



Ordinary Meeting of Council

Agenda

21 November 2024

Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

November 2024 Ordinary Meeting of Council

Will be held in the Council Chambers on

Thursday, 21 November 2024

Commencing at **5pm**

COUNCILLORS PLEASE NOTE:

- *The Discussion Session will start at 4pm*
- *The Ordinary Meeting of Council will start at 5pm*

A handwritten signature in black ink, appearing to be 'N Warren'.

Nicholas Warren
Chief Executive Officer

15/11/2024

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Members

Cr W Della Bosca
Cr Close
Cr B Bradford
Cr G Guerini
Cr L Granich
Cr Newbury
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
	K Chrisp	Asset and Projects Manager

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday, 17 October 2024- (Minutes Attached)

Recommendation

That the minutes from the Ordinary Council Meeting held on the 17 October 2024 be confirmed as a true record of proceedings.

Voting Requirements: Simple Majority

6.2 Yilgarn History Museum Meeting, Wednesday, 6 November 2024- (Minutes Attached)

Recommendation

That the minutes from the Yilgarn History Museum meeting held on the 6 November 2024 be received.

Voting Requirements: Simple Majority

6.3 Wheatbelt East Regional Organisation of Council (WEROC), Monday, 21 October 2024- (Minutes Attached)

Recommendation

That the minutes from the WEROC meeting held on the 21 October 2024 be received.

Voting Requirements: Simple Majority

6.4 CEACA Executive Committee Meeting, Monday, 14 October 2024 – (Minutes Attached)

Recommendation

That the minutes from the CEACA Executive Committee meeting held on the 14 October 2024 be received.

Voting Requirements: Simple Majority

6.5 CEACA Annual General Meeting, Monday, 4 November 2024 – (Minutes Attached)

Recommendation

That the minutes from the CEACA Annual General meeting held on the 4 November 2024 be received.

Voting Requirements: Simple Majority

6.6 CEACA Management Committee Meeting, Monday, 4 November 2024 – (Minutes Attached)

Recommendation

That the minutes from the CEACA Management Committee meeting held on the 4 November 2024 be received.

Voting Requirements: Simple Majority

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Honor Mann, Environment Manager for Barto Gold will provide an update on their activities in Frasers gold mine.

8. DELEGATES' REPORTS

9.1 Reporting Officer – Chief Executive Officer

9.1.1 2024/2025 Community Funding Program

File Reference	1.3.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Monica Fairless – CRC Coordinator
Attachments	Nil

Purpose of Report

To consider the Community Funding Grant applications for the 2024/2025 Financial year.

Background

The Shire of Yilgarn Community Funding Program was developed to:

- To provide a source of funding for non-profit community organisations operating within the district;
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

As part of the 2024/2025 Budget, Council resolved to make available \$16,000 (excluding GST), with three categories of Funding available - 'Essential Equipment/Capital Items' (up to \$2,000), 'Community/Sporting Event related expenses' (up to \$2,000), and 'Travel & Training Assistance' (up to \$500).

Comment

For the 2024/2025 Community Funding program, the following eligible applications were received:

<i>Applicant</i>	<i>Equipment / item</i>	<i>Funded Amount</i>	<i>Club Contribution</i>
<i>Yilgarn Community Support Group</i>	<i>1 x Telstra prepaid recharge 12mth expiry, 1 x Asus laptop, 1 x Microsoft office 12 month subscription for committee use</i>	<i>\$1,718.00</i>	<i>\$0.00</i>
<i>Moorine Rock Tennis Club</i>	<i>2 x new outdoor tables for use at the club</i>	<i>\$2,000.00</i>	<i>\$998.00</i>
<i>Yilgarn Mixed Basketball Association</i>	<i>Assorted basketball equipment: e.g.; balls, marking cones, coaching aids, vests, timers and whistles</i>	<i>\$1,658.30</i>	<i>\$0.00</i>
<i>Yilgarn Netball Association</i>	<i>2 x portable kids' netball rings</i>	<i>\$720.99</i>	<i>\$0.00</i>
<i>Southern Cross Motorcycle Club</i>	<i>A Britex BR-11 3in1 deep cleaning machine</i>	<i>\$1,500.00</i>	<i>\$150.00</i>

<i>Yilgarn Agricultural Society</i>	<i>1 x Square Register and USB cash drawer for use on gate at Show</i>	\$1,500.00	\$114.00
<i>Bullfinch Shooting Club</i>	<i>1 x concrete slab for new toilet block and 1 x concrete ramp for entry to shooting club</i>	\$2,000.00	\$170.74
<i>Yilgarn Cricket Association</i>	<i>3 x sets of junior cricket gear for loan to underprivileged junior members, and new stumps</i>	\$923.97	\$0.00

The total amount to be funded by the Shire of Yilgarn equates to \$12,021.26, which is within the \$16,000 included in the 2024/2025 budget.

Statutory Environment

Nil.

Strategic Implications

2020-2030 Strategic Community Plan

An Inclusive, Secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term - Maintain / increase percentage of residents engaged in recreation, cultural and leisure activities for all demographics in the Shire
- Provide support to local sport, recreation and community groups

Policy Implications

Council Policy Manual 2020 - 6.9 Community Funding Program.

Financial Implications

Council has included \$16,000 in the 2024/25 Budget. The total of eligible applications received totals \$12,021.26.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Community groups suffer due to lack of equipment or funding	Moderate (6)	Funding available to assist local clubs
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)

Recommendation

That Council approves the following grants from the Community Funding Program for the 2024/2025 financial year:-

<i>Applicant</i>	<i>Equipment / item</i>	<i>Amount</i>
<i>Yilgarn Community Support Group</i>	<i>1 x Telstra prepaid recharge 12mth expiry, 1 x Asus laptop, 1 x Microsoft office 12 month subscription for committee use</i>	<i>\$1,718.00</i>
<i>Moorine Rock Tennis Club</i>	<i>2 x new outdoor tables for use at the club</i>	<i>\$2,000.00</i>
<i>Yilgarn Mixed Basketball Association</i>	<i>Assorted basketball equipment: e.g.; balls, marking cones, coaching aids, vests, timers and whistles</i>	<i>\$1,658.30</i>
<i>Yilgarn Netball Association</i>	<i>2 x portable kids' netball rings</i>	<i>\$720.99</i>
<i>Southern Cross Motorcycle Club</i>	<i>A Britex BR-11 3in1 deep cleaning machine</i>	<i>\$1,500.00</i>
<i>Yilgarn Agricultural Society</i>	<i>1 x Square Register and USB cash drawer for use on gate at Show</i>	<i>\$1,500.00</i>
<i>Bullfinch Shooting Club</i>	<i>1 x concrete slab for new toilet block and 1 x concrete ramp for entry to shooting club</i>	<i>\$2,000.00</i>
<i>Yilgarn Cricket Association</i>	<i>3 x sets of junior cricket gear for loan to underprivileged junior members, and new stumps</i>	<i>\$923.97</i>

9.1 Reporting Officer – Chief Executive Officer

9.1.2 2024-2025 Christmas-New Year Closure

File Reference	2.4.1.10
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

To present to Council for approval, the closure of the Administration Office over the 2024/2025 Christmas and New Year holiday period.

Background

The Shire's administration office closes over the Christmas and New Year period, to allow staff to have time off with family and friends. This time of the year is normally quiet and the closure has little impact upon the community as it is now an accepted practice.

Comment

The recommended administration closure dates are as follows,

Monday	Tuesday	Wednesday	Thursday	Friday
9/12/2024 Open	10/12/2024 Open	11/12/2024 Open	12/12/2024 Open	13/12/2024 Open AM Closed PM Staff Function
16/12/2024 Open	17/12/2024 Open	18/12/2024 Open	19/12/2024 Open	20/12/2024 Open
23/12/2024 Open	24/12/2024 Closed	25/12/2024 Public Holiday	26/12/2024 Public Holiday	27/12/2024 Closed
30/12/2024 Closed	31/12/2024 Closed	1/01/2025 Public Holiday	2/01/2025 Open	3/01/2025 Open

The above closure dates will be posted at the Shire Office, advertised in “Crosswords” and placed on the Shire website, to ensure the community have sufficient notice.

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	Work fatigue of staff.	Low (3)	Closure period to allow good rest period and ability to refresh for 2024
Financial Impact	Nil	Nil	Nil
Service Interruption	Access to Shire administration Services will be reduced	Moderate (8)	Adequate public notice and accepted practice allows for community to ensure Shire administrative needs are addressed prior to closure
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)

Recommendation

That Council approves of the Shire Administration Office closing for the 2024/2025 Christmas and New Year break, as presented, subject to staff undertaking adequate advertising to inform the community of the closure.

9.1 Reporting Officer – Chief Executive Officer

9.1.3 Council Meeting Dates - 2025

File Reference	2.1.2.4
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

To present to Council for determination, the time and date of Ordinary Council meetings for 2025.

Background

Council is required to determine the time and date of Council meetings for 2023 to allow public notice to be provided in accordance with the *Local Government (Administration) Regulations 1996*.

Comment

Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates, time and place at which

–

- (a) The ordinary council meetings; and
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

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	
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with Regulations.	Moderate (6)	Once set, public notice to be undertaken to comply with Regulations.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Recommendation

That in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2025 calendar year: -

Monthly Ordinary Council meetings to commence at 5:00pm on the following dates: -

January 2024	No Meeting Scheduled	
Thursday, 20th	February 2025	Council Chambers Southern Cross
Thursday, 20th	March 2025	Council Chambers Southern Cross
Thursday, 17th	April 2025	Council Chambers Southern Cross
Thursday, 15th	May 2025	Council Chambers Southern Cross
Thursday, 19th	June 2025	Council Chambers Southern Cross
Thursday, 17th	July 2025	Council Chambers Southern Cross
Thursday, 21st	August 2025	Council Chambers Southern Cross
Thursday, 18th	September 2025	Mt. Hampton Hall
Thursday, 16th	October 2025	Council Chambers Southern Cross
Thursday, 20th	November 2025	Council Chambers Southern Cross
Thursday, 18th	December 2025	Council Chambers Southern Cross

Prior to the commencement of the Council Meeting, a Councillor Briefing Session will be conducted at 4.00pm.

9.1 Reporting Officer – Chief Executive Officer

9.1.4 Proposed Tree Farm – Various Lots in Southern Cross

File Reference	3.1.3.2
Author	Liz Bushby, Town Planning Innovations
Disclosure of Interest	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Voting Requirements	Simple Majority
Attachments	1. Nine Plantation Design Maps 2. WA Planning Commission Fact Sheet on Tree Farms

Purpose of Report

Council is to consider a planning application for a Tree Farm on various lots on eight properties referred to as Avalon Homestead South, Avalon North, Cairns Road, Garrat, Marafioti, Newbury, Perilya and South Garrat.

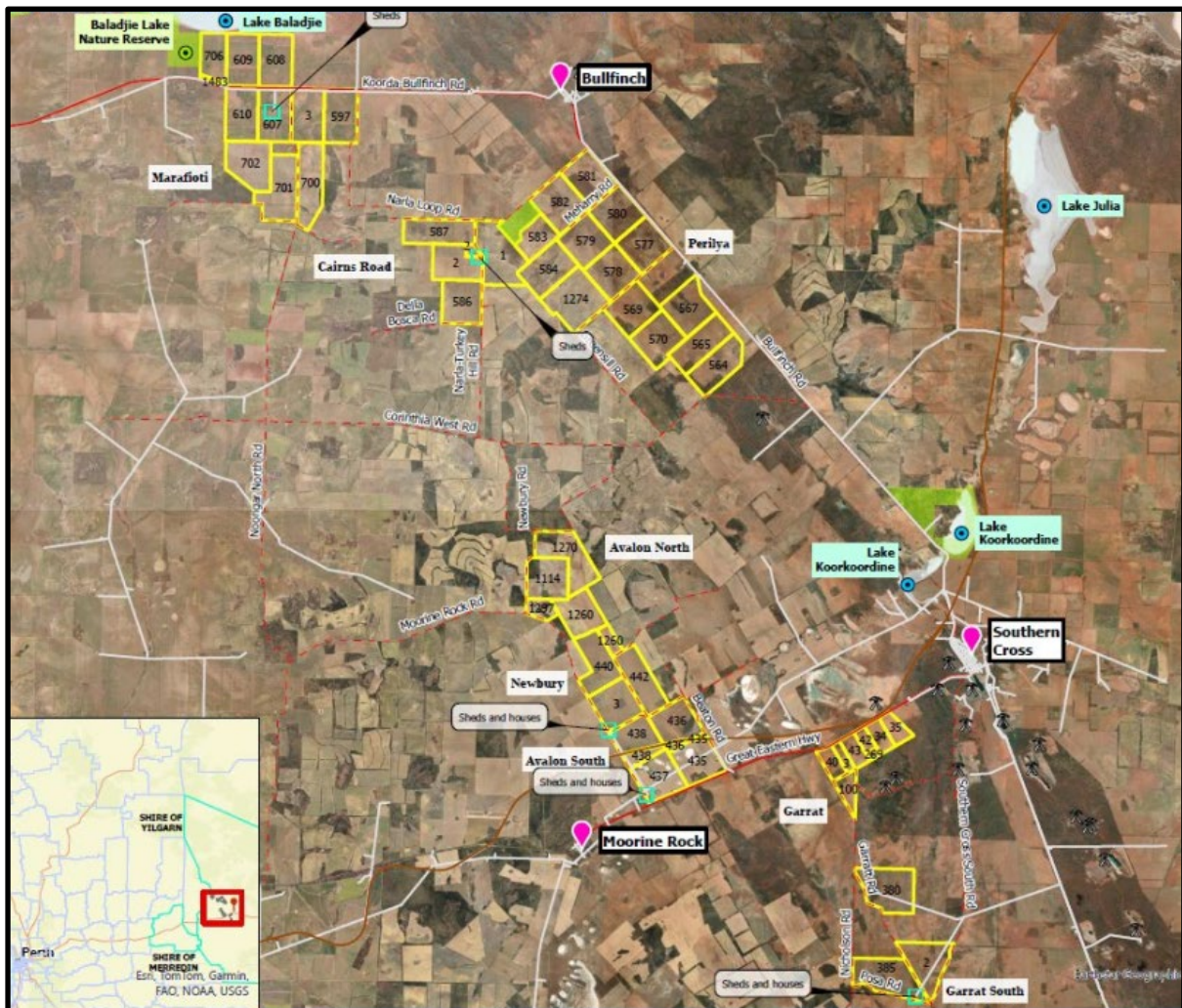
Background

A planning application has been lodged by Outback Carbon Pty Ltd seeking approval for a Tree Farm to the north west, west and south west of Southern Cross townsite. A total of 51 lots are included in the application, with a combined area of approximately 18,162 hectares.

Kent Broad from Outback Carbon attended the Council meeting held on the 19 September 2024 at Mt Hampton Hall and gave a presentation on the proposal.

A site context plan is included over page. It shows the location of the lots in the application, surrounding land uses, vegetated areas and towns. A3 copies of any maps in this item can be provided to Councillors on request.

The lots have historically been used for mixed cropping and grazing.



Above: Location/Context Plan

Comment

• Description of Application

The intention of the applicant is to establish a carbon farming project (tree farming) on all cleared agricultural land with trees in twin rows and 20-30m of interrow where agricultural activities are proposed to continue for the life of the project. The planted areas will be established in a design similar to a shelterbelt.

The applicant advises that the carbon permanence period will be 25 years and the tree and carbon crops will be complementary to the predominant traditional agricultural land uses in the area. The project area will be registered with the Clean Energy Regulator and will encompass the property cadastral boundaries.

It is projected that the trees will be retained for approximately 40 years before harvest and used for products such as furniture, building products, firewood and biofuels.

It is anticipated the establishment will incorporate up to four native hardwood species (likely *Eucalyptus salmonophloia*, *E. camaldulensis*, *E. wandoo* and *E. salubris*, (but still to be finalised) at approximately 200 stems per hectare.

The planting activities will take place between May and August each year depending upon rain events. Planting will be via machines or hand planting. Irrigation will not be required, and the trees will use rainfall and water in the soil for their survival.

Plantation Design maps have been prepared for each of the eight properties referred to as Avalon Homestead South, Avalon North, Cairns Road, Garrat, Marafioti, Newbury, Perilya and South Garrat. All plantation design maps are included as Attachment 1.

• Management Plan

A Management Plan has been lodged in support of the application and outlines:

- Property Information and Land details;
- Proposed planting areas and twin 20-30 metre rows;
- Developed Assets;
- Cultural heritage and surrounding context;
- Timber Code of Practice requirements and monitoring schedule for the first two years;
- Proposed works and establishment program;
- Species, compartment sizes and establishment over 2-3 years;
- A commitment to two project managers for the first 4 years and at least one project manager for the life of the project (25-40 years) along with seasonal workers; .
- Rotational grazing post establishment after 2-3 years for weed management;
- Preliminary information on harvesting and transport. Harvesting is expected after 40 years.

TPI has summarised the Timber Code of Practice requirements in Table 1 below.

Table 1	
Timber Code of Practice, Second Edition 2014	
Appendix 1 Protocols for Management Plans	TPI Comment
A Plantation Management Plan may include the following: - A plantation map - An establishment plan - A maintenance plan - A fire management plan	A Management Plan has been lodged as explained above. Project establishment is proposed to occur in 2025, 2026 and 2027. Draft Plantation Designs have been lodged with compartment sizes that comply with the Code (ie not exceeding 30 hectares). The applicant has advised that more detailed designs can be lodged to the Shire prior to establishment as they may be further refined. TPI recommends this be a condition of any approval.

	The Management Plan covers all eight properties, and therefore TPI recommends that conditions be imposed to require lodgement of detailed management plans for each property as they develop, especially as the roll out is anticipated over several years. Section 4 of the current Management Plan outlines monitoring for seed health, weeds and pests over two years until 2025. Longer term maintenance will be reviewed annually, with grazing to be introduced after 2-3 years to assist with weed management. TPI has dealt with a number of Tree Farm and Plantation applications over the years, and ongoing management has been more of a concern where there is an 'absentee landowner', no local manager presence and no clear inspection/monitoring schedule. In this case the Tree Farm will be regularly monitored as the applicant is committed to employing a manager for the life of the project. Fire Management is discussed separately in the body of this report.
Plantation Management Plan, 3.0 Plantation Establishment Plan	
3.3 Control of Vermin and declared weeds	At the initial establishment stage, the applicant proposes summer vermin control, and broadacre boom spray pest control based on knockdown and residual herbicide application. A machine will be used to scalp, shallow rip and roll the soil before and after rainfall season has started to enable water harvesting and tree planting. As explained, a manager is proposed to be employed for the life of the project so there can be regular monitoring and maintenance.

	The use of a locally based manager is supported by TPI as where there is no manager presence, monitoring for Tree Farms can rely on more irregular inspection schedules by contractors employed by absentee owners.
3.6 Direction of Planting Lines	States it will be north/south however applicant agreeable to lodging final plantation design maps prior to commencement of planting.
3.7 Description of soil preparation methods	States that will be two rows established by ripping and machines will be used prior to hand planting. The Management Plan includes photographs with examples of rip and shallow scalping of soil.
Plantation Management Plan, 4.0 Plantation 'Tending' (Maintenance) Plan	
4.1 Grazing Strategy	The plantation design includes rows 20 to 30 metres apart to allow for grazing to occur post establishment, after 2-3 years.
4.4 Weed Management	- Weed management is discussed for establishment using broad acre boom spray; - Weed monitoring for two years with monthly inspections between July to January is outlined; - Grazing is proposed to assist with weed management after 2-3 years once seedlings established. As discussed, commitment to use of a manager for the life of the development provides increased assurances that ongoing maintenance, weed and vermin control will occur regularly.

- **Zoning and Scheme requirements**

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

Clause 16 of the Scheme states that ***'The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the***

rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement. **Bold for emphasis.**

Although the term ‘agriculture’ may be perceived locally in the form of traditional broad acre farming activities such as cropping and grazing, at the higher State Planning level, Tree Farms are considered to be an agricultural land use.

This is outlined in the Western Australian Planning Commission (WAPC) State Planning Policy 2.5 on Rural Planning which defines ‘**agricultural land use/agricultural purposes**’ as ‘**a subset of rural land used specifically for agricultural purposes including** agriculture – extensive, agriculture – intensive, pastoral uses, **plantations and agro forestry**. May include industry – primary production. Does not include rural living.’ **Bold for emphasis.**

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones. Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

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

There is a specific definition for ‘Tree Farm’ which is defined in the Scheme as ‘*means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered*’.

Where a land use is defined in the Scheme, and is not listed in Table 1, it is processed as what is referred to as a ‘Use Not Listed’. A Tree farm is not listed in Table 1.

Under Clause 18 (4) Council has three options for dealing with a ‘Use Not Listed’ as follows:

Option 1 - Determine that the Tree Farm 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.

Option 1 is not recommended as it would set a precedent for future Tree Farms to be dealt with as being ‘permitted’ in the zone.

Option 2 - Determine that the proposed Tree Farm 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.

Option 2 is recommended to allow for consultation. To expedite the process the application has been advertised for public comment.

Option 3 - Determine that the Tree Farm use is not consistent with the objectives of the Rural/Mining zone and is therefore not permitted.

Option 3 is not recommended as the proposal will not impact on the zone.

- State Planning Policy 2.5 Rural Planning and the Wheatbelt Regional Strategy**

The intent of State Planning Policy 2.5 (SPP2.5) is *‘to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.’*

There is a ‘Section 5.6 – Tree Farming’ under the current State Planning Policy 2.5 (SPP2.5) produced by the WA Planning Commission as summarised in Table 2.

Table 2		
Item	Requirement	TPI Comment / Compliance
5.6	The WAPC policy in regard to tree farming is:	
(a)	tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;	Noted. At a state planning level Tree Farms are considered to be a form of agricultural land use.
(b)	tree farming should generally not occur on priority agricultural land;	There is a map of ‘priority agriculture land’ attached to a Western Australian Planning Commission Fact Sheet on Tree Farms, however it only covers Shires further south.
(c)	tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;	Noted. The applicant has lodged Bushfire Management Plans to support the application. Bushfire Attack Level (BAL) Assessments have also been lodged for lots containing any existing dwelling.
(d)	local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;	The Shire does not have a Local Planning Policy on Tree Farms. The WAPC Fact Sheet outlines the WAPC position that Local Planning Policies should not be used to limit the area of a lot that can be developed for Tree Farms.

(e)	in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;	Bushfire management, water availability, water quality protection, nutrient management and buffers are all relevant considerations.
(f)	where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and	This is not applicable as the proposed plantation area exceeds 10%.
(g)	the establishment of tree farms does not warrant the creation of new or smaller rural lots.	Statement only.

- **Bushfire Management**

The Department of Fire and Emergency Services (DFES) have Guidelines for Plantation Fire Protection.

The applicant has lodged Bushfire Management Plans (BMP's) for the different properties. The BMP's require some additional information such as the neighbour contact details to be added.

Table 3		
<u>Item</u>	<u>Guideline</u>	<u>TPI Comments based on DFES Guidelines for Plantation Protection</u>
2.1 External firebreaks and setback distances	50 metre minimum between any non habitable structure (shed) and plantation	Complies. Refers to 20 metre external firebreak unless otherwise required by the Shire.

	100 metre minimum between any habitable structure and plantation	The 50-100 metre buffer is referred to in the BMP text and as a notation on the on the relevant design maps.
2.2 Fuel Reduction	Fuel reduction is encouraged where possible taking into account factors such as remnant vegetation, management techniques, and natural features. The Guideline lists methods available for managing fire breaks.	Fuel reduction is proposed and outlined in detail in the separate Management Plan. Fuel reduction through grazing, chemical spray and / or mechanical plow are also discussed as ‘tasks for fire management’.
3a.	Landowner and / or occupier information, contact details and 24 hour fire contact number.	Kent Broad’s details are included and the applicant proposes to update the BMP once plantation fire officers(s) are employed. Conditions can be imposed to require updated final BMP’s.
3b.	Contact details of local fire control agencies	Provided in a table in each BMP.
3c.	A fire fighting equipment register and details of any co-operative arrangements.	Outlines that the engaged property officer and fire management officer will have a slip on firefighting unit with a 400L capacity on their 4 wheel drive cab utility. Fire extinguishers will also be fitted to each ute for any small spot fires. Installation of 150,000 litre water tanks are proposed for each property prior to the 2025 fire season. Final water tank locations will be ascertained once the lots are purchased.
3d.	Plantation species, area and layout including compartment size.	Provided on Draft Plantation design maps. Compartment sizes do not exceed 30 hectares as required under the Timber Code of Practice.
3e.	Fire protection measures such as: a) Fire detection and reporting mechanisms. b) Initial response and attack of fires c) Potential ignition sources. d) Access in and around the plantation.	The BMP’s generally outline the fire protection measures and it is beneficial that the applicant proposes to employ a plantation manager who will live locally and who can attend the properties in the event of any fire.

	e) Clearly signed access roads. f) Methods of firebreak maintenance. g) -Measures to protect services (eg powerlines). h) Water supplies and capacity i) Surrounding vegetation type, age since burnt and if the site is being effectively managed (if available) j) Sites fire history, where available. k) Harvesting procedures and other measures used to reduce hazards (eg slashing, thinning). l) Fuel reduction programme if applicable such as herbicide use or grazing.	
3f.	Surrounding local features including existing plantations, proximity to towns, remnant vegetation and significant values relevant to the site.	Complies and includes a context plan.
3g.	A plantation map to be held in suitable containers and clearly signposted at the main property entrances and other locations approved by the local government.	Location of cannisters shown on Draft Design maps.
3h.	Fire compartment maps will indicate: - Compartment boundaries and sizes - Water supplies including dams - Emergency access/egress (firebreaks) - Structures - Significant features such as remnant vegetation	Draft Design maps show firebreaks, water points, compartments, vegetation, any houses and sheds.
4.1 Compartment	- Compartments should be no more than 30 hectares	No compartments exceed 30 hectares.

size and layout	where possible or as prescribed by the local government. - Compartment boundaries should follow roads or natural features. - Fuel loads management techniques should be considered such as slashing between rows or grazing. - Topography, slope, access to water etc should be considered. - The layout should ensure that firebreaks are maintained sufficiently for emergency service access.	
4.2 Fire breaks and access	- Fire breaks to be as per the local government fire notice. - Vehicle access to be maintained in the planting layout. - Where possible tracks should be aligned to provide straight through access at junctions. - Access lanes must allow one line of traffic with passing areas where possible. Passing bays are recommended at 200m intervals (20m long by 6m wide) - The minimum trafficable surface must be 6 metres. - There must be horizontal and vertical clearance for vehicle access. 6m horizontal	Fire breaks and access are shown on the mapping lodged by the applicant.
4.3 Water Supplies	- A 50,000 litre minimum to be permanently available with suitable fittings - Water supply to be designed and constructed so that heavy duty water firefighting equipment is able to access the supply.	Complies. Installation of 150,000 litre water tanks are proposed for each property. A condition can be imposed any approval to require water tank locations to be signposted for each property.

	- Water supply to be shown on a plantation map and signposted in the field.	
5. Equipment and training	The Guidelines discuss that it must be possible for every plantation manager to attend a fire on their own plantation. The Guidelines discuss: - ensuring that any personal have adequate training - Machinery to be fitted with fire extinguishers. - Fire fighting equipment to be maintained in good working order. - Adhere to harvest bans	The applicant proposes to employ a plantation manager and has addressed these issues in the BMP's.

- **Advertising**

The application has been advertised for public comment. Public advertising closes on the 2 November 2024. Advertising to key stakeholders such as government agencies closes on the 14 November 2024.

To expedite processing, this report recommends that Council consider granting delegated authority to the Chief Executive Officer to determine the application (after advertising closes).

- **Submissions**

Three submissions from local landowners have been received. One objection has been received by the Shire of Westonia. Submissions on the current application are outlined in the table below.

Table 4 – Table of Submissions	
Issue Raised	Officer comments
Submission 1 : Private Landowner	
As a neighbour I do not oppose their right to farm trees on their land, or whatever they legally see fit to farm.	Non Objection noted.
My big concern is any concessions that may be sought in regards to rates or taxes, that then have to be carried by the rest of us. The demand for services will be just as great regardless of use of the land.	This is not a planning consideration. The applicant has advised that Outback Carbon will be paying the same council rates as the previous owners for the duration of the project.

I know it is not under shire jurisdiction but if they intend to claim carbon credits with any sort of government input or guarantee the rest of us will be left footing the bill when common sense prevails.	The applicant has also advised: - They will not look for any concessions with regards to rates or taxes, other than any of those that are lawfully available for any agricultural entity/activity. - They receive no government input or guarantee and plan to be involved with the local bushfire brigade as they have been in our other project areas in the WA wheatbelt. - Whoever leases their properties for grazing and/or opportunistic cropping will also have a responsibility for fire risk.
They rightly highlight bushfire risk in the proposal, while very glossy and ticking all the boxes the fact remains when the trees are all planted one person will be responsible for fire risk on 18,162 hectares.	The applicant has lodged Bushfire Management Plans and these have been assessed as per the applicable DFES Guidelines.
In summary if they want to plant trees fine, but please no concessions from the shire which will burden the rest of us.	This is not a planning consideration. The Shire CEO has advised that: - The Shire don't provide concessions on rates to any entity. As a UV Rural property, they will pay the same rate in the dollar value as all other UV Rural properties, however it will be up to the Valuer General to determine what their property is valued at as a result of these changes, if any. - The Shire has no control over the taxation or carbon credit system.
Submission 2: Private Landowner	
I would like it to be noted that if the land use is changed from farming to tree plantation it will have a significant negative impact on the local farming area and the greater community in the Yilgarn. I personally have leased farm land next to Granich tree farm on Nulla Nulla north and Granich road. The weed, vermin and fire risk associated with the un managed land puts extra burden on neighboring farms.	Noted. Like many land uses the issue of compatibility is often linked to how well a land use is managed. In this case the applicant has lodged a Management Plan addressing matters in the Timber of Practice such as weed management. TPI is aware of cases where Shires have experienced some management issues with Tree Farms where there is an absentee landowner and/or ongoing regular inspections are not built into the Management Plan. In this case the applicant is committed to employing a manager who is willing to be based at Southern Cross. TPI liaised with the applicant on the 5 November 2024 and they were already advertising for a manager for the Tree Farm.
	The applicant has responded to this issue by advising that 'they will be actively managing their properties for the full 40 years of the harvest cycle, very intensively in the first 2-3 years of project establishment and then as per

	normal property management in conjunction with the lessees who will be grazing and/or opportunistically cropping until harvesting at year 40. With 70-80% of the arable area remaining in traditional agriculture, the farms will be managed in the same intensity as they currently are. ‘
Their proposal to have 20-30m strips of pasture between the trees I feel is not very likely to succeed. To establish pasture in the Yilgarn is not easy and needs fertiliser and chemical applications which they are unlikely to do next to young tree seedlings. Even if they are to establish pastures once the trees are further advanced they will require more moisture leaving only noxious weeds in there interrow.	TPI is not an expert on this issue, however the success of the proposal to ‘plant trees’ in the local climate is a risk for the developer and not a matter for planning consideration. Just like any farmer, it is the applicant who takes the risk of whether their planting areas will be successful. The applicant has responded to this issue by advising as follows: ‘We are planning to establish the 20-30m inter-rows with our own mix of highly palatable annual and perennial species in year 3 of the project establishment. We are already using boom sprays with a ‘curtain shrouded’ boom that has little to no spray drift. We acknowledge that in below average rainfall years, the productivity of the inter -rows from the competition from the trees will be lower, which is what occurs now in low rainfall years i.e. farmers cannot run the same amount of livestock as in the above average rainfall years. We are not anticipating much competition from the trees until year ten and then potentially and opportunistically cropping with robotic machinery in the wetter years. There is also growing evidence that trees attract rainfall through the small water cycle. 20% of the land area will be shaded at year 25 and possibly 30% at year 40. There is significant published scientific and practical evidence in Western Australia that increasing vegetation on cleared farmland does not reduce productivity and in actual fact increases lambing percentages, livestock growth and increases soil moisture retention.’
The population of farmers in the Yilgarn has declined significantly in the last 10 years or so. This has had flow on affects to local business sporting clubs and volunteer organisations. If the land use of these farms is changed from traditional farming to tree plantations for carbon it will have a far greater impact than just the neighbouring farmers. With other very large parcels of land currently for sale in the Yilgarn, if this proposal is approved it sets a precedent allowing tree plantations for carbon to potentially cover a large	TPI understands that this may be a concern for the general public, however the Western Australian Planning Commission has published a Fact Sheet on Tree Farms that states that ‘<i>Tree farms are part of the ever changing agricultural sector. But they are not the underlying cause of the population or economic changes.</i>’ The Fact Sheet is supposed to be an explanation of State Planning Policy 2.5 on Rural Planning. The applicant has advised that they have two Carbon Project Managers in the NE wheatbelt of WA who live in the area and are active community members in the bushfire brigade and committee members of the local Agriculture show. They are advertising for similar

proportion of agriculture land within the Shire of Yilgarn.	positions in the Yilgarn and utilising local businesses throughout the project life. They advise they have currently used 45 rural businesses in the last 3 years where they have established projects and currently lease cropping land to two neighbours. Their overall strategy is to maintain as much agricultural activity as economically and socially possible on their properties and to maintain any housing that is still liveable for staff. Currently the two liveable residences on the properties are not occupied and have not been occupied for some time.
Submission 3: Private Landowner	
As a second-generation farmer of the Yilgarn area, I wish to forward my objection to the application for a tree farm on various lots. Ancestors of the Yilgarn spent hundreds of years to clear the land that you are opposing for the tree farm site, they would be turning in their graves after all the blood sweat and tears it took to clear this land.	Objection noted.
You have explained that two locally based project managers (or outside of the shire will need to be sourced – as the landowner / company be responsible for the employment, training and the added expense if a project manager needs to be source from outside the shire, has the landowner / company forecasted the population within the Yilgarn Shire over the next 25 -40 years to help with seasonal employment for grazing and cropping.	The applicant will need to undertake their own due diligence in employing future staff and / or contractors. This is the situation for any business and is not a planning consideration.
How can the landowner/company guarantee that the trees will survive, if planting cannot proceed during the months of May and August due to non-existent of rain fall and irrigation not required how will these trees survive.	TPI is not an expert on this issue, however the success of the proposal to ‘plant trees’ in the local climate is a risk for the developer and not a matter for planning consideration. Just like any farmer, it is the applicant who takes the risk of whether their planting areas will be successful.
Will project managers oversee the control of vermin and extra wildlife within the area or will the surrounding landowners be responsible for this.	The Tree Farm manager will be responsible as outlined in the Management Plan.

I understand that a bushfire management plan has been put in place, my concern is that once the trees are established and a fire takes off within the area, not only will the landowner of that area be affected how can they guarantee that surrounding landowners won't be affected by a fire where they could lose crops or livestock which is their only source form of income.	The Bushfire Management Plans follow the guidance outlined in the applicable Guidelines for Plantations Fire Protection and Timber Code of Practice.
Once the tree farms cropped and the landowner / company is wanting to sell the land, the new purchaser would have to spends thousands on clearing this land to be able to be able re sow their crops.	Whilst not a planning consideration, ultimately it is up to any prospective purchaser as to whether the cost of the purchase of any land and conversion to more traditional agriculture is acceptable. TPI is aware of cases where plantations in other Shires (eg Shire of Cranbrook) that have been converted back into traditional broad acre agriculture after a plantation has been harvested.
Submission 4 : Main Roads Western Australia (MRWA)	
Main Roads has no objection; however, we request the following conditions be included in any approval. 1. Suitable arrangements being made with Main Roads Western Australia for the installation or upgrading of the vehicular crossovers accessing Great Eastern Highway and Bullfinch Road to current Main Roads Standards. 2. Prior to Harvest, a Harvest Plan including transport to be submitted to the Main Roads WA and approved by Main Roads. The Harvest Plan will specify travel routes and expected impacts associated with any timber harvesting.	Non Objection noted. Conditions and footnotes relating to a harvest plan and crossovers can be included on any formal approval.
Submission 5 : Department of Planning, Lands and Heritage (DPLH)	
A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites	Noted.
Therefore, based on the current information held by DPLH, no approvals under the	The DPLH advice of 'no comment' is noted.

<i>Aboriginal Heritage Act 1972 (AHA)</i> are required in this instance, and I have no comment to make on the proposed development. Please note that limited Aboriginal heritage surveys have been completed over the subject land, as such it is unknown if there is Aboriginal cultural heritage present. Therefore, future works proponents need to be made aware of their obligations under the AHA.	
DPLH also advises that you regularly check the Aboriginal Cultural Heritage Inquiry System (ACHIS) should new Aboriginal Cultural Heritage be reported within your subject area.	Noted. This is advice only.
Submission 6 Shire of Westonia	
Thank you for your invitation to comment on the above mentioned proposal, which was discussed at a meeting of the Council held on the 31st of October 2024. The Council have resolved that even though the proposal is not within our Shire Boundary, the Carbon (Tree Farm) Project goes against our ‘<i>Local Planning Strategy</i>’ position that rural use of land should be protected to support agricultural activity and that the sacrifice of more than 14,500Ha of already cleared arable land for a carbon offset for a large Corporation, is not a complementary and an acceptable outcome for the district.	TPI can appreciate that different Shires have different positions when it comes to tree farms. As outlined in this report the planning assessment is largely guided by the WA Planning Commissions State Planning Policy 2.5 on Rural Planning and their Fact Sheet on Tree Farms. Other considerations such as ongoing management, and bushfire management are also considered.

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 Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local

planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

As the application is being processed as a 'Use Not Listed', it is classified as a 'complex application' under the Regulations. Public advertising must be for a minimum of 28 days.

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

Strategic Implications

Nil.

Policy Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Risk Implications

There are no known risks associated with the proposed development.

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

Risk Matrix						
Consequence		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)

Recommendation

That Council:

- A. *Determine that the proposed Tree farm use may be consistent with the objectives of the Rural/Mining zone and advertise under clause 64 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 before considering an application for development approval for the use of the land.*
- B. *Note the application has been advertised for public comment and that all public submissions received at the time of writing this report have been summarised in Table 4.*
- C. *Note the issues raised in Table 4, however note that matters are addressed in the application and /or can be addressed through conditions of any development approval.*
- D. *Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegate authority to the Chief Executive Officer to determine the application for a Tree Farm on various lots in Southern Cross that are generally known as Avalon Homestead South, Avalon North, Cairns Road, Garrat, Marafioti, Newbury, Perilya and South Garrat.*

9.1 Reporting Officer – Chief Executive Officer

9.1.5 Proposed Lunch Room –Lot 1 (No 209) Bodallin South Road, Bodallin

File Reference	3.1.3.2
Author	Liz Bushby, Town Planning Innovations
Disclosure of Interest	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Voting Requirements	Simple Majority
Attachments	1. Floor Plan and Elevations

Purpose of Report

Council is to consider a planning application for workers accommodation on Lot 1 (No 209) Bodallin South Road, Bodallin.

Background

- Location and Existing Development**

Lot 1 is located approximately 12 kilometres to the east of the local government boundary that the Shire of Yilgarn shares with the Shire of Westonia.

Lot 1 is to the immediate south of an existing CBH receival site in Bodallin. There are some older existing workers accommodation buildings on Lot 1, however there is not record of any approvals for the structures. The structures are proposed to be removed.



Above: Location plan showing Lot 1 in red outline

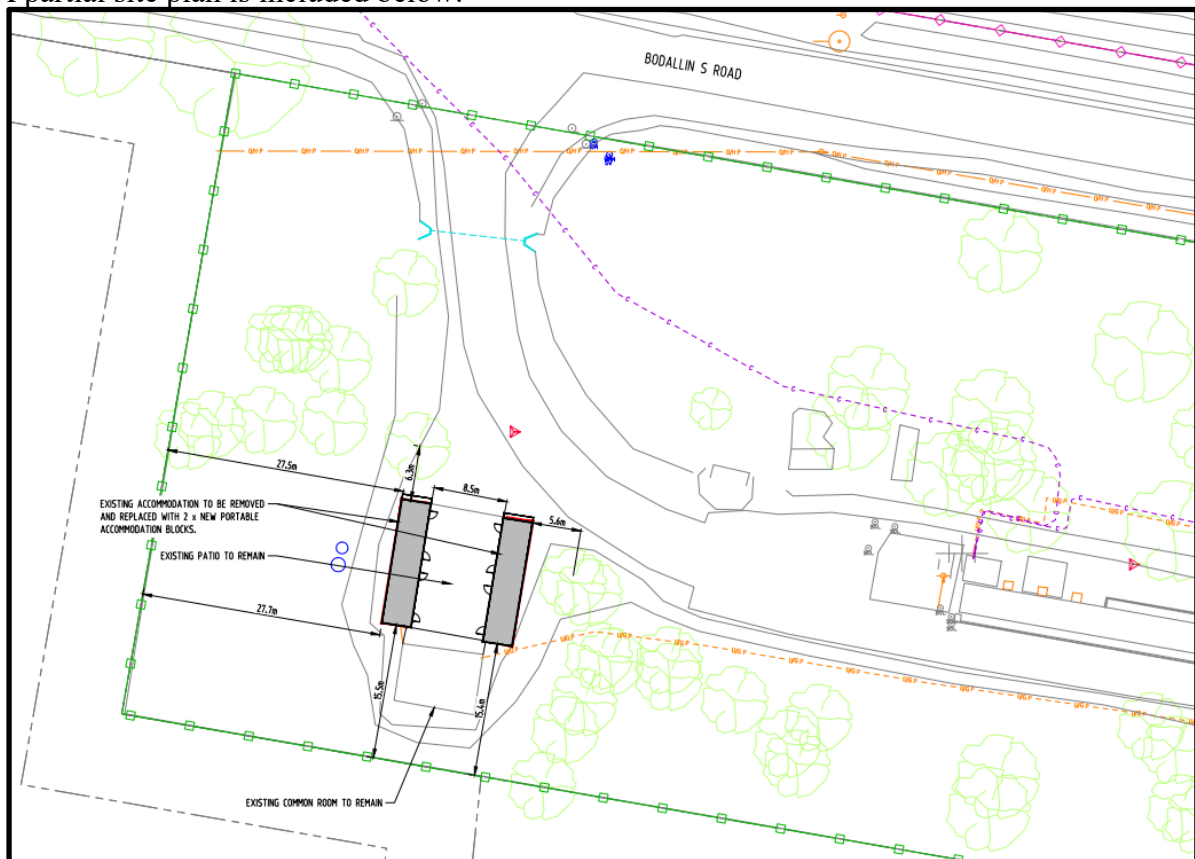
Comment

• Description of Application

Two transportable buildings are proposed to be constructed in the south west corner of Lot 1. Each building will measure 15 metres by 3.4 metres, with a total floor area of 51m².

Each building will incorporate 4 self-contained bedrooms, proposed for workers.

A partial site plan is included below:



A floor plan and elevations are included as Attachment 1.

The applicant has lodged a photograph included over page, which shows the 'as constructed' buildings.



- **Zoning and Land Use Permissibility**

Lot 1 is zoned ‘Rural/Mining’ under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Clause 16 of the Scheme states that *‘The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement’*.

Part of the planning assessment for any application involves determining which land use definition from the Scheme ‘best fits’ the proposal. The application proposes transportable buildings to be made available for workforce accommodation, associated with existing CBH activities.

The land use of ‘workforce accommodation’ is not defined in the Scheme, or listed in Table 1 under the Scheme.

Table 1 lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 1 outline the permissibility of land uses in different zones.

As ‘workforce accommodation’ is not listed in Table 1, it can be processed as what is referred to as a ‘Use Not Listed’.

Under Clause 18 (4) Council has three options for dealing with a 'Use Not Listed' as follows:

Option 1 - Determine that the workers accommodation 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.

Option 1 is not recommended as it would set a precedent for future workers accommodation to be dealt with as being 'permitted' in the zone.

Option 2 - Determine that the proposed workers accommodation 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.

Option 2 is recommended to allow for consultation. To expedite the process the application has been advertised for public comment.

Option 3 - Determine that the workers accommodation use is not consistent with the objectives of the Rural/Mining zone and is therefore not permitted.

Option 3 is not recommended as the proposal will not impact on the zone.

- **Consultation**

The application was advertised for public comment through a notice published on the Shire website, and a letter sent to the one adjacent affected landowner.

Advertising closed on the 7 November 2024, and no submissions have been received.

- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether the proposed development has any adverse impact in terms of normal planning considerations such as amenity, loading, access or traffic.

The proposed development is small scale, will be replacing existing development, is in an isolated area, and will simply provide accommodation for workers required to service the existing CBH receivable site in Bodallin.

Accordingly, it is recommended that the application be conditionally supported.

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

As the application is being processed as a ‘Use Not Listed’, it is classified as a ‘complex application’ under the Regulations. Public advertising was for a minimum of 28 days to comply with the Regulations.

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 this report.

Policy Implications

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

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Risk Implications

There are no known risks associated with the proposed development.

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

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

Recommendation

That Council:

- A. *Approve the application for workers accommodation on Lot 1 (No 209) Bodallin South Road, Bodallin subject to the following conditions and footnotes:*
- The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.*
 - All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.*
 - If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

Footnotes:

- This is a planning consent only. A separate building permit approval is required prior to commencing any site works or construction.*
- Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*

- (iii) *The applicant should liaise with the Shires Environmental Health Officer in regards to connecting the new accommodation into any existing or new on site effluent disposal system.*

9.1 Reporting Officer – Chief Executive Officer

9.1.6 Community Strategic Plan 2024-2034

File Reference	1.1.12.1
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Attachments	Strategic Community Plan 2024-2034

Purpose of Report

To present to Council for consideration the Draft 2024-2034 Community Strategic Plan for adoption.

Background

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

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

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

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

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

With the most recent plan implemented in 2020, the plan is due for a major review in 2024. The Shire engaged 150 Square to assist with community consultation and preparation of the draft Strategic Community Plan.

Comment

The Shire, through 150 Square consultants undertook an extensive public consultation process, with the following engagement activities:

Activity	Date	Venue	Participants
Community Workshop	12 th August 2024	Southern Cross Senior Citizen's Centre	17
Sporting and Community Groups Workshop	12 th August 2024	Southern Cross Senior Citizen's Centre	14
Resident and Ratepayer Survey	23 rd August 2024	Online	19
		Hard Copy	4
Sporting / Community Groups Survey	23 rd August 2024	Hard Copy	9
TOTAL ENGAGEMENTS			63

The draft plan is attached for Councillors reference and has been developed having regard to the Shire's current and future capacities, strategic performance indicators and the ways of measuring strategic performance by the application of those indicators as well as demographic trends.

Statutory Environment

Local Government Act 1995

5.56.Planning for the future

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

Local Government (Administration) Regulation 1996

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

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

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

**Absolute majority required.*

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

Strategic Implications

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

Policy Implications

Council Policy 5.4 – Community Engagement Policy

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

Financial Implications

Nil.

Risk Implications

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

Risk Matrix						
Consequence 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)

Recommendation

That Council:

1. *Notes the review of the Shire of Yilgarn Community Strategic Plan 2020-2030;*
- and*
2. *Adopts the Shire of Yilgarn Community Strategic Plan 2024-2034, as presented.*

9.1 Reporting Officer – Chief Executive Officer

9.1.7 Local Law Review - Proposed New Local Laws

File Reference	2.3.2.11
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren – Chief Executive Officer
Attachments	- Public Places, Local Government Property and Trading Local Law 2025 - Removal of Refuse, Rubbish and Disused Materials Local Law 2025 - Bush Fire Brigade Local Law 2025

Purpose of Report

For Council to note the review of the various Shire of Yilgarn Local Laws and for the Presiding Member to give notice to the meeting of the purpose and effect of proposed new local laws.

Background

In Western Australia Local Governments are created by, and are subject, to State law. Statutes are laws passed by the Parliament of Western Australia, a number of which are implemented by Local Governments. In addition, many Acts of State Parliament also contain provision for subsidiary legislation (Regulations or Local Laws) to be made. Subsidiary legislation, such as Regulations and Local laws are intended to deal with the administrative detail or implementing a particular provision of an Act, or in an area that is not contentious such as setting of fees and charges.

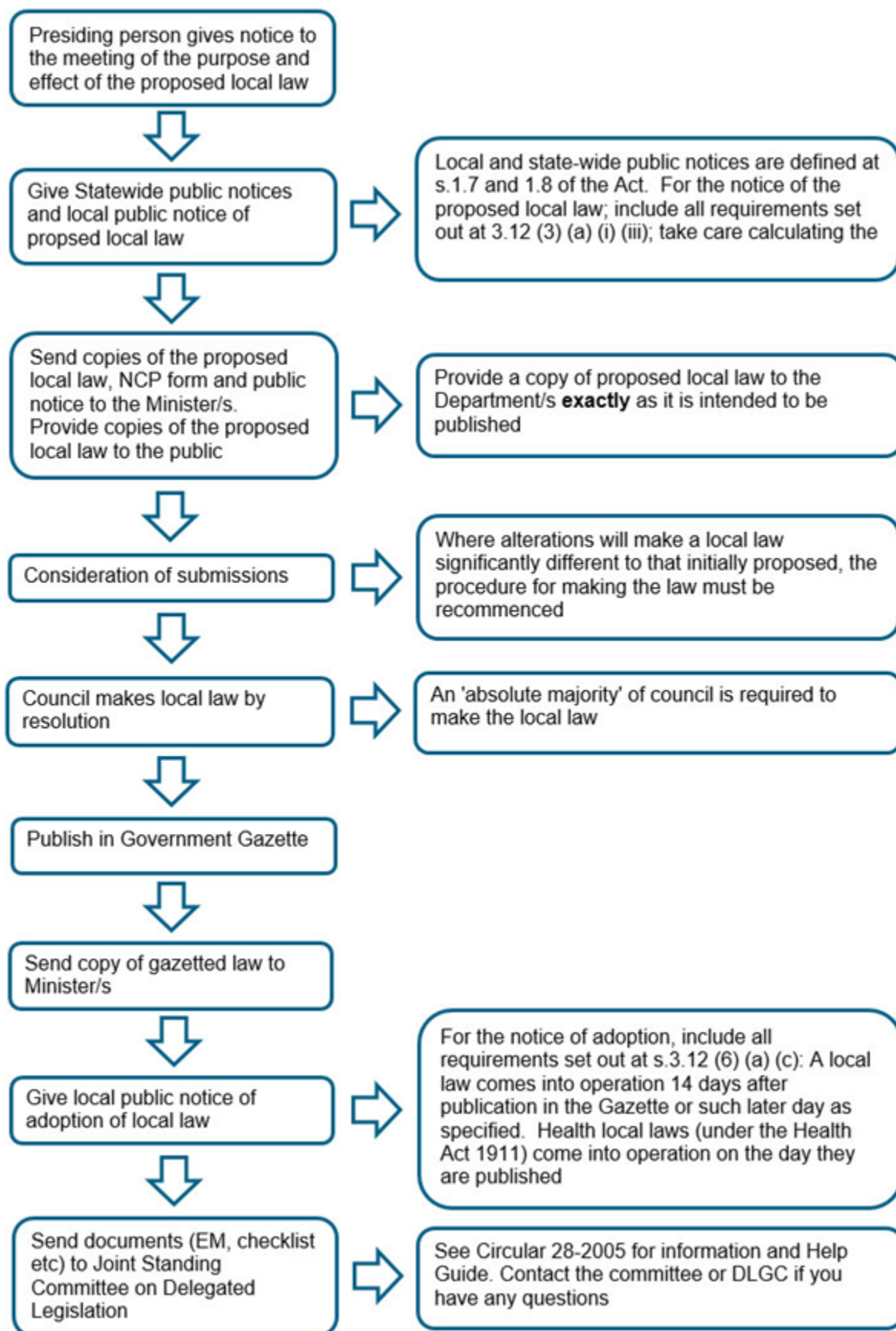
Local Laws (which were once known as ‘By Laws’) are made by Local Governments. Local Laws must not contravene any State or Federal Act or Regulation, and in the event of any inconsistency, the Act or Regulation will override the Local Law to the extent of the inconsistency.

Section 3.16 of the *Local Government Act 1995* (the Act) “Periodic review of local laws” details the need to review Local Laws, stating:

“Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section...”

Part 3, Division 2 of the Act details the procedures for reviewing and/or making a local law.

The process is detailed on the image over page, provided by the Western Australian Local Government Association (WALGA).



The Shire currently has the following local laws:

- Trading in Public Places 1992
- Health Local Laws 1997
- Dogs Local Law 2017
- Fencing Local Law 2017
- Local Government (Council Meeting) Local Law 2017
- Footnotes-Local Government (Council Meeting) Local Laws 2017
- Yilgarn Bush Fire Brigade Local Law 1943

The Shire's current local laws can be found in the document centre on the shire's website <https://www.yilgarn.wa.gov.au/documents/>

Comment

In reviewing the Shire's current Local Laws, the following has been proposed:

Trading in Public Places 1992 – **Repeal**

Health Local Laws 1997 – **No Change**

Dogs Local Law 2017 – **No Change**

Fencing Local Law 2017 – **No Change**

Local Government (Council Meeting) Local Law 2017 – **No Change**

Yilgarn Bush Fire Brigade Local Law 1943 - **Repeal**

The following new Local Laws are proposed:

- Public Places, Local Government Property and Trading Local Law 2025
- Removal of Refuse, Rubbish and Disused Materials Local Law 2025
- Bush Fire Brigade Local Law 2025

The proposed new local laws are attached for Councillors perusal.

In relation to timeline for adopting the local laws, the following is proposed:

Date	Action
21 November 2024	- Presiding Member provides notice to the Council Meeting of the purpose and effect of the proposed local laws; - Council note the review of the Shire of Yilgarn Local Laws; - Council endorse the repeal of existing and proposed new local laws.
28 November 2024	- Shire provides state wide public notice of proposed local laws, inviting submissions. - West Australian – 28/11/2024 - Website – 28/11/2024 - Facebook – 28/11/2024 - Notice Board – 28/11/2024 - Crosswords – 5/12/2024
28/11/2024	- Shire send copies of proposed local laws to relevant Ministers, as applicable.

23/01/2025	- Public submission period closes (more than the required 6 weeks)
20/02/2025	- Council considers submission and resolves to make relevant local laws by absolute majority
27/02/2025	- Publish adopted local laws in Government Gazette
Within 10 days	- Send copies of gazetted local laws to Ministers - Give State-wide public notice of the adoption of local laws - Send required documents to Joint Standing Committee on Delegated Legislation - Local Laws come into operation 14 days after publication in Government Gazette.

The “Notice of Proposal to Make a Local Law” will detail the following:

a) Public Places, Local Government Property and Trading Local Law (2025)

PURPOSE: To regulate the care, control and management of all property of the local government.

EFFECT: To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

b) Removal of Refuse, Rubbish and Disused Materials Local Law (2025)

PURPOSE: To make provisions about the removal of Refuse, Rubbish and Disused Materials.

EFFECT: To allow the local government to manage untidy and unsightly properties more efficiently.

c) Bush Fire Brigade Local Law 2025

PURPOSE: To make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

EFFECT: To align existing Local Laws with changes in the law and operational practice.

Statutory Environment

Local Government Act 1995
Division 2 — Legislative functions of local governments
Subdivision 1 — Local laws made under this Act

3.5. Legislative power of local governments

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
- (3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
- (4A) *Nothing in the Building Act 2011 prevents a local government from making local laws under this Act about building work, demolition work, a standard for the construction or demolition of buildings or incidental structures, or the use and maintenance of, and requirements in relation to, existing buildings or incidental structures, as those terms are defined in section 3 of that Act.*
- (4B) *Nothing in the Health (Miscellaneous Provisions) Act 1911 or the Public Health Act 2016 prevents a local government from making local laws under this Act about matters relating to public health (as defined in the Public Health Act 2016 section 4(1)).*
- (4) *Regulations may set out —*
 - (a) *matters about which, or purposes for which, local laws are not to be made; or*
 - (b) *kinds of local laws that are not to be made, and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.*
- (5) *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

3.6. Places outside district

- (1) *If the Governor's approval has been first obtained, a local government may make a local law under this Act that applies outside its district.*
- (2) *A local government cannot, under subsection (1), make a local law that applies to —*
 - (a) *a part of the State that is in the district of another local government; or*
 - (b) *a part of the State to which a local law made by another local government concerning the same subject matter applies under this section.*
- (3) *The Governor may revoke any approval given under subsection (1) and, after that revocation, a local law made under the approval ceases to apply to the part of the State for which the approval was given.*
- (4) *The Minister is to cause notice of any revocation under subsection (3) to be published in the Gazette.*

3.7. Inconsistency with written laws

A local law made under this Act is inoperative to the extent that it is inconsistent with this Act or any other written law.

3.8. Local laws may adopt codes etc.

- (1) *A local law made under this Act may adopt the text of —*
 - (a) *any model local law, or amendment to it, published under section 3.9; or*
 - (b) *a local law of any other local government; or*
 - (c) *any code, rules, specifications, or standard issued by Standards Australia or by such other body as is specified in the local law.*
- (2) *The text may be adopted —*
 - (a) *wholly or in part; or*

- (b) *as modified by the local law; or*
- (c) *as it exists at a particular date or, except if the text of a model local law is being adopted, as amended from time to time.*
- (3) *The adoption may be direct, by reference made in the local law, or indirect, by reference made in any text that is itself directly or indirectly adopted.*

3.9. Model local laws

- (1) *The Governor may cause to be prepared and published in the Gazette model local laws the provisions of which a local law made under this Act may adopt by reference, with or without modifications.*
- (2) *Model local laws have no effect except to the extent that they are adopted.*
- (3) *The Governor may, by notice published in the Gazette, amend a model local law published under this section.*
- (4) *An amendment of a model local law does not affect any local law that adopted the model local law before the amendment but the amendment may be adopted by a further local law.*

3.10. Creating offences and prescribing penalties

- (1) *A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.*
- (2) *If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.*
- (3) *The local law may provide for the imposition of a minimum penalty for the offence.*
- (4) *The level of the penalty may be related to —*
 - (a) *the circumstances or extent of the offence;*
 - (b) *whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.*
- [(5) deleted]*
- (6) *A local law made under this Act may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.*

Subdivision 2 — Local laws made under any Act

3.11. Subdivision applies to local laws made under any Act

This Subdivision applies to local laws made under this Act and the procedure for making them and, unless a contrary intention appears in that other Act, to local laws made under any other Act, and the procedure for making them.

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

[(3a) deleted]

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation);*

and

 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give local public notice stating that —*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

[(2a) deleted]

- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

3.17. Governor may amend or repeal local laws

- (1) *The Governor may make local laws to amend the text of, or repeal, a local law.*
- (2) *Subsection (1) does not include the power to amend a local law to include in it any provision that bears no reasonable relationship to the local law as in force before the amendment.*
- (3) *The Minister is to give a local government notice in writing of any local law that the Governor makes to amend the text of, or repeal, any of the local government's local laws.*
- (4) *Section 5.94 applies as if a local law made under this section by the Governor were a local law made by the local government in accordance with section 3.12.*
- (5) *The reference in the Interpretation Act 1984 section 42(8)(b) to local laws includes local laws made under this section by the Governor*

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Advertising costs for state-wide public notice. Provisions included in .

Risk Implication/s

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People annual budget.	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Non-compliance with LG Act requirements for Local Laws	Low (4)	Compliance with requirements will ensure Local Laws are adopted without concern.
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)

Recommendation

That Council:

1. *Notes the review undertaken of the Shire of Yilgarn Local Laws, as required under Section 3.16 of the Local Government Act;*
2. *Endorse the following Local Laws remaining unchanged:*
 - *Health Local Laws 1997*
 - *Dogs Local Law 2017*
 - *Fencing Local Law 2017*
 - *Local Government (Council Meeting) Local Law 2017*
3. *Endorse the following Local Laws being repealed:*
 - *Trading in Public Places 1992*
 - *Yilgarn Bush Fire Brigade Local Law 1943*
4. *Approves, in accordance with section 3.12 of the Local Government Act, 1995 the giving of state-wide public notice of the following proposed Local Laws (as shown below) in order to seek public comment:*
 - a) *Public Places, Local Government Property and Trading Local Law (2025)*

PURPOSE: *To regulate the care, control and management of all property of the local government.*

EFFECT: *To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.*
 - b) *Removal of Refuse, Rubbish and Disused Materials Local Law (2025)*

PURPOSE: *To make provisions about the removal of Refuse, Rubbish and Disused Materials.*

EFFECT: *To allow the local government to manage untidy and unsightly properties more efficiently.*
 - c) *Bush Fire Brigade Local Law 2025*

PURPOSE: *To make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.*

EFFECT: *To align existing Local Laws with changes in the law and operational practice.*
5. *Endorses the CEO sending copies of proposed Local Laws to all relevant Ministers.*

9.1 Reporting Officer – Chief Executive Officer

9.1.8 WEROC Housing Funding Application

File Reference	1.6.25
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Nic Warren – Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to consider the Shire of Yilgarn's inclusion in a joint funding application to the Department of Communities call for submissions from local governments to help increase the supply and diversity housing across Western Australia.

Background

At the Wheatbelt East Regional Organisation of Councils (WEROC) meeting held on the 11 September 2024, a discussion regarding housing needs, availability of funding and consultancy support was held.

The Minutes of the meeting noted the following:

Mr. Alex Mackenzie (Wheatbelt Development Commission) has indicated that he will travel out to the WEROC region in late September to discuss housing issues/solutions with each Shire. Mr. Mackenzie advised that they (WDC) have completed demand analysis, development capacity assessments of townsites and site prioritisation, and feasibility testing of housing options, including a cost-benefit analysis presented in a business case for 16 Shires. This has enabled these Shire's to present competitively for various funding streams and they now have costed plans of action to deliver >600 houses across some 20 towns to 2031. Mr. Mackenzie advised that while he can assist the WEROC Shires with the same type of approach, at some point the Shire's will have to commit funds (in the vicinity of \$8,000 - \$10,000) to do the work.

On 2 September 2024, the State Government announced that the eligibility for the \$50 million in grants available under a Call for Submissions process for registered community housing providers to help increase the supply and diversity of new and refurbished social housing projects in regional WA, has been expanded to include local governments. Funding is available for housing projects in the South West, Great Southern, Wheatbelt, Goldfields-Esperance, Mid-West, Gascoyne, Pilbara and the Kimberley Regions.

The new call for submissions seeks to identify ways in which local governments can work with the State (through the Department of Communities) to deliver social housing, affordable rental housing, Government Regional Officers housing, local government officer housing and key worker accommodation. Submissions will be considered for requests for support for capital grant funding, land leases and land contributions and the State Government is also open to exploring other innovative funding models and partnerships.

Submissions can be made to the Department of Communities until 2 September 2025.

The pre-requisites for a submission include:

Phase 1A: *Local Governments to consider potential housing needs and projects that may be relevant, identify suitable project sites, compile preliminary information, ideas or concepts for the potential project.*

Phase 1B: *It is mandatory that Local Governments contact the Department of Communities to arrange a meeting to present initial project ideas or concepts. From this meeting the local government with the Department may develop a clearer project definition, potentially with the assistance of consultants to define scale, form, yield, composition, financial structure and management.*

Submissions can only be lodged after the Department of Communities has agreed to the high-level project parameters. Further information is available on the Department's [website](#).

Given that there is now a potential pool of funding to support a housing solution, the Board might like to re-consider the WDC proposal for assistance.

Comments from the meeting:

- *Mr. Raymond Griffiths commented that six Councils submitted a joint application to round one of the Growing Regions program for a housing initiative. This included three of the six WEROC Shires. Mr. Griffiths asked if the three Shires not previously involved would like to now be included in a joint submission for the State funding.*
- *It was determined that the three Councils not previously involved will take this to their October Ordinary Council Meetings for a decision and report back at the WEROC meeting in November.*
- *The Executive Officer will contact Whitney Consulting to request a quote for the three additional WEROC Shires to be included in the original business case that was developed for the growing regions application and to formalise a proposal to put to State Government.*
- *It was agreed that the three non-WEROC Shires involved in the Growing Regions business case/application would be invited to be included in the submission.*

Comment

The Shire's work around building assets has indicated a need to update housing stocks, due to the aging nature of current housing and significant forecast maintenance costs related to aged buildings.

The State Governments call for submissions from Local Governments indicates a significant opportunity to utilise grant funding to upgrade Shire housing stocks.

As mentioned in the WEROC meeting notes, six Councils submitted a joint application under the Growing Regions program, which sought 70% grant funding for a variety of housing options across the Shires, however the group were unsuccessful.

The Growing Regions funding was a competitive funding stream that was open to incorporated not-for-profit organisations, First Nations Community Controlled Organisations and local

government agencies for “community-focused infrastructure projects throughout rural and regional areas of Australia”.

The call for submissions currently being sought by the State Government specifically calls for Local Government submissions relating to housing.

Mr McKenzie has advised that it is the WDC’s opinion that a demand analysis, development capacity assessments of townsites and site prioritisation, and feasibility testing of housing options, including a cost-benefit analysis presented in a business case is essential to securing funding through this stream, given it will likely be administered as a competitive funding stream.

To facilitate the application, as per the Growing Regions application, it is envisaged a consultant will be engaged to undertake.

As such, as per the WEROC meeting notes, Council need to determine:

1. Does the Shire of Yilgarn wish to be included in a joint application for housing with other WEROC and non-WEROC Shires.
2. Is the Shire willing to engage the Wheatbelt Development Commission to undertake a housing needs assessment and provision of a business case to support funding applications (Approximate cost \$8,000 - \$10,000).
3. Is the Shire willing to contribute to the consultancy costs for developing and submission of funding application? Current quote is \$21,999 for three additional Shires to be included, final cost depends on other Council’s inclusion.
4. Council to consider the requirement to provide a co-contribution to the funding application. Growing Regions applications sought a 70/30 Grant Funding/Shire contribution.

Statutory Environment

Nil

Strategic Implications

Strategic Community Plan – 2.3.1 - Continue to invest in housing to attract professionals to the region to attract and retain professionals and young people in the Shire.

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	Poor housing stock, difficult to attract and retain quality staff	Moderate (6)	Funding to assist with housing renewal program
Property	Aging housing stock,	Moderate (6)	Funding to assist with housing renewal program
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)

Recommendation

That Council, by Absolute Majority:

- 1. Endorse the Shire of Yilgarn's inclusion in a joint funding application to the Department of Communities call for submissions from local governments to help increase the supply and diversity housing across Western Australia. Noting the joint application would include WEROC and non-WEROC Shires;*
- 2. Endorse the CEO engaging the Wheatbelt Development Commission to undertake a housing needs assessment and provision of a business case to support funding applications for the Shire.*
- 3. Commit to co-funding a consultant to undertake the funding application development and submission process.*
- 4. Note the future requirement to provide a co-contribution to the funding application if successful.*
- 5. Note that initial consultancy costs will be covered by the allocation in the 2024/2005 annual budget for consultancy costs, or if required, will be presented as part of the budget review process.*

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.1 Financial Reports - October 2024

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 31 October 2024

- 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

That Council endorse the various Financial Reports as presented for the period ending 31 October 2024.

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.2 Accounts for Payment – October 2024

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Steven Chilcott – Finance Officer
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund – Cheques 41295 and 41297 to 41299 totalling \$1,076.90
- Municipal Fund - EFT 15755 to 15837 totalling \$1,162,888.09
- Municipal Fund – Cheques 2481 to 2499 totalling \$305,422.41
- Municipal Fund - Direct Debit Numbers:
 - 19230.1 to 19230.13 totalling \$26,900.87
 - 19254.1 to 19254.14 totalling \$29,440.86

The above are presented for endorsement as per the submitted list

Comment

Nil

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

Financial Implications

Drawdown of Bank funds

Risk Implications

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

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

Officer Recommendation

The following payments are presented for Councils endorsement as per the submitted list:

- *Municipal Fund – Cheques 41295 and 41297 to 41299 totalling \$1,076.90*
- *Municipal Fund - EFT 15755 to 15837 totalling \$1,162,888.09*
- *Municipal Fund – Cheques 2481 to 2499 totalling \$305,422.41*
- *Municipal Fund - Direct Debit Numbers:*
 - *19230.1 to 19230.13 totalling \$26,900.87*
 - *19254.1 to 19254.14 totalling \$29,440.86*

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 Bodallin Hall & Oval – Fulton Hogan Usage Agreement

File Reference	1.3.2.1 & 1.3.8.1
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Cameron Watson - Executive Manager Corporate Service
Attachments	Proposed Fulton Hogan Usage Agreement.

Purpose of Report

Council is asked to consider a request from Fulton Hogan Industries Pty Ltd for the use of part of the Bodallin Hall and the old Bodallin oval for a site office and camp facility and approve the signing of a usage agreement.

Background

Main Roads WA are currently in the process of upgrading the section of the Great Eastern Highway between Walgoolan and Southern Cross. These works are completed in sections with Fulton Hogan Industries Pty Ltd being awarded the reconstruction works for sections:

- Package 3 – SLK 302.20 to 306.65 (4.45 km)
- Package 6 – SLK 335.20 to 339.80 (4.6 km)
- Package 8A – SLK 340.86 to 343.27 (2.41 km)

Fulton Hogan Industries have requested the use of the Bodallin Hall for the purpose of a site office and for the use of the old Bodallin oval to allow for a small temporary, 30 man camp to be installed.

The last page of the proposed usage agreement has an image which shows the areas of Lot 41, Great Eastern Highway that Fulton Hogan Industries wish to utilise.

Comment

This is not the first time a Main Roads WA (MRWA) road construction contractor has utilised the Bodallin Hall facilities as a site office, this previous MRWA contractor did not utilise the oval for a temporary camp facility. However, this is the first time that a MRWA construction contractor has requested a formal written usage agreement.

In the past, the MRWA contractor stipulated the agreed usage conditions in their purchase order. They subsequently complied with those usage conditions. In this instance, the same usage conditions have been stipulated but Fulton Hogan Industries have requested that Council endorse a written agreement for the use of the hall facilities & oval.

It has been indicated that the road works and the associated hall and oval usage would be in the vicinity of 12 months, it is expected that this agreement will expire soon after the road works are complete and the hall and oval are rehabilitated to their previous condition.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions and General) Regulation 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the *transferee*) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*

- (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession or medical profession to be used for carrying on the person's dental practice or medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —
- (a) be made available for public inspection; and
 - (b) be published on the local government's official website.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

[Regulation 30 amended: Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812; SL 2020/213 r. 41; SL 2023/47 r. 6.]

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

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

Policy Implications

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

Financial Implications

If the recommendation below is endorsed, facility usage income will be increased by \$21,000 ex GST in the current financial year.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Remedial works to hall and oval not carried out by Fulton Hogan	Moderate (9)	Monitor situation towards end of works and ensure compliance
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Damages to hall and/or non-compliance by Fulton Hogan with make good requirements	Moderate (9)	Monitor situation towards end of works and ensure compliance
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council endorses the Bodallin Hall and Oval Usage Agreement as presented and authorises the Chief Executive Officer and Executive Manager Corporate Services to sign the said agreement.

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.1 Restricted Access Vehicle and Accredited Mass Management Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Restricted Access Vehicle and Accredited Mass Management Policy

Purpose of Report

For Council to consider endorsing the Restricted Access Vehicle and Accredited Mass Management Policy.

Background

Local governments are key partners in the shared responsibility of safe and efficient access within Western Australia and manage 88 percent of West Australian roads. As managers of this extensive road network, and as influential leaders in local communities, it is fundamental that Main Roads and local governments continue to build strong partnerships to ensure the best possible outcomes for all key stakeholders.

Restricted Access Vehicles (RAVs) play an important role in providing transport efficiency and thereby helping to maintain an efficient and competitive economy in Western Australia. Main Roads Heavy Vehicle Services (HVS) is responsible for administering road access for RAVs in Western Australia.

The Commissioner of Main Roads 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 HVS. As such, HVS is responsible for coordinating the necessary route assessments and approving RAV access where appropriate, for all roads open to and used by the public in Western Australia.

Concessional mass limits cause accelerated road wear when compared to the same vehicle combination at statutory mass limits being used for a given transport task. In addition, in some cases, roads may not be designed for concessional mass limits.

Comment

HVS is responsible for developing, administering and approving RAV access with appropriate conditions, taking into account matters including safety, structural and vehicular suitability and the orderly and efficient use of roads, while meeting the needs of the transport industry. This includes the development and maintenance of the RAV Networks and concessional loading schemes that are available to transport operators.

Concessional mass limits have the potential to cause extraordinary road wear, compared to equivalent transportation under statutory mass limits, particularly where the road has not been

designed for this type of loading. As such, it is considered appropriate to apply access conditions that will enable the road manager to monitor the RAV access on their road(s) and/or provide a mechanism for the road manager to enter into road maintenance discussions with relevant parties.

Alternatively, it may be appropriate for road managers to request access conditions be applied that restrict the concessional mass limit access to local operations only, such as applying a condition only limiting concessional mass limit access to specific commodity types or for local delivery and pickup.

The Shire's proposed "Restricted Access Vehicle and Accredited Mass Management Policy" seeks to outline the process for RAV route applications to the Shire of Yilgarn, and sets out what type of applications must be presented to Council for consideration.

The draft policy is attached.

Statutory Environment

The Road Traffic (Vehicles) Act 2012 provides authority for the Commissioner of Main Roads to approve road access to RAVs. This authority is delegated to Main Roads Heavy Vehicle Services (HVS).

The Road Traffic (Vehicles) Act 2012 does not provide authority for local governments or other road managers to approve or decline RAV access. If a road manager uses a RAV access condition to approve and decline RAV access for a transport operator, HVS may remove the condition from the road.

Road Traffic (Vehicles) Regulations 2014

Road Traffic (Vehicles) Act 2012 Road Traffic (Administration) Act 2008

Road Traffic (Administration) Regulations 2014

Road Traffic Code 2000 Land Administration Act 1997 (Sec 55)

Local Government Act 1995 Main Roads Act 1930

Strategic Implications

RAVs play an important role in providing transport efficiency and thereby helping to maintain an efficient and competitive economy in Western Australia. Main Roads Heavy Vehicle Services (HVS) is responsible for administering road access for RAVs in Western Australia.

A hierarchy of roads has been established to designate the role of all roads, funding allocations and to encourage uniform management of roads of the same type. This hierarchy is used as part of the decision-making process to determine the level of RAV access and what access conditions, if any, are appropriate

Policy Implications

Whether the proposed RAV access is at statutory mass limits or concessional mass limits, it is essential for Government agencies, at all levels, to provide fair and equitable RAV access. This means if RAV access is approved for one transport operator, it should be approved for all other transport operators under the same conditions.

Financial Implications

If a road manager considers it necessary, they will need to negotiate road maintenance contributions and/or road improvement contributions directly with the relevant parties.

Section 132 of the Road Traffic (Administration) Act 2008 provides for road managers to recover extraordinary expenses resulting from heavy traffic. These expenses can be recovered in two ways, as follows:

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.

If the damage has already occurred and the road manager has already incurred the extraordinary expenses, the road manager may recover the expense through the court; or,
If RAV access will result in extraordinary expenses being incurred by the road manager, the relevant parties may enter into a road maintenance agreement.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	RAV access will result in extraordinary expenses being incurred by the road manager	Moderate (9)	Road managers to recover extraordinary expenses resulting from heavy traffic or the road manager enters into a road maintenance agreement
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputational damage caused by regulatory action	Moderate (9)	Communicate any issues with the stakeholders
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That, by Simple Majority in accordance with the Road Traffic (Vehicles) Act 2012, Council endorses the Restricted Access Vehicle and Accredited Mass Management Policy, as presented.

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.2 Heavy Vehicle Road Improvement Contribution Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Heavy Vehicle Road Improvement Contribution Policy

Purpose of Report

For Council to consider and endorse the draft Heavy Vehicle Road Improvement Contribution Policy.

Background

The WA government has mandated requirements for Local Governments in WA to develop Asset Management Plans which accurately identify the whole of life costs of its assets and plan for their eventual replacement. This process has demonstrated the need to identify and attribute the cost of consumption of assets.

The Heavy Vehicle Road Improvement Contribution Policy provides a framework for contributions by Mines and Extractive Industries to help the Shire of Yilgarn recover the additional costs incurred from road use that will result from that land use.

The contributions consist of two components:

Construction and Rehabilitation.

Under the authority of State Planning Policy 3, the Shire of Yilgarn may charge for the cost of upgrading any road or roads to be used by any Mining and Extractive Industry to ensure it is fit for purpose. The Shire will also charge a rehabilitation cost calculated on the rate of consumption of that road asset.

Repairs and Maintenance:

Under the authority of the Road Traffic Act 2012, the Shire of Yilgarn will recover the cost of repairs and maintenance of any road or roads used by the Mining and Extractive Industry. The contribution will be based on a formula adopted by the Shire of Yilgarn using the,

- WALGA & ARRB 2015, User Guide – Estimating the Incremental Cost Impact on Sealed or Gravel Local Roads from Additional Freight Tasks, WALGA, Perth, Western Australia.
- ARRB Group 2015, Technical Basis for Estimating the Incremental Cost Impact on Sealed or Gravel Local Roads from Additional Freight Tasks, ARRB Group Project 009335 for WALGA, Perth, Western Australia

Comment

Typically, roads are designed to last for a period of up to 40 years or more, during which time it can be anticipated that they will be subjected to heavy haulage traffic over time. However, if an industry or mining operation (excluding traditional broad acre agriculture that our road network was designed for) proposes a transport task that increases the volume of heavy vehicles well above the quantity a road was designed and constructed to carry, then it is anticipated that the life of the road will be significantly reduced.

A road which becomes a haul route may require additional maintenance or fail prematurely, leaving the Shire with the cost to reconstruct the road earlier than initially planned and at the cost of the ratepayer. Given recent increases in additional road freight tasks within the Shire's, road network, and the Shire's ability to recover costs from damage associated with these types of works on a road asset beyond what it was reasonably designed for, it is unreasonable for the collective ratepayers to bear the additional cost of road repairs caused by an industry or mining operation undertaking the freight tasks.

The Shire's proposed "Heavy Vehicle Road Improvement Contribution Policy" seeks to outline the process for applying a Heavy Vehicle Road Improvement Contribution for extraordinary freight tasks within the Shire of Yilgarn

The draft policy is attached.

Statutory Environment

The development and implementation of a Heavy Vehicle Road Improvement Contribution Policy is based on the Road Traffic (Administration) Act 2008 as follows: Section 132 – Road authority may recover expenses of damage caused by heavy traffic. In particular; section 132(2) states,

"Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic".

And Section 132(4) states: *"A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section."*

Revised State Planning Policy 3.6 – Development Contributions for Infrastructure, developed under the authority of Planning and Development Act 2005, Section 26.

Local Government Act 1995 Part 6 – Financial Management, Div 5 – Financing Local Government Activities, Subdivision 2 – Fees and charges, 6.16 – Imposition of fees and charges.

Strategic Implications

The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.

Continued improvements to the rural road network by maximising external funding sources and delivering infrastructure projects to a high standard. Implementing an effective, proactive road maintenance program that is sensitive to industry seasonality.

Policy Implications

The primary purpose of this Policy is to maintain the serviceability of Shire roads that industry or Mining or Extractive Industries operations use, with the exclusion of traditional agricultural produce haulage tasks, to avoid impacts on key regional employment and business markets of the region

Whether the proposed RAV access is at statutory mass limits or concessional mass limits, it is essential for Government agencies, at all levels, to provide fair and equitable RAV access. This means if RAV access is approved for one transport operator, it should be approved for all other transport operators under the same conditions.

Financial Implications

This Policy proposes that Mining and Extractive Industries which undertake heavy haulage operations by engaging contractors, be charged a fair rate to offset the cost of the additional maintenance and reduction in the life, of any Shire roads. The Shire's, road network can be maintained to the same serviceable standard that the community expects. Any funds collected under this policy will be placed in the Heavy Vehicle Road Improvement Contribution Reserve.

Risk Implications

Risk Category	Description	Rating Consequence x Likelihood	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	RAV access will result in extraordinary expenses being incurred by the road manager	Moderate (9)	Road managers to recover extraordinary expenses resulting from heavy traffic or the road manager enters into a road maintenance agreement
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputational damage caused by regulatory action	Moderate (9)	Communicate any issues with the stakeholders
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council, by Simple Majority in accordance with the Road Traffic (Vehicles) Act 2012, endorses the Heavy Vehicle Road Improvement Contribution Policy, as presented.

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.3 Road Construction Policy

File Reference	2.3.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Road Construction Policy

Purpose of Report

For Council to consider endorsing the Road Construction Policy.

Background

Local Government is responsible for the care, control and management of the local road network within its jurisdiction. This comes with the responsibility of ensuring that all works in the road reserve and on Local Government controlled property are approved and comply with the requirements of relevant legislation and governing documents. Any person planning to undertake such works should first contact the Shire of Yilgarn to obtain information on the relevant conditions and approval procedures.

Usage trends of roads throughout the Shire are dynamic. Council recognises that some roads may require upgrading to a higher level of service if usage increases. In some circumstances, it may be considered necessary to alter the classification of a road due to a change in usage. It must be clearly understood, that the reclassification of roads must be based on the objective data in relation to the usage. The actual level of service required must be assessed separately to any desired level of service.

Comment

The proposed Road Construction Policy seeks to set out the requirements for third parties wanting to install, upgrade or otherwise affect a Shire of Yilgarn managed roads.

The policy is attached for Council's consideration.

Statutory Environment

The *Land Administration Act 1997* (LAA) is the State's principle, legislation dealing with administration of Crown land. The Minister for Lands is responsible for the LAA which is administered by the Department of Planning, Lands and Heritage (the Department)

Local Government Act 1995

Local Government (Uniform Local Provisions) Regulations 1996 (sections 5, 6 and 17)

Occupational Safety and Health Act, WA 2022

Environmental Protection (Noise) Regulations 1997

Relevant Local Law

Road Traffic (Vehicles) Act 2012

Telecommunications Act 1997, this Act provides certain exemptions to telecommunications carriers from State and Territory laws including the powers and functions of a local government body. Notwithstanding, it is in the best interest of all concerned that in the majority of cases telecommunications carriers and other utility providers that have exemptions abide with the requirements of Local Government so as to mutually manage and maintain safety in the road reserve for the benefit of all users.

Strategic Implications

Community Strategic Plan - 2.5.1 - Continue to maintain and upgrade our road network

Policy Implications

The resilience of Shire's transport network is vital. Adverse events can lead to transport network failure. It is important that efforts are made to increase the resilience of the critical infrastructure that underpins the network.

Financial Implications

Rapid investment growth in transport infrastructure is unsustainable from a financial, environmental and delivery perspective. Better coordination and planning, receptiveness to new technologies and policies, is required to help meet future challenges. This change will help underpin a transport network which is safe, efficient, resilient, accessible, and sustainable.

Risk Implications

Risk Category	Description	Rating Consequence x Likelihood	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Rapid investment growth in transport infrastructure is unsustainable from a financial	Moderate (9)	Better coordination and planning
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Reputational damage caused by regulatory action	Moderate (9)	Communicate any issues with the stakeholders
Property	Nil	Nil	Nil
Environment	Roads can have both positive and negative influences on people and the environment	Moderate (9)	Promote the avoidance or minimization of project area impacts on natural resources

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

Officer Recommendation

That Council, by Simple Majority in accordance with the Land Administration Act 2012 and the Local Government Act 1995, endorses the Shire of Yilgarn Road Construction Policy.

9.3 Reporting Officer – Executive Manager Infrastructure

9.3.4 Bitumen Tender 2024

File Reference	6.6.2
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Nil

Purpose of Report

For Council to consider tenders for supply of bitumen for 2024 road construction projects.

Background

Council Staff sought quotations from suitably qualified and experienced contractors to supply, spray bitumen, precoat and spread aggregate for seals and reseals on the following roads:

- Koolyanobbing Road (Reseal) from SLK 25.10 to 41.00
- Koolyanobbing Road (Reseal) from SLK 41.00 to 50.90
- Marvel Loch Forrestania Road (Construction Seal) SLK 2.90 to 4.20
- Marvel Loch Forrestania Road (Reseal) SLK 0.00 to 2.90

In accordance with Section 3.57 of the Local Government Act, staff called for quotations via WALGA Preferred Supplier Programme with submissions closing Tuesday the 12th of November 2024. Due to the estimated cost of procurement, a minimum of four quotes were sought in accordance with the Shire's Purchasing Policy.

Purchasing through the WALGA Preferred Supplier online purchasing portal, forms an exemption from the Public Tender process. All preferred suppliers on the WALGA website have gone through WALGA's tendering prequalification.

The request for tender was through WALGA Preferred Supplier Panel Roadbuilding Materials & Related Services. Four companies were asked for quotations,

- Bitutek
- Boral Services
- Fulton Hogan Industries
- Road Surfacing

Two quotations were received.

- Bitutek
- Boral Services

Comment

The quotations were as follows, with aggregate supplied by the Shire.

COMPANY	Bitumen Per Litre	Spreader Truck Per Day	Precoating Aggregate	Estimated Total
Boral Resources	\$1.71	\$2,360	\$18.83	\$425,217
Bitutek	\$1.50	\$1,900	\$12.25	\$364,825

Quotations have been assessed by staff against criteria of relevant skills and experience, demonstrated understanding and availability of key personnel and resources; and priced in the form of a schedule of rates.

It is hard to determine the exact square metre rate, as the Shire's involvement in the works needs to be included. The 2024-2025 budget does provide for Shire wages, overheads, plant operating costs and depreciation needed to complete the work.

Statutory Environment

Section 3.57 of the Local Government
Local Government Act 1995

Strategic Implications

Regular maintenance of sealed roads is crucial to ensure safety of motorists, maintain vital connectivity and prevent costly road reconstructions where it can be avoided by implementing regular asset renewal (reseals).

Policy Implications

Finance Policy 3.5 Purchasing and Tendering
Asset Management Policy

Financial Implications

Council annually budgets for the external supply of goods and services. Quotations or Tenders are sought to ensure Council gets value for money and meets its obligations under section 3.57 of the Local Government Act. The 2024-2025 budget makes provisions for sealing and resealing Koolyanobbing, Marvel Loch Forrestania Roads through funding from the Regional Roads Group, Roads to Recovery and Council.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Risk of costly pavement failures if not resealed.	LOW (2)	The 2024-2025 budget makes provision to complete the reseals.
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation

That, by Absolute Majority in accordance Local Government Act 1995 and Local Government (Functions and General 3,57) Regulations 1996, Council accepts the quotation from Bitutek for \$1.50 per litre for sprayed C170 bitumen, \$1,900 per day for spreader trucks and \$12.25 per tonne for precoating aggregate to provide part service for sealing work and resealing Marvel Loch Forrestania and Koolyanobbing Roads.

10 APPLICATIONS FOR LEAVE OF ABSENCE

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

CONFIDENTIAL

13 Reporting Officer – Chief Executive Officer

13.1 Premier's Australia Day Active Citizenship Awards 2024

File Reference	1.3.6.2
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren - Chief Executive Officer
Attachments	CONFIDENTIAL

Purpose of Report

To consider Premier's Australia Day Active Citizenship Award nominations.

Background

Nominations for the following categories in the Premier's Australia Day Active Citizenship Awards closed on Monday, 4 November 2024:

- a) Premier's Australia Day Active Citizenship Award
- b) Premier's Australia Day Active Citizenship Award for a person under 25 years
- c) Premier's Australia Day Active Citizenship Award for a community group or event

Comment

Copies of the confidential nominations will be provided to Councillors for their consideration and to choose a worthy recipient/s, which will allow staff to prepare the certificate/s prior to the presentation on Sunday, 26 January 2024.

Statutory Environment

Nil.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Risk Implications

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

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

Recommendation

That Council considers the nomination/s received for the Premier's Australia Day Awards and determines recipients for each award category.

14 CLOSURE