such is taken out the Shires hands.*

Will Harvey attended Public Question Time and posed the following question;

Question: Can the Shire investigate getting the Dulyalbin Road towards Merredin sealed as this would be of extreme value to farmers during harvest.

Answer: *The Shire President referred the question to the Executive Manager Infrastructure who confirmed that the sealing of the Dulyalbin Road was being budget for however it is a big job so will be built on year after year starting with the first 5km from Merredin being gravelled this year then sealed next year.*

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 21 September 2023

160/2023

Moved Cr Cobden/Seconded Cr Guerini

That the minutes from the Ordinary Council Meeting held on the 21 September 2023 be confirmed as a true record of proceedings.

CARRIED (4/0)

6.2 Bush Fire Advisory Committee, Tuesday, 26 September 2023

161/2023

Moved Cr Rose/Seconded Cr Guerini

That the minutes from the Bush Fire Advisory Committee Meeting held on the 26 September 2023 be received.

CARRIED (4/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Paul Nieuwkerk from Covalent Lithium attended Council and gave a brief overview of current works at the Covalent Mt Holland mine including the commissioning of the processing plant and the impending start to haulage. Currently the product will be carted to Bunbury as the Kwinana processing plant is not yet ready to accept deliveries.

Cr Della Bosca approached the outstanding issues of the Marvel Loch Forrestania Road, both maintenance and road construction. The maintenance for the road on which Covalent is working is an issue, we believe the suppression of dust is under Covalent's road maintenance agreement, and it is currently not being addressed to a suitable or any standard. We also believe that Council has been very accommodating to Covalent Lithium in allowing certain concessions in the planning and preparation for the construction of Marvel Loch Forrestania Road, however, Council has with the last request made by Covalent, which is the lowering of the grade of gravel to be used in the construction of the road, to not concede and insist the gravel be of the grade agreed and also start to hold Covalent to their statement that they are here to work with Council and do their best for the community.

Cr Rose enquired when the trucks would be likely to start carting from the processing plant

Paul believed it would be Monday or Tuesday of next week.

Cr Rose also pointed out that the Council have until now, been very accommodating to Covalent Lithium. Now we are in a situation where Covalent have a product to be carted but the road, which has been 3 years in the planning and preparation, is nowhere near being ready with the Road User Agreement not having been settled and signed yet and Covalent still asking for dispensations

Nic Warren, CEO, echoed the sentiments of the President in that that Covalent have a responsibility to carry out dust suppression on the Marvel Loch Forrestania Road which is very important for the safety of the road, which they are currently not carrying out to a suitable standard.

Paul Nieuwkerk thanked Council for their time and stated he would take the information back to Covalent

8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the Bushfire Advisory Committee meeting on the 26 September 2023
- Attended the Westonia New Bowls Green Opening on the 29 September 2023

Cr Rose Announced the following;

- Attended the Bushfire Advisory Committee meeting on the 26 September 2023
- Attended the Westonia New Bowls Green Opening on the 29 September 2023

Cr Guerini Announced the following;

- Attended the Bushfire Advisory Committee meeting on the 26 September 2023

Cr Gary Guerini declared a financial interest pursuant to Section 5.60A of the Local Government Act in relation to agenda item 9.1.1 'Development Assessment Panel Form 1 Application- Lots 231, 640, 620 and 622, due to the proposed wind farm being on land owned by his father and used by the farm business.

Due to Cr Gary Guerini being unable to vote on the below agenda item it leaves the Council without a quorum; therefore, this item is left on the table and will carry over to the next Council meeting.

9.1 Officers Report – Chief Executive Officer

9.1.1 Development Assessment Panel Form 1 Application –Lots 231, 640, 620 and 622

File Reference	3.1.3.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations (TPI)
Attachments	<ol style="list-style-type: none"> 1. Layout Plan 2. Envelope Plan 3. Photo Montage Plan

Purpose of Report

The purpose of this report is to inform Council of a Development Assessment Panel Form 1 Application lodged for a renewable energy facility and associated infrastructure on Lots 231, 640, 620 and 622.

The application has to be processed initially by the Shire; however, it will be determined by a Regional Development Assessment Panel (RDAP).

The application is being advertised for public comment, and has been referred to relevant government agencies and key stakeholders.

There is a separate item in this agenda on the DAP process – refer agenda item 9.1.2

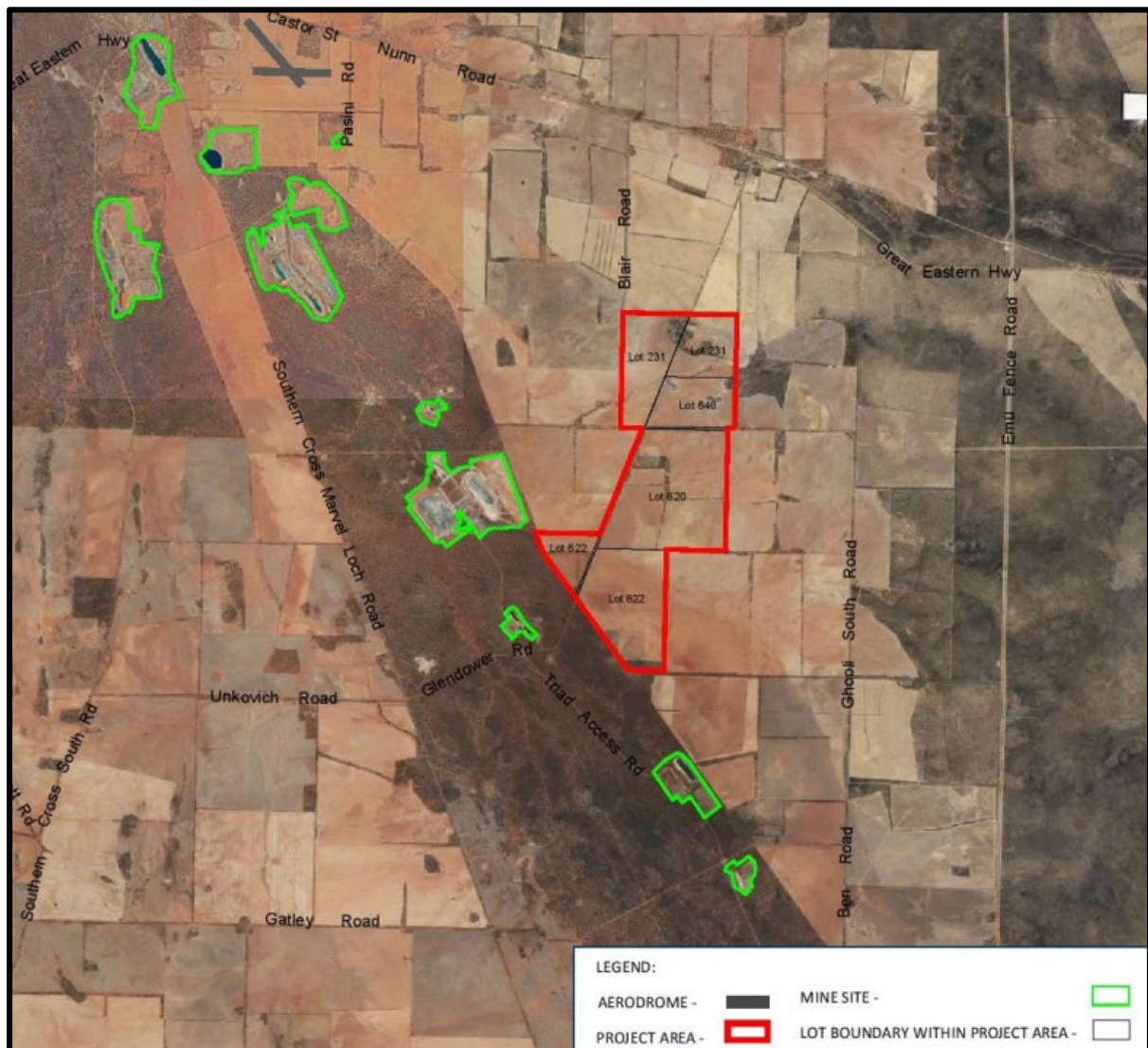
Background

• Location

The renewable energy facility is proposed to be located approximately 12 kilometres to the south-east of the Southern Cross townsite.

The development is proposed on four freehold rural lots comprising a total land area of approximately 1,464 hectares. The landholdings include Lots 231, 640, 620 and 622 which are located between Great Eastern Highway to the north, Emu Fence Road to the east, and Southern Cross Marvel Loch Road to the west.

A location plan is included over page for convenience.



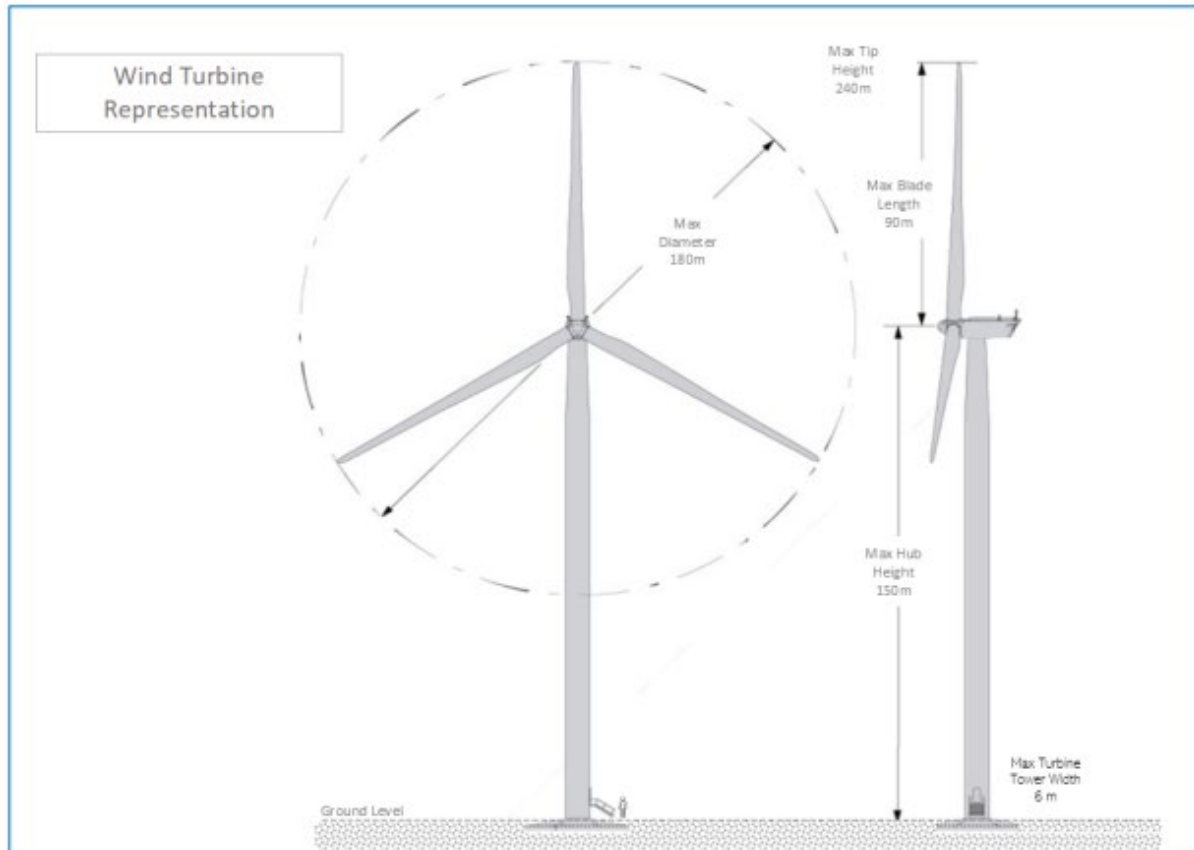
Comment

• Description of Application

The application proposes up to 10 wind turbines, up to 10 MWh of battery storage, solar array, and associated infrastructure including transformers, above and below ground cabling, roads, crane hardstands, switch rooms and communication equipment.

The combined blade length and tower height of turbines will have a maximum height of 240m Above Ground Level (AGL).

A typical design is included below.



A layout plan has been lodged with the application, however the final positioning of the turbines will be determined once detailed engineering has been carried out, therefore the applicant proposes ‘envelopes’ for each turbine.

The development envelopes have been planned with a maximum potential variance of 500 metres from the indicative turbine location within each nominated envelope. The envelopes also include a minimum 100 setback to any shared external lot boundary.

The Layout Plan is included as Attachment 1. The Envelope Plan is included as Attachment 2.

A complete copy of the application is available on the Shire website - [News Story - Notice of Public Advertisement of Form 1 - Renewable Energy Facility \(Wind Farm\) » Shire of Yilgarn](#)

- Zoning and Land Use Permissibility**

The lots are zoned ‘Rural/Mining’ under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Under the Scheme the objective of the Rural/Mining zone *‘is to be used primarily for rural, mining, agricultural, single houses and public recreation’*.

Part of the planning assessment for any application involves determining which land use definition from the Scheme ‘best fits’ the proposal.

The proposal is construed as a ‘renewable energy facility’ defined in the Scheme as *‘means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.’*

Table 2 (Zoning Table) lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 2 outline the permissibility of land uses in different zones.

As a ‘renewable energy facility’ is not listed in Table 2, it can be processed as what is referred to as a ‘Use Not Listed’.

In processing the ‘renewable energy facility’ as a ‘Use Not Listed’ Council has three options under the Scheme as follows:

Option 1 - Determine that the ‘renewable energy facility’ use is consistent with the objectives of the Rural/Mining zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government.

TPI does not recommend Option 1. If Council determines that renewable energy facility is permitted in the Rural/Mining zone, it will set a precedent for all future similar applications to also be treated as a permitted use in the same zone.

Option 2 - Determine that the proposed ‘renewable energy facility’ use may be consistent with the objectives of the Rural/Mining zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land.

TPI recommends Option 2 which requires the application to be advertised for public comment.

Advertising the application in accordance with Option 2 will provide the RDAP with as much information as possible to make an informed decision.

Option 3 - Determine that the 'renewable energy facility' use is not consistent with the objectives of the Townsite zone and is therefore not permitted in the zone.

TPI does not recommend Option 3 for the reasons outlined in Option 1.

- **Visual Impact**

The applicant commissioned EPCAD to complete a Visual Impact Assessment assessing potential impacts to landscape and landforms where visual amenity is a consideration.

The accepted guide for assessing potential visual impacts is the Western Australian Planning Commission's (WAPC) Visual Landscape Planning in Western Australia; a manual for evaluation, assessment, siting and design (2007).

The WAPC manual has been used for visual impact assessments for numerous other wind farm proposals in Western Australia.

The EPCAD report assesses the visual impact of the proposal on landscape using the following framework:

1. Determine visual management objectives,
2. Describe proposed development,
3. Describe potential visual impacts,
4. Develop visual management measures,
5. Prepare final recommendations and monitoring options, and
6. Conclusion.

The Visual Impact Assessment (VIA) identifies a need for a 20 kilometre investigation area surrounding the proposed development.

A map showing the 20 kilometre investigation area (in the red dotted line) is included below.



Note: The blue squares represent buildings. The yellow outline includes the development lots.

The VIA states that within the investigation area, most of the land that is used for agricultural purposes is almost entirely cleared to allow cropping. Stands of remnant vegetation, screening mine sites, roads and townsites take up the balance. These open spaces are vast, only interspersed by stands of remnant roadside vegetation at road verges.

The VIA examines the landscape character surrounding the development, vegetation types, land uses, typical views and key views.

It identifies and maps four Landscape Character Units (LCU) with different values as follows:

Landscape Character Unit	Landscape Value
LUC1 – Broad Agrarian Plain	Low/moderate
LUC 2 – Rural townsite	Low
LUC 3 – Vegetated Kalgoorlie Plan	Moderate
LUC 4 – Industrial	Low

Key views are from locations of high sensitivity, where the visual experience is of a broad landscape or panorama.

The VIA selects a series of 34 viewpoint locations representative of a viewer experience for assessment. Out of the 34 viewpoints, 3 were identified as potentially having high visibility of the turbines, and 5 were identified as potentially having moderate to high visibility.

Out of the 34 viewpoints, 26 were identified as having either low, or low to moderate visibility.

When looking at the 20 kilometre Zone of Visual Influence (ZVI) the VIA identifies that:

- (a) The visibility of the turbines becomes of less dominance at 17km to 18km.
- (b) Because the land is gently undulating towards being flat, much of the investigation area shows high visibility to the proposed development.
- (c) The Zone of Influence looks at the theoretical visibility of all ten turbines in the landscape.
- (d) There is minor screening of the vicinity of the proposal behind mine tailings, mullock heaps, and in depressions at the far periphery of the project.

Areas for photo montages have been selected based on (1) the significance of the site for vistas in the public realm and (2) the visibility of the turbines in the 20 kilometre investigation area.

The following points were selected for closer analysis –

- Location 4 – Great Eastern Highway
- Location 6 - Wimmera Hill Lookout
- Location 8 - Great Eastern Highway
- Location 10 - Great Eastern Highway
- Location 14 - Great Eastern Highway
- Location 18 - Great Eastern Highway
- Location 20B - Ghooli S Road
- Location 22 - Blair Road
- Location 30 - Southern Cross Train Station
- Location 34 – Airport

A plan showing the locations where photomontages have been provided is included as Attachment 3.

The VIA identifies that:

- (a) the view from the Wimmera Lookout and the airport show higher levels of project visibility within the landscape, than any other areas of scenic value.
- (b) The development will be visible from Great Eastern Highway however views are impacted by high traffic speeds and scattered roadside vegetation.
- (c) The potential visual impact of the development area to Southern Cross and the number of residents/visitors who will be able to see the proposal, is moderate to high. The impact is reduced to moderate based on the lower values of the landscape character.

TPI is still assessing the VIA and is liaising with the applicant over some aspects of the assessment.

- **Noise**

A Noise Impact Assessment has been prepared by a noise consultant.

The assessment references both the *Environmental Protection (Noise) Regulations 1997* and the *South Australian Environmental Protection Authority – Wind Farms Environment Noise Guidelines (2009)* as required under a current WA Planning Commission Position Statement on Renewable Energy Facilities (WAPC Statement).

The WAPC Statement requires turbines to be setback a minimum of 1500 metres to any noise sensitive land use (dwellings). The turbines are setback a minimum of 2000 metres to any dwelling.

The assessment concludes that noise emissions at identified receiver locations (dwellings) are calculated at approximately 25 dB(A), which comply with the most stringent noise criteria of 35 dB(A) at all hub-heights and wind speeds.

The Noise Impact Assessment has been referred to the Department of Water, Environment and Regulation (DWER) Noise Branch for advice. DWER has a dedicated team of expert noise officers who provide technical advice on Noise Impact Assessments.

- **Aviation Safety**

An Aviation Impact Assessment has been lodged as part of the application.

It concludes that:

- (a) The Project is within 30 nm of Southern Cross aerodrome and will affect the Procedures for Air Navigation Services - Aircraft Operations PANS-OPS surfaces.
- (b) There are no verified Aircraft Landing Areas in the vicinity of the project.
- (c) The project will not infringe the obstacle limitation surface of any certified aerodrome.
- (d) The published Lowest Safe Altitude (LSALT), for a particular airspace grid or air route, provides a minimum of 1000 ft clearance above the controlling (highest) obstacle within the relevant airspace grid or air route tolerances. The Project Area is located within a Grid with an LSALT of 3000 ft and associated protection surface of 2000 ft

AMSL. At a maximum height of 2224.41 ft AMSL the highest turbine infringe this protection surface by 224.41 ft necessitating an increase to the Grid LSALT of 300 ft to 3300 ft AMSL. All turbines infringe the 2000 ft protection surface.

- (e) The Project will not infringe any protection areas associated with aviation facilities.

The proponent was requested to undertake consultation with aviation stakeholders prior to lodgement of the DAP application, however the request was made when they were ready to formally lodge the proposal. Whilst early consultation is actively encouraged, it cannot be forced onto a proponent.

Subsequently, the Shire has referred the Aviation Assessment to key aviation stakeholders including the Civil Aviation Safety Authority (CASA), Air Services Australia, the Department of Defence, Aerodrome Management Services, and known users of the Southern Cross airport.

CASA has already responded and advised that:

- (a) CASA is restricted due to a lack of regulation and can only provide advice when it comes to tall structures that are outside the obstacle limitation surfaces of an airport. In this case the wind farm, while very close, will be outside the OLS for Southern Cross Airport.
- (b) The international standard for such lighting is 2,000cd and is usually mandatory. CASA has provided the UK standard which essentially is the same as applied throughout Europe, the USA and NZ.
- (c) The advice that CASA supplies is that (in general) any structure exceeding 200m AGL should have aviation hazard lighting. We accept 200 candela low intensity aviation hazard lighting to minimise visual disruption for nearby residents.
- (d) Because CASA can only provide advice, the planning authority must determine whether hazard lighting should be installed and include that determination in the planning conditions.
- (e) Airservices will need to be advised of the finished location and height of each turbine so that their locations can be recorded in aviation publication and charts.
- (f) While CASA's preference is for lights on the turbines, not all will need lights. T1, T6 and T10 for example would be sufficient to identify the extremities of the wind farm.

TPI liaised further with CASA over any impact on procedures for pilots who use the Southern Cross Airport. CASA advised that:

- (a) Airservices will need to conduct a separate assessment on whether the turbines will infringe the instrument flight procedures. If they do, the Council (as operator of the airport) can agree to the changes but is not obliged to.
- (b) Alternatively, Council can direct the proponent to either modify the wind farm design or height or relocate the wind farm.
- (c) Also, Southern Cross airport is currently published as a code 2 facility. Siting the wind farm where proposed might prevent any future opportunities to upgrade to a code 3 facility to allow SAAB 340 (Rex) and larger sized aircraft because RWY 14/32 approach and departures will be over the top of the wind farm.

- (d) An increase in airport code lowers the approach and take off surfaces and increases their length from 2.5 km to 15 km. It would also mean the instrument flight procedures would change to different criteria and the minimum decent altitude could increase. You might need to seek more information if there are future plans to upgrade the facility.
- (e) Your airport manager / airport reporting officer should be able to explain the impact if you're not entirely clear on the above information.

Any potential impact of the proposal on the Southern Cross airport is an important consideration, however a full assessment cannot be made until advice is received from Air Services Australia, Aerodrome Management Services and other key stakeholders.

Importantly, CASA has confirmed that as the operator of the airport, the Shire can decide whether to agree to any instrument flight procedures, and are not obliged to.

This 'aviation' issue may need to be referred to a future Council meeting once external comments have been received. TPI will continue to liaise with the Shire Chief Executive Officer over aviation issues.

- **Environmental Impact**

A flora and fauna assessment by Ecoscape Australia Pty Ltd has been lodged.

The assessment:

- a) concludes that the project area did not intersect any mapped Environmentally Sensitive Areas or any Department of Biodiversity, Conservation and Attractions (DBCA) legislated Nature Reserves;
- b) notes the nearest Environmentally Sensitive Areas are located 9km east of the project area at the Yellowdine Nature Reserve;
- c) examined the nearest legislated conservation land to the project area listed as Nature Reserve R25801, which is 8km northwest of the project area, Yellowdine Nature Reserve is 9km east, and Wokallarry Nature Reserve some 19 km southwest;
- d) identified no Threatened or Priority Ecological Communities as occurring within the Investigation Area
- e) identified 17 conservation listed fauna species likely to occur within the project area and an applied 70km buffer. Of these species, only *Leipoa ocellata* (Malleefowl), and *Tringa nebularia* (Common Greenshank) have been recorded in the previous 20 years.

Apart from possible minor clearing associated with the powerline connection and access tracks during the construction phase, the proposed development will substantially avoid the clearing of remnant vegetation.

The applicant has advised that management measures will include setting back turbines a minimum of 70 metres from any native vegetation, developing an Environmental Management Plan prior to construction, and undertaking further studies.

- **Traffic Management, Access and Local Road Upgrades**

As access for construction will be via Great Eastern Highway, the application has been referred to Main Roads WA for comment.

The applicant has advised that they will grade Glendower Road and Ghooli South Road in consultation with the Shire so that they can be used for access during construction.

A Traffic Management Plan will be lodged prior to construction. The applicant has advised that the Traffic Management Plan will propose strategies to minimise traffic impact, risks, and disruption to local communities, along with suitable access points and preparation of a road condition report prior to commencement of the construction.

The application has been referred to Main Roads WA for comment.

- **Consultation**

Shire Administration has commenced advertising of the application for public comment. Advertising for neighbours and the general public closes on the 19 October 2023.

Advertising to relevant government agencies and service providers closes on the 10 November 2023.

All issues raised during consultation will need to be examined and be included in a future agenda item to the RDAP, known as a Responsible Authority Report (RAR). Two Councillors may form part of the RDAP.

A RAR has to be lodged to the RDAP by Tuesday, 12 December 2023 unless the applicant agrees to an extension of time to provide additional information, or for preparation of the RAR. Without agreement by the applicant, the RAR must be lodged by the 12 December 2023.

It should be noted that the proponent has undertaken some preliminary consultation, which is outlined in their development application report.

Statutory Environment

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

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

Clause 67 outlines 'matters to be considered by the local government' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the

development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Planning and Development (Development Assessment Panels) Regulations 2015 – Outline requirements for applications, DAP powers, DAP membership and meetings.

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

Strategic Implications

There are no known strategic implications associated with the proposal.

Policy Implications

There are no Local Planning Policies that are relevant to this application.

The Western Australian Planning Commission has a Position Statement on Renewable Energy Facilities which is used as a guide for assessment, and outlines the need to consider early consultation, environmental impact, visual impact, noise impact, aviation safety, heritage, and construction impact.

There are other relevant documents that need to be taken into account such as the South Australian Environmental Protection Authority-Wind Farms Environmental Noise Guidelines (2009), and CASA Advisory Circular AC139.E-05 (V1.1) Obstacles (including wind farms) outside the vicinity of a CASA certified aerodrome.

The WAPC Position Statement references South Australian Guidelines, however applicants still need to demonstrate compliance with the WA Noise Regulations.

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Risk Implications

There are no known risks associated with the proposed development because it will be determined by a RDAP. Council is not the decision making authority for the application.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Impact to people due to development.	Low 2	Due procedure ensures minimal risks/impacts.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil

Compliance	Compliance with Planning and Building Standards	Low 2	Compliance with relevant legislation
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council:

- Determine that the proposed 'renewable energy facility' use may be consistent with the objectives of the Rural/Mining zone and advertise the application in accordance with clause 64 of the deemed provisions before (the Regional Development Assessment Panel) considers the application for development approval for the use of the land.*
- Note that Shire Administration has commenced advertising of the application as there are strict statutory timeframes that need to be met as part of the DAP process.*

Advertising for neighbours and the general public closes on the 19 October 2023. Advertising to relevant government agencies and service providers closes on the 10 November 2023.
- Note that there is a separate item in this agenda on the DAP process – refer Agenda Item 9.1.2*



Figure 2: Wind Farm Layout Plan

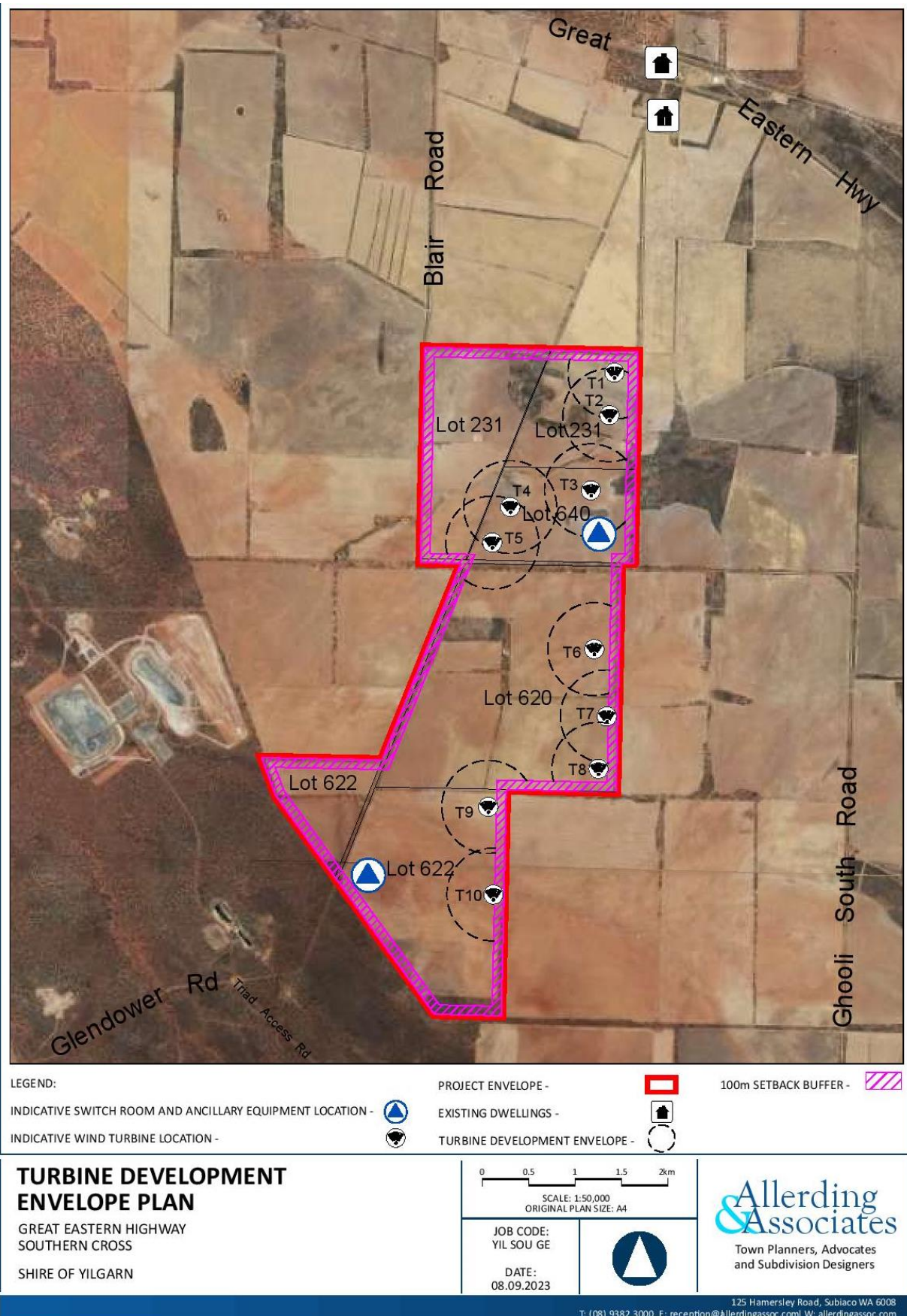
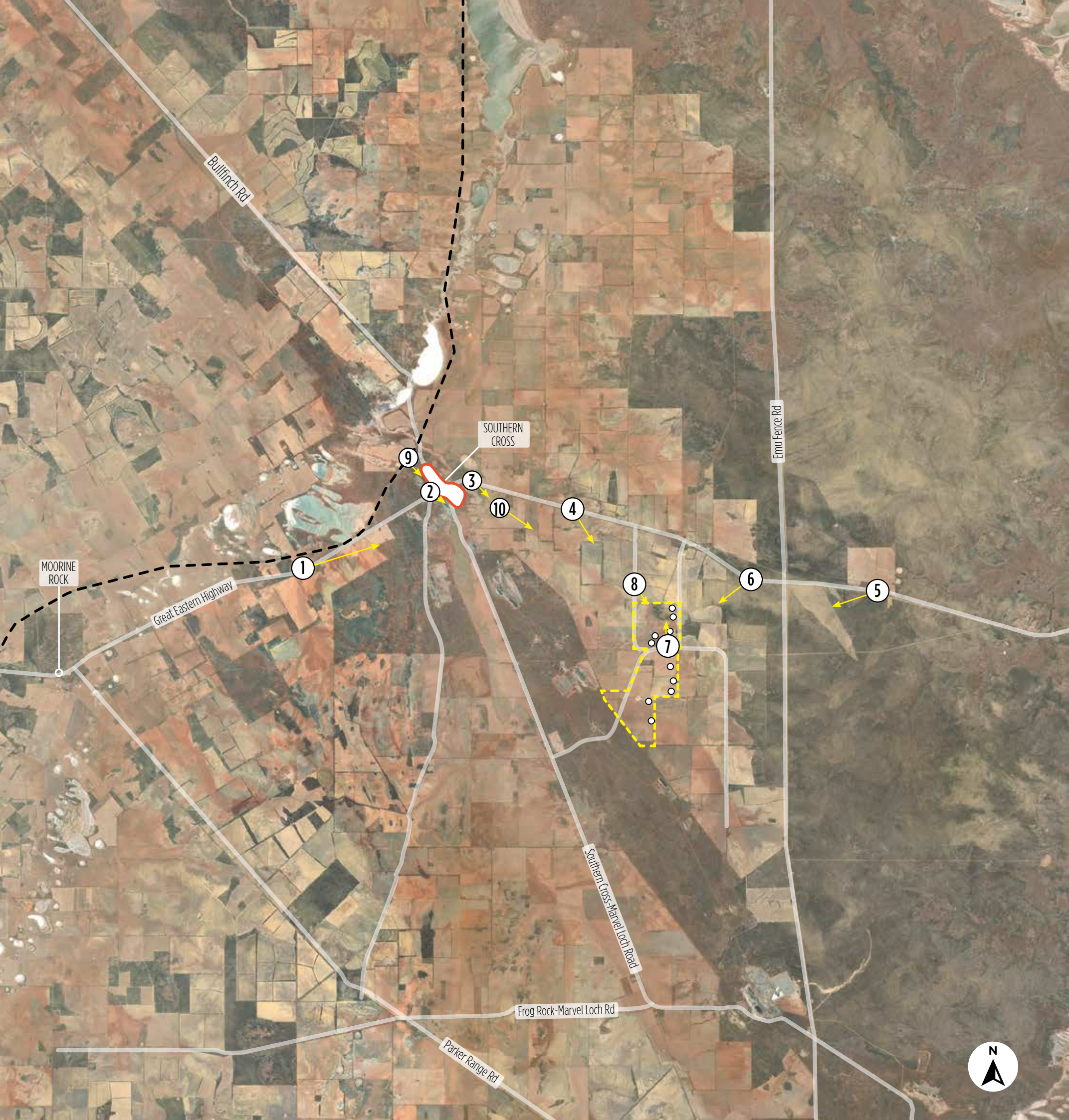


Figure 3: Turbine Development Envelope Plan



PHOTOMONTAGE LOCATION PLAN

Figure 8

Scale - 1 : 200,000



- Southern Cross Townsite
- Project Envelope
- Wind Turbine Locations (Numbered Below)
- Train Line
- Roads
- Photomontage Number (See **Appendix II** - Photomontages)

9.1 Officers Report – Chief Executive Officer

9.1.2 Development Assessment Panel Process for the Form 1 Application –Lots 231, 640, 620 and 622

File Reference	3.1.3.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations (TPI)
Attachments	DAP Process

Purpose of Report

The purpose of this report is to inform Council of the Development Assessment Panel process due to lodgement of a Form 1 Application lodged for a renewable energy facility and associated infrastructure on Lots 231, 640, 620 and 622.

The application has to be processed initially by the Shire, however it will be determined by a Regional Development Assessment Panel (RDAP).

TPI, on behalf of the Shire, has to prepare a lodge a Responsible Authority Report (RAR) for inclusion in a future Regional Development Assessment Panel agenda.

Public advertising to nearby neighbours and landowners closes on the 19 October 2023. Advertising to government agencies closes on the 10 November 2023, as they have to be given a longer time frame to respond.

The Responsible Authority Report is due by the 12 December 2023.

Council needs to decide if it wants to see the Responsible Authority Report (RAR) prior to it being lodged to the DAP, or whether to authorise TPI to lodge a RAR directly to the DAP.

There is a separate item in this agenda on the formal DAP application – refer Agenda Item 9.1.1

Background

- Development Assessment Panel (DAP)**

There is a dedicated Regional Development Assessment Panel (RDAP) comprising of 3 specialist members and 2 local government members. There is an alternative specialist member pool to help cover any RDAP member absences.

Two Shire Councillors will form part of the RDAP. The Department of Planning, Lands and Heritage (DPLH) has advised they can provide training (by Zoom) for two Councillors, prior to any meeting which will be scheduled after the 12 December 2023.

The Council representatives on the RDAP have to exercise independent judgement, and consider the application on its planning merits, in deciding how to vote on a RDAP. They are not bound by any previous Council decision.

RDAP meetings are open to the general public, and are similar to a formal Council meeting, whereby people can request to make deputations, and attend the meeting. A summary of the DAP process is included as Attachment 1.

DAP meetings are held via Zoom.

Comment

- **Reporting to the DAP Application – Options Available to Council**

TPI has to prepare a Responsible Authority Report (RAR) for a future DAP Agenda by the 12 December 2023.

That deadline must be met unless otherwise agreed to by the applicant, irrespective of whether TPI has all relevant government agency responses or not.

Council has the following options:

Option 1 : Refer RAR straight to the RDAP

Council can authorise Town Planning Innovations (Liz Bushby) to lodge the Responsible Authority Report (RAR) directly to the RDAP, without any further reports going through Council.

The main advantage of Option 1 is to streamline the process, and maximise the permissible time for preparation of the RAR. It is also recognised that there is Councillor representation on the RDAP.

There is a set template for all RAR's and statutory timeframes can be challenging to manage. The RAR that needs to be prepared will be extensive and comprehensive.

Even if Option 1 is chosen, the Draft RAR may be able to be circulated (confidentially) to Councillors if time permits, before it is lodged to the RDAP.

Option 2 : Refer RAR to Council

TPI can refer the Responsible Authority Report (RAR) to a (second) future Council meeting or Special Council meeting for a 'Council Recommendation' before lodging it to the RDAP.

It should be noted that TPI would be responsible for assessing the application and preparing the Responsible Authority Report (RAR) for the RDAP. The report is essentially an agenda item, and TPI's role is to provide a professional assessment and recommendation to the RDAP.

Council cannot alter the RAR as prepared by TPI, however there is a section whereby the Council can add their own recommendation.

The main advantage of Option 2 is that a specific Council recommendation can be included in the RAR.

Other Reports to Council

As the Shire owns the Southern Cross airport it will be essential for Council to be involved in any discussions about aviation implications for the airport.

If, for example, Air Services Australia advises that the application will necessitate a formal change of procedures for aircraft arriving and departing the airport, then the Shire has authority to decide whether to agree to, or to refuse to agree to, any procedural changes.

The Civil Aviation Safety Authority has advised that *‘Airservices will need to conduct a separate assessment on whether the turbines will infringe the instrument flight procedures. If they do, the Council (as operator of the airport) can agree to the changes but is not obliged to.’*

Irrespective of which process Council decides to follow for the Responsibility Authority Report, TPI anticipates that a second report on aviation issues may need to be referred to a future Council meeting or more informal briefing session.

TPI will be liaising closely with the Shire Chief Executive Officer once advice is received from Air Services Australia and / or Aerodrome Management Services.

Statutory Environment

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

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

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

Planning and Development (Development Assessment Panels) Regulations 2015 – Outline requirements for applications, DAP powers, DAP membership and meetings.

Strategic Implications

Council may need to make decisions about the application as the owner of the Southern Cross Airport, as outlined in the body of this report.

Policy Implications

There are no Local Planning Policies that are relevant to this matter.

The Western Australian Planning Commission has a Position Statement on Renewable Energy Facilities which is used as a guide for assessment, and outlines the need to consider early consultation, environmental impact, visual impact, noise impact, aviation safety, heritage, and construction impact.

There are other relevant documents that need to be taken into account such as the South Australian Environmental Protection Authority-Wind Farms Environmental Noise Guidelines (2009), and CASA Advisory Circular AC139.E-05 (V1.1) Obstacles (including wind farms) outside the vicinity of a CASA certified aerodrome.

The WAPC Position Statement references South Australian Guidelines, however applicants still need to demonstrate compliance with the WA Noise Regulations.

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Risk Implications

There are no known risks associated with the proposed DAP application because it will be determined by a RDAP. Council is not the decision making authority for the application, however will need to consider any risks for the Southern Cross airport, which cannot be fully identified until outside advice is obtained.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Impact to people due to development.	Low 2	Due procedure ensures minimal risks/impacts.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning and Building Standards	Low 2	Compliance with relevant legislation
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

FOR COUNCIL DISCUSSION

That Council:

- 1. Authorise Town Planning Innovations (Liz Bushby) to compile and lodge a Responsible Authority Report (on the DAP application for a renewable energy facility on Lots 231, 640, 620 and 622) to the Regional Development Assessment Panel on behalf of the Shire of Yilgarn within the required time period, however note that there will be local government representatives on the RDAP.*

OR

- 1. Authorise Town Planning Innovations (Liz Bushby) to compile a Responsible Authority Report (on the DAP application for a renewable energy facility on Lots 231, 640, 620 and 622) to be referred to a future (second) Council meeting or Special Council meeting (after advertising) prior to lodgement to the Regional Development Assessment Panel. This would allow the Council to include their own recommendation in the Responsible Authority Report.*
- 2. Note that there is a separate item in this agenda on the DAP Application for Lots 231, 640, 620 and 622) – refer Agenda Item 9.1.1.*

Council Decision

163/2023

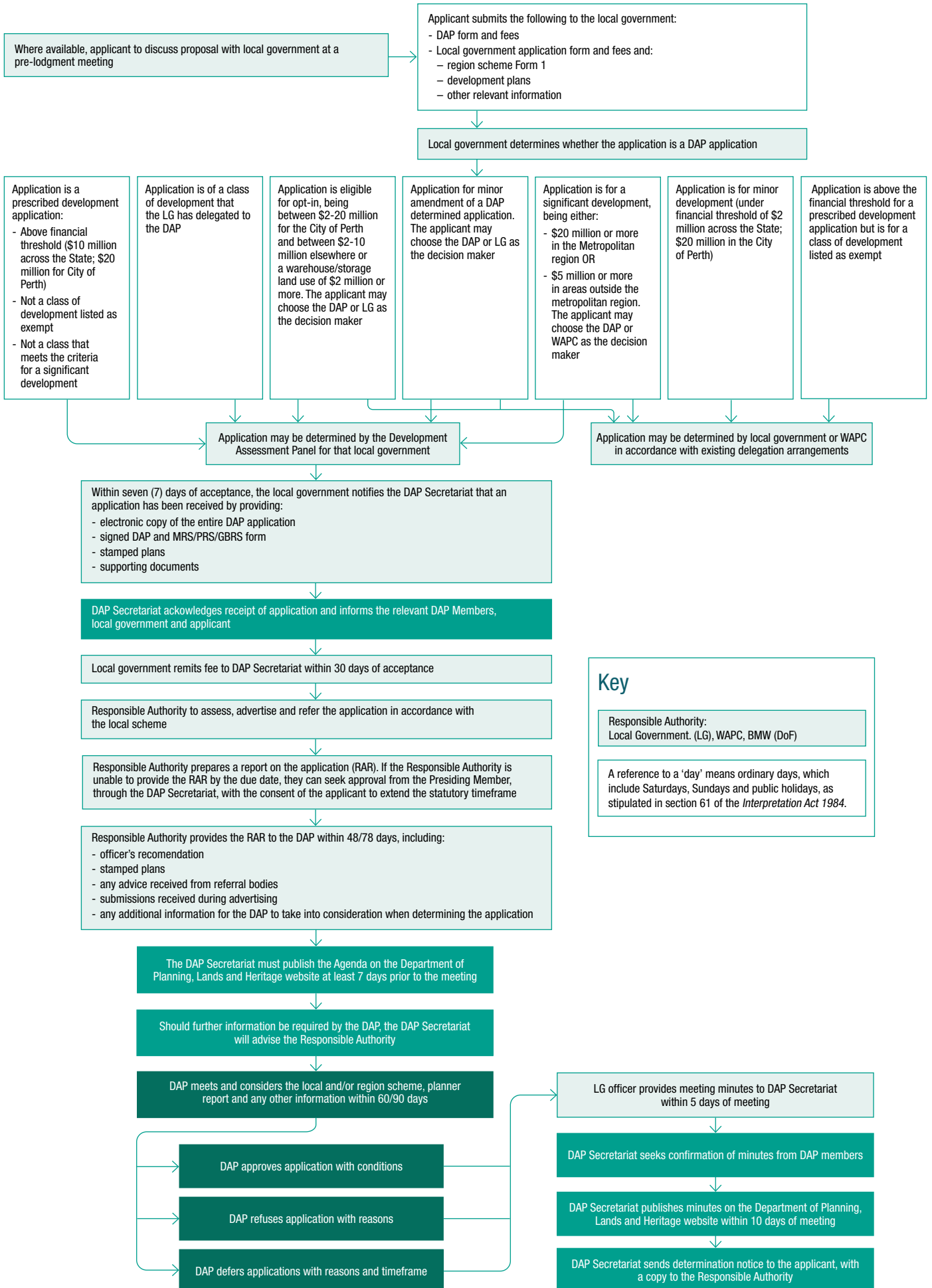
Moved Cr Cobden/Seconded Cr Rose

That Council:

- 1. Authorise Town Planning Innovations (Liz Bushby) to compile and lodge a Responsible Authority Report (on the DAP application for a renewable energy facility on Lots 231, 640, 620 and 622) to the Regional Development Assessment Panel on behalf of the Shire of Yilgarn within the required time period, however note that there will be local government representatives on the RDAP.***

CARRIED (4/0)

DAP Application Flow Chart



9.1 Officers Report – Chief Executive Officer

9.1.3 Application to Keep More Than Two Dogs – 109 Altair St, Southern Cross

File Reference	5.2.1.8
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Kelly Watts – Regulatory Services Officer
Attachments	Nil

Purpose of Report

The owner of 109 Altair St, Southern Cross, has applied to keep more than two (2) dogs at the abovementioned property. The application is to keep three (3) dogs at the property.

Background

The Shire of Yilgarn Local Laws Relating to Dogs 1997 Part V Section 14 states:

A person wishing to keep more than two but not greater than six dogs on any premises shall apply for an exemption for those premises under the provision of Section 26(3) of the Dog Act 1976. The Council may grant an exemption in respect of those premises, but any such exemption –

- May be made subject to conditions, including a requirement that it applies only to the dogs specified therein;
- Shall not operate to authorise the keeping of more than six (6) dogs on those premises; and

Approval may be revoked or varied at any time.

The Shire of Yilgarn Dogs Local Law 2017 Clause “3.2 *Limitation on the number of dogs*” states:

- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
- (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

The dogs proposed to be housed at the premises are:

Breed	Sex	Colour	Name	Age	Microchip No
Sharpei	Female	Brindle	Tulip	8	953010001347144
Sharpei	Male	Brindle	Silver	2	953010100029085
Sharpei	Female	Brindle	Layla	1	953010006160044

Comment

The owner is a registered trainer with the SES and works with the Merredin SES trainers and team. The eight-year-old dog is a retired search and rescue animal and the companion dog to the 1-year-old dog currently undertaking search and rescue training.

The two-year-old male is booked for desexing and is considered a companion animal to the applicant's family for confidential reasons, of which were provided to the Shire. A Shire representative has tried to engage with the applicant for written evidence of the aforementioned, with no response from the applicant.

Council has previously set a precedence for rejecting applications for more than the prescribed number of dogs, the most recent being an application for 3 dogs at 82 Antares Street, Southern Cross, which was rejected during the November 2022 Ordinary Council meeting.

Statutory Environment

Dog Act 1976 & Shire of Yilgarn Local Laws Relating to Dogs 1997.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Registration fees are to be paid by the owner.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Risk of nuisance to neighbours.	High (10)	Recommend rejection of application
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with relevant legislation.	Low (4)	Adhering to relevant legislation
Reputational	Negative feedback from Shire residents for not adhering to	Low (4)	Adhering to relevant legislation and precedence.

	relevant legislation and precedence.		
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

164/2023

Moved Cr Guerini/Seconded Cr Cobden

That Council reject the application to keep three (3) dogs at 109 Altair Street, Southern Cross, which is more than the prescribed number of dogs permitted.

CARRIED (4/0)

9.1 Officers Report – Regulatory Services Officer

9.1.4 Request for Exemption to Place Temporary Sea Container on Industrial Block – 1 Antares Street, Southern Cross

File Reference	3.1.7.5
Disclosure of Interest	None
Voting Requirements.	Simple Majority
Author	Kelly Watts – Regulatory Services Officer
Attachments	Nil

Purpose of Report

For Council to consider a request to temporarily place a 40 foot Sea Container on 1 Antares Street, Southern Cross, to store excess parts and goods.

Background

The applicant is relocating a business between premises and requires short-term storage to hold excess stock.

The request is for an exemption from the need for planning approval for ‘temporary works’, to place a 40 foot Sea Container on the corner of the property, being 1 Antares Street, Southern Cross, for additional short-term storage, for a period of less than 12 months.

Comment

The relevant Planning and Development (Local Planning Schemes) Regulations 2015 extract is provided over the page, which shows the relevant exemptions provided, of which includes temporary works.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes

Part 7 Requirement for development approval

cl. 61

	Column 1 Works	Column 2 Conditions
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).

Attached below is a site plan, showing the location of the Sea Container.



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	Noncompliance with relevant legislation.	Moderate 6	Following due process.

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

165/2023

Moved Cr Rose/Seconded Cr Guerini

That Council:

Deem the placement of a sea container for a period less than 12 months at 1 Antares Street, Southern Cross for stock storage as “Temporary Works” as per the Planning and Development (Local Planning Schemes) Regulations 2015;

And

Endorse the placement of a 40 foot sea container on 1 Antares Street, Southern Cross for a period not more than 12 months, without further approvals, due to the development being “Temporary Works”.

And

Approval may be rescinded at any time by the Chief Executive Officer, acting reasonably, upon which the owner of 1 Antares Street, Southern Cross, and/or the applicant will be provided a suitable timeframe for the container to be removed.

CARRIED (4/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports-September 2023

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

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 30 September 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 —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Risk Implications

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

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

Officer Recommendation and Council Decision

166/2023

Moved Cr Rose/Seconded Cr Cobden

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

CARRIED (4/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.2 Accounts for Payment – September 2023

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41241 to 41245 totalling \$2,454.55
- Municipal Fund - EFT 14378 to 14424 and 14426 to 14473 totalling \$1,086,240.50
- Municipal Fund – Cheques 2235 to 2252 totalling \$284,992.26
- Municipal Fund - Direct Debit Numbers:
 - 18192.1 to 18192.14 totalling \$25,183.36
 - 18240.1 to 18240.14 totalling \$25,138.65
- Trust Fund – Cheques 402692 to 402693 totalling \$4,829.00
- Trust Fund – EFT 14425 totalling \$1,482.00

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

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

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

Officer Recommendation and Council Decision

167/2023

Moved Cr Cobden/Seconded Cr Guerini

- **Municipal Fund – Cheques 41241 to 41245 totalling \$2,454.55**
- **Municipal Fund - EFT 14378 to 14424 and 14426 to 14473 totalling \$1,086,240.50**
- **Municipal Fund – Cheques 2235 to 2252 totalling \$284,992.26**
- **Municipal Fund - Direct Debit Numbers:**
 - **18192.1 to 18192.14 totalling \$25,183.36**
 - **18240.1 to 18240.14 totalling \$25,138.65**
- **Trust Fund – Cheques 402692 to 402693 totalling \$4,829.00**
- **Trust Fund – EFT 14425 totalling \$1,482.00**

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

CARRIED (4/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 RAV Route Determination N7.3 Marvel Loch Forrestania Road, Emu Fence Road, Glendower Road

File Reference	6.1.1.004, 6.1.1.046 and 6.1.1.219
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Glen Brigg-Executive Manager Infrastructure
Attachments	Nil

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 N7.3

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

Dimension Requirements				
Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
Glendower Rd	Mine Site Entrance (9.08)	Southern Cross-Marvel Loch Rd (9.80)	Tandem Drive Network 7	No change
Marvel Loch-Forrestania Rd	Southern Cross-Marvel Loch Rd (0.00)	Emu Fence Rd (4.27)	Tandem Drive Network 4	Tandem Drive Network 7
Emu Fence Rd	Marvel Loch-Forrestania Rd (62.47)	Parker Range Rd (75.93)	Tandem Drive Network 4	Tandem Drive Network 7
Mass Requirements				
Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
Glendower Rd	Mine Site Entrance (9.08)	Southern Cross-Marvel Loch Rd (9.80)	AMMS Level 1	AMMS Level 3
Marvel Loch-Forrestania Rd	Southern Cross-Marvel Loch Rd (0.00)	Emu Fence Rd (4.27)	AMMS Level 3	No change
Emu Fence Rd	Marvel Loch-Forrestania Rd (62.47)	Parker Range Rd (75.93)	AMMS Level 1	AMMS Level 3

- 1) Southern Cross-Marvel Loch Rd (M020) SLK 14.67 to 32.94 – Main Roads WA asset which is already approved for 36.5m access and AMMS level 3 mass limits.
- 2) Parker Range Rd (6110038) SLK 50.05 to 57.04 – already approved for RAV Network 7.3
- 3) Marvel Loch-Forrestania Rd (6110004) SLK 24.23 to 78.57 – already approved for RAV Network 7.3
- 4) Marvel Loch Forrestania Road SLK 0.00 to 4.27 is RAV Network 4.1
- 5) Council has previously endorsed RAV Network 7.1 on Glendower 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

Council has previously endorsed RAV 7.3 on Parker Range Road and Marvel Loch Forrestania Road (SLK 24.23 to 78.57).

Council supports the use of Restricted Access Vehicle 10.3 and TD5.3 to use Emu Fence Road with a one off CA07 Condition (Letter of Authority to access the Local Government Road) for Mineral Resources Limited as they are responsible to repair and maintain Emu Fence Road.

The Road User Agreement includes, if MRL heavy haulage is the significant contributor to any road deterioration on Emu Fence Road, MRL will assume responsibility for the repairs and maintenance. This clause may come into play if there is any increased road deterioration from other heavy haulage operators using Accredited Mass Management Scheme level 3 on Emu Fence Road.

Comment

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

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.

Heavy Vehicle Services are seeking a route determination which includes level 3 of the Accredited Mass Management Scheme. Weightings (ESAs converted) for concessional axle

loading haven't been included into these calculations. These calculations are for standard axle loadings only.

Without falling weight deflection testing it is hard to predict the end of life for the gravel pavement beneath the sealed sections of Marvel Loch Forrester Road and Emu Fence Road.

Data from the Shire's Road Asset system indicates, the sealed section from SLK 0.00 to 4.20 Marvel Loch Road was constructed in 1987, 90% into its lifecycle.

Data from the Shire's Road Asset system indicates, the sealed section from SLK 24.23 to 78.57 Emu Fence Road was constructed in 2020, 8% into its lifecycle

Glendower Road, Marvel Loch Forrester Road, Emu Fence Road

Sealed roads provide a better surface for road users, prevent degradation of the road surface, and lessen the need for constant, time consuming and costly road maintenance. There are several methods of road construction and sealing used in Australia, and the method chosen will generally depend on a range of factors, including current and projected usage, local environmental considerations, and cost-effectiveness.

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 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 Marvel Loch Forrester Road and Emu Fence Road in the tables below.

Subgrade CBR testing

Marvel Loch Forrester Road	SLK 1.32	CBR 5
Marvel Loch Forrester Road	SLK 2.07	CBR 9
Marvel Loch Forrester Road	SLK 3.25	CBR 7
Emu Fence Road	SLK 62.65	CBR 39
Emu Fence Road	SLK 63.70	CBR 10
Emu Fence Road	SLK 64.92	CBR 7

Pavement thickness

Marvel Loch Forrester Road	SLK 1.32	170mm
Marvel Loch Forrester Road	SLK 2.07	230mm
Marvel Loch Forrester Road	SLK 3.25	120mm
Emu Fence Road	SLK 62.65	200mm
Emu Fence Road	SLK 63.70	200mm
Emu Fence Road	SLK 64.92	210mm

Traffic Counts converted into Equivalent Standard Axles

Marvel Loch Forrestania Road

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	####	321	6766	282	148	30	65	66	235	66	348	0
2												
3												
4												
5												
Total Traffic	13070	321	6766	282	148	30	65	66	235	66	348	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	4127	460	417	39	88	150	604	328	2231	0

Count No (As above)	Average Daily Vehicles	Daily Equiv Standard Axles										
1	384.84	151.89										
2												
3												
4												
5												
Average Daily Equivalent Standard Axle (ESA):												151.89

Yearly ESAs = 55,115

ESAs over 40 years life of the road pavement = 2,204,600 (road doesn't include Accredited Mass Management Level 3)

Design Traffic in ESA (DESA):*

2204000

Subgrade CBR:*

7

Thickness of Granular Material (mm):

350.11

Current pavement thickness on Marvel Loch Forrestania Road ranges from 120mm to 230mm. Minimum pavement thickness required for current Equivalent Standard Axles using the road is 350mm with a minimum subgrade CBR strength of 7.

Emu Fence Road

2023	14448	258	999	167	99	54	66	26	153	73	262	3879
Total Traffic	14448	258	999	167	99	54	66	26	153	73	262	3879
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	609.4	272.2	279.2	70.2	89.76	59.28	393.2	362.8	1679	31497
Count No	Average Daily Vehicles		Daily Equiv Standard Axles									
2023	223		384									

Yearly ESAs = 140,160

ESAs over 40 years life of the road pavement = 5,606,400 without weightings for concessional axle loading calculated

Design Traffic in ESA (DESA):*

5606000

Subgrade CBR:*

7

Current pavement thickness on Emu Fence Road ranges from 200mm to 210mm. Minimum pavement thickness required for current Equivalent Standard Axles using the road is 383mm with a minimum subgrade CBR strength of 7

Thickness of Granular Material (mm):

383.40

The pavement assessments on Emu Fence Road and Marvel Loch Forrestania Road, do not support Heavy Vehicle Services, to apply level 3 of the Accredited Mass Management Scheme on a full-time basis.

Main Roads Northam have endorsed any haulage operators using the Glendower Road accessing Southern Cross – Marvel Loch Road is required to seal 50m back from the intersection as there is a long history of operators not maintaining the intersection.

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

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

Officer Recommendation and Council Decision

168/2023

Moved Cr Rose/Seconded Cr Guerini

- 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 Main Roads Heavy Vehicle Services to carry out a Route Determination Network 7.1 (level 1 of the Accredited Mass Management Scheme) on Marvel Loch Forrester Road SLK 0.00 to SLK 4.27.*
- Council supports Main Roads Heavy Vehicle Services to carry out a Route Determination Network 7.1 (level 1 of the Accredited Mass Management Scheme) on Emu Fence Road from SLK 24.23 to 78.57*
- Council does not support Heavy Vehicles Services to include level 3 of the Accredited Mass Management Scheme on Marvel Loch Forrester Road SLK 0.00 to 4.27 and Emu Fence Road SLK 24.23 to 78.57 and Glendower Road*
- 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*
- Council supports Main Road Northam decision, that any further hauling campaigns using Glendower Road Southern Cross-Marvel Loch intersection will require the applicant to seal 50m of Glendower Road leading up to the intersection.*

CARRIED (4/0)

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

Nil

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

Prior to the closure of the meeting Cr Della Bosca thanked Cr Cobden for her time and effort over the last four years, and congratulated Cr Cobden on providing a great service to the public during her term. Cr Della Bosca also wished Cr Rose and Cr Nolan all the best for the up and coming Local Government Elections as both have re nominated.

Cr Della Bosca also thanked the Mt Hampton Progress Association for their hospitality.

Mr. Pope on behalf of the Mt Hampton Progress Association thanked Council for the opportunity to host the Council meeting, also thanked Chloe Harvey for stepping up to the position of President of the association in place of Lara Kent who is stepping down.

As there was no further business to discuss, the Shire President declared the meeting closed at 5.43pm

I, Wayne Della Bosca, confirm the above Minutes of the Meeting held on Thursday, 19 October 2023, are confirmed on Thursday, 16 November 2023 as a true and correct record of the October 2023 Ordinary Meeting of Council.

Cr Wayne Della Bosca
SHIRE PRESIDENT