



# *Ordinary Meeting of Council*

## *Agenda*

*18 December 2025*

# Shire of Yilgarn NOTICE OF MEETING



Councillors:

Please be advised that the

## **December 2025 Ordinary Meeting of Council**

Will be held at the Council Chambers on  
Thursday, 18 December 2025

Commencing at **5pm**

**Council Meeting will be audio recorded as per Local Government  
Administration Regulations 1996.**

### **COUNCILLORS PLEASE NOTE:**

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 5pm*

**Nicholas Warren**  
**Chief Executive Officer**

15/11/2025

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## RECORDS MANAGEMENT

### Guidelines for Elected Members

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#### Introduction

Elected members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at council and committee meetings, and facilitate communication between the community and the Council.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

*"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."*

This policy applies regardless of a record's format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government's corporate memory in accordance with the local government's Recordkeeping Plan.

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#### 1 What is a record?

A **record** can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, text messages, and social media posts relevant to the business of the organisation. **Government records** are those records created or received by a government organisation, or by an employee or contractor in the course of their work for that organisation.

#### 2 Why do I need to keep records?

Records provide evidence of what an organisation has done, and why. Keeping records of business activity enables an organisation to account for its actions, meet legislative requirements, and make informed and consistent decisions.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.

- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.

### 3 Which records should be captured?

YES – forward to your local government administration
<b>Communications</b> , such as: <ul style="list-style-type: none"> <li>• complaints and compliments</li> <li>• correspondence concerning corporate matters</li> <li>• submissions, petitions and lobbying</li> <li>• information for Council's interest relating to local government business activity and functions</li> </ul>
<b>Lobbying</b> – correspondence or petitions, relating to lobbying matters
<b>Telephone, meetings and other verbal conversations</b> – regarding local government projects or business activities
<b>Social Media</b> – where the posts: <ul style="list-style-type: none"> <li>• create interest from the public or media</li> <li>• communicate decisions or commit the local government to an action</li> <li>• seek feedback</li> <li>• address issues of safety, and/or</li> <li>• relate to sensitive or contentious issues</li> </ul>
<b>Work diaries / Appointment books</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government
<b>Allowances, benefits and gifts records</b>
<b>Addresses / Speeches / Presentations</b> – delivered as part of an elected member's official duties

<b>NO</b> – do not need to be forwarded to your local government
<b>Duplicate copies</b> – of Council meeting agenda, minutes and papers
<b>Draft documents or working papers</b> – which are already captured at the local government
<b>Publications</b> – such as newsletters, circulars and journals
<b>Invitations</b> – to community events where an elected member is <b>not</b> representing Council or the local government
<b>Telephone, meetings and other verbal conversations</b> which: <ul style="list-style-type: none"> <li>• convey routine information only; <b>or</b></li> <li>• do not relate to local government business or functions</li> </ul>
<b>Electioneering</b> – or party-political information
<b>Personal records</b> – not related to an elected member's official duties

#### 4 Confidential Documents / Records

Records held within an information management system (IMS) or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the CEO to treat the information as confidential and restrict access to those records.

#### 5 What do I do with records once they are created?

Records of business activity should be entered into Councils official recordkeeping system by forwarding them to Councils Administrative Services Officer (ASO) for processing, confidential records should be forwarded to the CEO.

By doing this, records relating to particular work matters are kept together and are available for all relevant staff to refer to.

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3. ATTENDANCE**

Members	Cr B Close Cr B Bradford Cr G Guerini Cr L Granich Cr L Rose Cr D Newbury	
Council Officers	N Warren C Watson	Chief Executive Officer Executive Manager Corporate Services
	K Chrisp T Prue T Beaton	Asset and Projects Manager Finance Manager Executive Assistant
Apologies:	G Brigg	Executive Manager Infrastructure
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 Minutes, Thursday, 20<sup>th</sup> November 2025 - (Minutes Attached)

Recommendation

*That the minutes from the Ordinary Council Meeting held on the 20<sup>th</sup> November 2025 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

- 6.2 WEROC Inc. Annual General Meeting, Thursday, 27<sup>th</sup> November 2025 - (Minutes Attached)

Recommendation

*That the minutes from the WEROC Inc. Annual General Meeting held on the 27<sup>th</sup> November 2025 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

- 6.3 WEROC Inc. Board Meeting Minutes Meeting, Thursday, 27<sup>th</sup> November 2025 - (Minutes Attached)

Recommendation

*That the minutes from the WEROC Inc. Board Meeting held on the 27<sup>th</sup> November 2025 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

- 6.3 CEACA Committee Meeting, Monday, 1<sup>st</sup> December 2025 - (Minutes Attached)

Recommendation

*That the minutes from the CEACA Committee Meeting held on the 21<sup>st</sup> October 2025 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Carbon Neutral representative Nevin Wittber (CEO) will attend Council and provide a presentation.

## 8. DELEGATES' REPORTS

### Cr Close

- GECZ Meeting (Kellerberrin) - 13<sup>th</sup> November 2025
- Annual Electors Meeting - 20<sup>th</sup> November 2025
- WEROC (Cunderdin) - 27<sup>th</sup> November 2025
- Yilgarn Community Christmas Tree - 28<sup>th</sup> November 2025
- CEO Selection Panel - 8<sup>th</sup> December 2025
- St Joseph's Primar School Awards Night and Concert - 11<sup>th</sup> December 2025
- Yilgarn Shire Christmas Party - 12<sup>th</sup> December 2025

### Cr Newbury

- Meeting with CEO (Nic Warren) regarding Rural Health Data - 26<sup>th</sup> November 2025
- Social Media Presentation via Zoom in Council Chambers - 28<sup>th</sup> November 2025
- CEO Selection Panel - 8<sup>th</sup> December 2025
- Yilgarn Community Support Group Meeting - 10<sup>th</sup> December 2025
- Yilgarn Shire Christmas Party - 12<sup>th</sup> December 2025
- Museum Christmas Party - 13<sup>th</sup> December 2025
- December Council Meeting - 18<sup>th</sup> December 2025

### Cr Granich

- Annual Electors Meeting - 20<sup>th</sup> November 2025
- Yilgarn Community Christmas Tree - 28<sup>th</sup> November 2025
- CEO Selection Panel (via zoom) - 8<sup>th</sup> December 2025
- Yilgarn Community Support Group Meeting - 10<sup>th</sup> December 2025
- St Joseph's Primary School Awards Night and Concert - 11<sup>th</sup> December 2025
- Yilgarn Shire Christmas Party - 12<sup>th</sup> December 2025
- Museum Christmas Party - 13<sup>th</sup> December 2025
- Moorine Rock Primary School Christmas Concert - 13<sup>th</sup> December 2025

## 9.1 Officers Report - Chief Executive Officer

### 9.1.1 Council Decision Status Report 2025

<b>File Reference</b>	<b>2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>Council Decision Status Report 2025</b>

#### Purpose of Report

Council to note the Council Decision Status Report 2025.

#### Background

A Council Decision Status Report details the decisions of Council and provides a status as to whether the decisions have been completed or if they are still pending, an update as to their progress or reasoning as to why there is delays.

#### Comment

The Council Decision Status Report does not include decisions that do not require staff and/or Council actions, including:

- Confirmation of minutes
- Financial Reports
- Accounts for Payment
- Applications for Leave of Absence
- Decisions to close meetings to the public and to reopen meetings to the public

Confidential decisions or certain details may also be excluded to maintain confidentiality.

#### 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	<i>Nil</i>	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 note the Council Decision Status Report 2025.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.2 Endorsement of Selection Criteria and Position Description for Recruitment of Chief Executive Officer

<b>File Reference</b>	<b>1.1.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>CONFIDENTIAL - CEO Selection Criteria and Position Description - Provided Separately by CEO</b>

#### Purpose of Report

For Council to endorse the selection criteria and position description for recruitment of a Chief Executive Officer.

#### Background

The *Local Government (Administration) Regulations 1996* (the Regulations) requires Local Governments to adopt Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination (the Standards) with the Shire of Yilgarn adopting the model Standards prescribed in the Regulations on 18 March 2021.

The Standards detail the requirements for recruitment of a Chief Executive Officer (CEO), specifically:

1. *The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.*
2. *The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —*
  - a. *the duties and responsibilities of the position; and*
  - b. *the selection criteria for the position determined in accordance with subclause 1.*

#### Comment

At the November 2025 Ordinary Council meeting, Council endorsed the following:

**158/2025**

**Moved Cr Rose/Seconded Cr Granich**

**That Council:**

1. ***Formally accept the resignation of Chief Executive Officer Nic Warren.***

2. *In accordance with Clause 8 of the Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination appoints the following Councillors to the CEO Selection Panel for the Recruitment of the new Chief Executive Officer position:-*

*Cr Close, Cr Guerini, Cr Bradford, Cr Rose, Cr Newbury and Cr Granich*

*AND*

*Mr Wayne Della Bosca, former Shire of Yilgarn President and Councillor, be appointed as the Independent Person on the Selection Panel.*

3. *Council endorse 150Square to be engaged to assist with the CEO recruitment process.*

**CARRIED (6/0)**

*Cr's For: Close, Guerini, Bradford, Guerini, Rose, Newbury, Granich*

*Cr's Against: Nil*

The selection panel convened on 8 December 2025 with Consultant Darren Mollenoyux from 150Square to consider the Selection Criteria and Position Description for recruitment of the next CEO.

In accordance with Section 5.40 of the *Local Government Act 1995*, the recruitment and selection of a Chief Executive Officer must be conducted in a manner that upholds the principles of merit, equity and transparency. The process must be free from prejudice, bias or patronage and must not involve any form of unlawful discrimination. These principles are essential to ensuring a fair, accountable and legally compliant recruitment process.

The draft selection criteria and position description have been developed in collaboration with the CEO Recruitment and Selection Panel and 150Square. They reflect the local government's assessment of the knowledge, experience, qualifications and skills required to effectively fulfil the responsibilities of the CEO role and ensures compliance with relevant legislative and procedural requirements.

A confidential copy of the Position Description and Selection Criteria has been provided to Councillors.

## **Statutory Environment**

### ***Local Government Act 1995***

#### ***5.36. Local government employees***

- (1) *A local government is to employ —*
- (a) *a person to be the CEO of the local government; and*
  - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

- (2) *A person is not to be employed in the position of CEO unless the council —*
  - (a) *believes that the person is suitably qualified for the position; and*
  - (b) *is satisfied\* with the provisions of the proposed employment contract.*

*\* Absolute majority required.*
- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
  - (a) *believes that the person is suitably qualified for the position; and*
  - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

#### **5.40. Principles affecting employment by local governments**

*The following principles apply to a local government in respect of its employees*

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *employees are to be treated fairly and consistently; and*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Work Health and Safety Act 2020; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

#### **Local Government (Administration) Regulations 1996**

##### **Part 4 — Local government employees**

- 18A. *Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))*
- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —*
  - (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
  - (b) *a person who will be acting in the position for a term not exceeding one year.*

- (2) *The Statewide public notice must contain —*
- (a) *the details of the remuneration and benefits offered; and*
  - (b) *details of the place where applications for the position are to be submitted; and*
  - (c) *the date and time for the closing of applications for the position; and*
  - (d) *the duration of the proposed contract; and*
  - (da) *a website address where the job description form for the position can be accessed; and*
  - (e) *contact details for a person who can provide further information about the position;*
- and*
- (f) *any other information that the local government considers is relevant.*

*For the purposes of section 5.39 (3) (c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of—*

- (a) *The value of one year's remuneration under the contract; or*
- (b) *The value of the remuneration that the person would have been entitled to, had the contract not been terminated.*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2024 – 2034

Pillar 4 - Accountable and strong leadership guiding our community into the future.

### Policy Implications

Shire of Yilgarn Standards for Chief Executive Officer Recruitment and Selection,  
Performance Review and Termination

### Section 5. Determination of selection criteria and approval of job description form

1. The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
2. The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - a. the duties and responsibilities of the position; and
  - b. the selection criteria for the position determined in accordance with subclause 1.

### Financial Implications

A competitive package will be negotiated in accordance with Band 3 of the 2025 Local Government Chief Executive Officers and Elected Members Determination by the Salaries and Allowances Tribunal.

The current budget provides for the CEO salary.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure consistency of employment for benefit of Council, employees, and the community	Moderate (6)	Appointment within appropriate timeframes
<b>Financial Impact</b>	Costs associated with Recruitment process	Moderate (8)	2025/2026 budget can accommodate
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Section 5.39A of the <i>Local Government Act</i>	Moderate (6)	Adoption of Standards for CEO Recruitment and Selection, Performance Review and Termination
<b>Reputational</b>	Shire to maintain a high level of corporate governance, responsibility, and accountability	Moderate (9)	Engagement of HR Consultant to ensure impartial and professional process of recruitment
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council by absolute majority endorses the CEO selection criteria and position description, as prepared by 150Square in conjunction with the CEO Recruitment and Selection Panel.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.3 Acting Chief Executive Officer Appointment

<b>File Reference</b>	<b>1.1.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to endorse an Acting Chief Executive Officer to commence upon the departure of the incumbent.

#### Background

The Shire's Chief Executive Officer Mr Nic Warren has tendered his resignation, with his employment at the Shire of Yilgarn concluding on 30 January 2026.

Whilst the recruitment process for a new Chief Executive Officer has commenced, in following due process under the *Local Government Act 1995* (the Act), there will be a period of time from 2 February 2026 where interim measures will be required.

#### Comment

Mr Cameron Watson is the Shire's current Executive Manager Corporate Services, a "Senior Employee" position extended the authority to "Act" in the Chief Executive Officer role as per Council Policy 5.10: Acting Chief Executive Officer Appointment and Senior Employees.

As per Clause 5.39 of the Act, a person can "act" in the position of Chief Executive Officer for less than 12 months without a written contract.

Mr Watson already has a contract with the Shire of Yilgarn for his role as Executive Manager Corporate Services, which contains similar benefits to the CEO contract including housing, private vehicle use, utilities and superannuation.

It is therefore proposed that Mr Watson be engaged as Acting Chief Executive Officer from 2 February 2026 for a maximum period of six (6) weeks or until a permanent Chief Executive Officer commences, whichever comes first. The engagement will not require a contract however Council are asked to endorse Mr Watson retaining all current provisions of his current employment contract with the Shire for his Executive Manager Corporate Services role, however Mr Watson will be paid the same salary as the incumbent CEO whilst engaged as Acting CEO.

After 6 weeks, Council should have a better understanding as to whether a permanent CEO has been appointed and their proposed commencement date, allowing for further Acting CEO

measures to be determined and endorsed at the February 2026 Ordinary Council meeting, if required.

## Statutory Environment

### ***Local Government Act 1995***

#### ***5.39. Contracts for CEO and senior employees***

*(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

*(1a) Despite subsection (1) —*

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which the employee is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

## Strategic Implications

Nil.

## Policy Implications

### **Council Policy 5.10: Acting Chief Executive Officer Appointment and Senior Employees**

Senior Employees and Acting Chief Executive Officer Appointments pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees:

- Executive Manager Corporate Services
- Executive Manager Infrastructure

For the purposes of Section 5.36(2) and 5.39C of the Act, Council has determined that the employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:

- The CEO is not an interim CEO or Acting in the position;
- The term of appointment is no longer than 25 working days consecutive; and
- That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency to appoint an Acting CEO, the Executive Manager Corporate Services is automatically appointed as Acting CEO, on that Officer's salary, for up to 10 working days from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council for consideration.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	To ensure consistency of employment for benefit of Council, employees and the community	Moderate (6)	Appointment within appropriate timeframes
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Section 5.39 of the <i>Local Government Act</i>	Moderate (6)	Engagement as ACEO less than 12 months, does not require a contract
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council by absolute majority endorse Mr Cameron Watson as Acting Chief Executive Officer for the Shire of Yilgarn commencing 2 February 2026 for a maximum period of six (6) weeks or until the appointment and commencement of a permanent Chief Executive Officer, whichever comes first.*

*And*

*That Council agree to retain all current non-salary provisions in Mr Watsons Executive Manager Corporate Services contract, with Mr Watson to receive the current Chief Executive Officers salary whilst engaged as Acting Chief Executive Officer.*

*And*

*Council note, as per Section 5.39(1a)(a) a contract is not required for this engagement of Acting Chief Executive Officer.*

*And*

*Council note, further provisions for Acting Chief Executive Officer will be determined at the February 2026 Ordinary Council meeting, if required.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.4 Proposed Ancillary Office/Storeroom/Ablutions - Lot 41 (No 22) Spica Street, Southern Cross

<b>File Reference</b>	<b>3.1.3.1</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Disclosure of Interest</b>	<b>Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i></b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>1. Plans</b>

#### Purpose of Report

Council is to consider a planning application for a transportable building proposed to be used as offices, storage and ablutions on Lot 41 (No 22) Spica Street, Southern Cross.

#### Background

- Location and Existing Development**

Lot 41 has an area of approximately 1012m<sup>2</sup> and is located on the corner of Spica Street and Achernar Street in Southern Cross. A location plan is included below.



The Shire has advised of the following existing approvals:

- 19 May 1987 boarding house;
- 10 August 1988 addition to existing kitchen;
- 30 January 1992 new ablution block.

The Shire has advised that all development relies on available street parking.

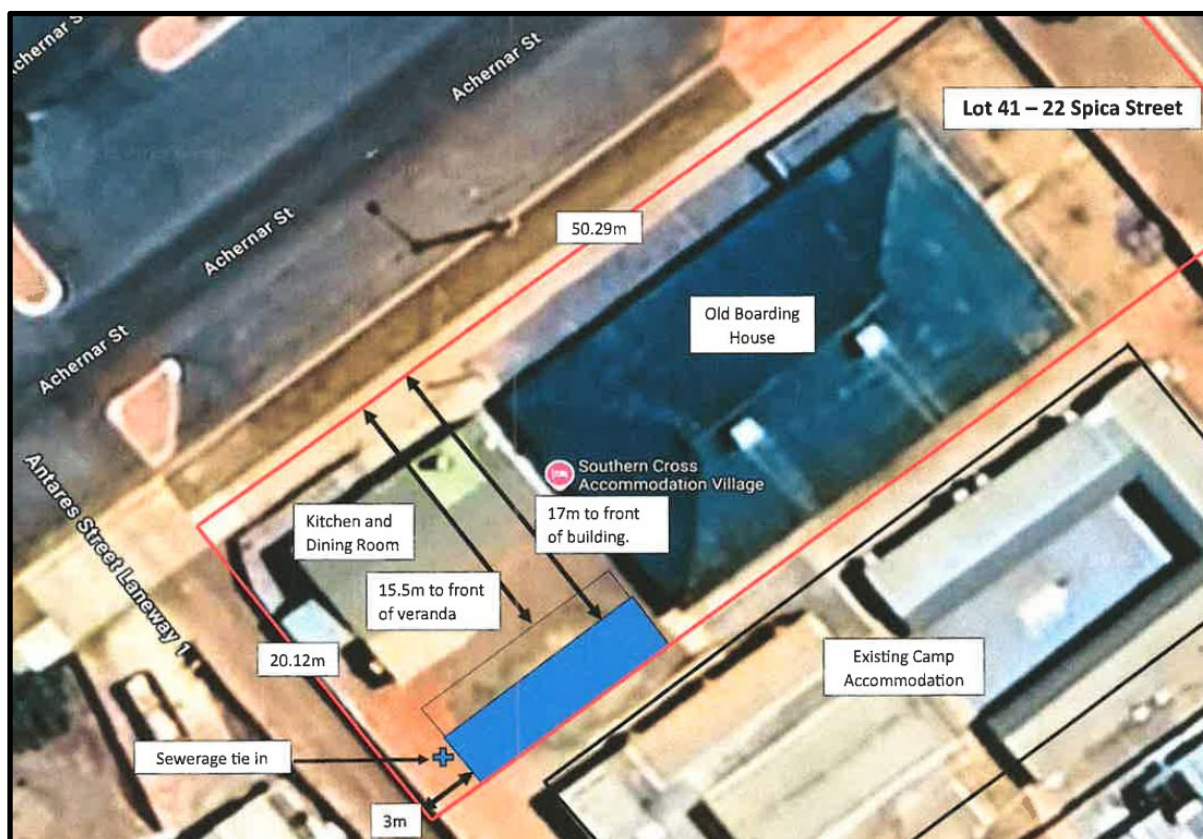


#### Comment

- **Description of Application**

The Shire is in receipt of a Development Application seeking approval for a transportable building proposed to the rear of the existing old boarding house, to be used for offices, storage and ablutions.

The structure would be located approximately 3 metres from the rear lot (laneway) boundary and 15 metres from the Achernar Street lot boundary.



Plans are included as Attachment 1.

- **Zoning and Scheme requirements**

Lot 41 is zoned 'Commercial' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

An office is permitted in the Commercial zone, and the storage/ablutions are ancillary to existing development.

- **Parking**

Table 5 of the Scheme outlines parking requirements for different uses, and requires 1 bay per every 30 msq plot ratio area for an office.

Parking is not considered an impediment to the proposal, as it is not a 'stand alone' office and development is ancillary to existing activities on site.

## 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.

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

The objectives of the Commercial zone are:

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Under Clause 34(2) the local government may approve an application for a development approval that does not comply with a general site and development requirements (such as carparking). The application can be advertised for public comment if Council considers that the parking variator will have an adverse impact.

#### **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 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 a transportable structure (office, storage and ablutions) on Lot 41 (No 22) Spica Street, Southern Cross subject to the following conditions and footnotes:***

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

### *Footnotes:*

- (i) This is a planning consent only and the owner needs to apply for a separate building permit prior to commencing any site works or construction. For commercial development, the application needs to be certified by a private registered building surveyor and lodged with a BA1 Application Form / BA3 Certification of Design Compliance.***

***It is recommended you liaise with a private building surveyor over the nil side setback as fire rated walls are likely to be required, due to proximity to the lot boundary.***

## 9.1 Officers Report - Chief Executive Officer

### 9.1.5 Establishment of the Economic Development Strategy Council Committee

<b>File Reference</b>	<b>2.1.2.2</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to endorse, by absolute majority, the formation of the Shire of Yilgarn Economic Development Strategy Council Committee.

#### Background

As part of the 2024 review of the Shire's Strategic Community Plan, an outcome contained in the endorsed Plan was to "Develop a local Economic Development Strategy".

Due to the expertise required to develop an Economic Development Strategy, Council endorsed a provision in the 2025/2026 annual budget for consultancy support for the development.

The Chief Executive Officer has since engaged 150Square to assist the Shire in this regard.

In initial conversations with 150Square Director Caroline Robinson, it was discussed that a Council working group would be beneficial to ensure work could progress but ensure a Councillor voice was included in the planning and development processes.

As such, it is proposed to establish the Economic Development Strategy Council Committee.

#### Comment

As per the *Local Government Act 1995*, Section 5.8, 5.9 and 5.10 it is proposed to establish by absolute majority the Economic Development Strategy Council Committee, which will comprise the Chief Executive Officer and two councillors. Councillors may choose to include additional persons, though the preference of the CEO is to keep the committee small to streamline assessment and feedback processes to 150Square.

The purpose of the Committee will be to act as a working group to provide feedback and general direction to 150Square in relation to the development of the Shire's Economic Development Strategy.

The Committee will not be provided any delegated authority.

## Statutory Environment

### **Local Government Act 1995**

#### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

#### **5.9. Committees, types of**

*(1) In this section —*

***other person** means a person who is not a council member or an employee.*

*(2) A committee is to comprise —*

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

#### **5.10. Committee members, appointment of**

*(1) A committee is to have as its members —*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

*(a) to be a member of the committee; or*

*(b) that a representative of the CEO be a member of the committee,*

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

*[Section 5.10 amended: No. 16 of 2019 s. 18.]*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan  
Strategy 8.1 - Develop a local Economic Development Strategy

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Failing to improve economic outcomes for the Shire and Community	Moderate (6)	Economic Development Strategy produced with Council input will ensure the Shire can address economic development outcomes.
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council, by absolute majority, in accordance with Section 5.8 of the Local Government Act 1995 endorse the establishment of the Shire of Yilgarn Economic Development Strategy Council Committee, comprising the Chief Executive Officer and Cr's \_\_\_\_\_ and \_\_\_\_\_.*

#### Advisory Note

*Council note the Economic Development Strategy Council Committee will not be delegated any authority.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.6 Proposed Disposal of Land - Tesla Supercharger Site Southern Cross

<b>File Reference</b>	<b>10.2.2.8</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider a proposed disposal of land via lease to Tesla for the purpose of establishing a Supercharger site and to endorse commencing public notice provisions.

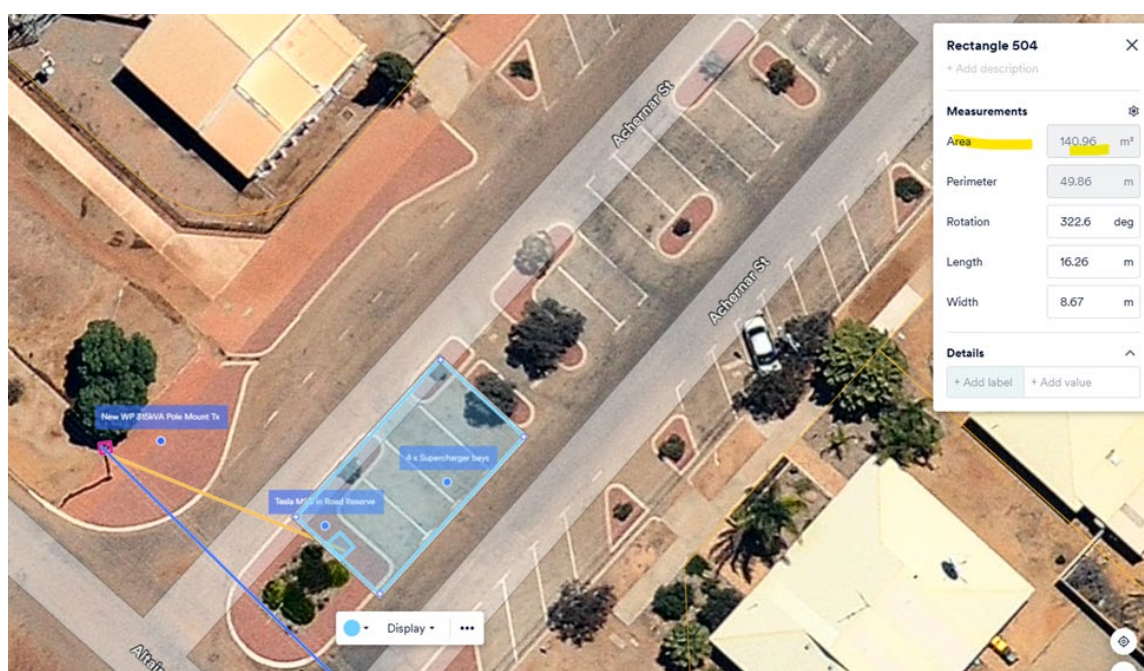
#### Background

The Shire of Yilgarn Executive staff were approached by Tesla in 2023 seeking to establish a “supercharger” site in Southern Cross, due to its high priority rating amongst Tesla drivers.

Ongoing correspondence at the time was unable to determine a suitable site or arrangements.

In 2025 Tesla re-established communications with the Shire, seeking again to find a suitable site and noting they would be happy to work within the Shire’s commercial requirements.

A potential site has been identified as per image below, utilising a section of the Achernar Street road reserve. The site needs to have suitable access, not impact normal flow of traffic, not impact local parking, not unduly impact the aesthetics of the area and have access to a suitable electrical power feed, which the proposed site is deemed to meet.



The site will contain a transformer as indicated on the plan, Tesla branded charging docks and signage. Examples provided below.

Tesla charging hardware example:



Tesla signage example:



### Comment

Under Section 3.58(3) of the *Local Government Act 1995*, prior to a Local Government disposing of land, including leasing, it must:

- Give local public notice of the proposed disposition, describing the property concerned, giving details of the proposed disposition;
- Invite 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
- 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.

Whilst the licence agreement for Tesla to utilise the site is still to be finalised, the CEO seeks to commence public notice of the proposed disposition.

After the minimum 2 week notice period the licence and disposition can be considered by Council.

The public notice will only commence upon Tesla agreeing to cover the Shire's advertising costs.

The Shire sought a valuation from Nutrien Harcourts, who valued the land at \$3.50 – \$4.00 per square metre / annum.

## 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.*

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Nil	Nil	Nil
<b>Financial Impact</b>	Nil	Nil	Nil
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Disposal of land in non-compliance with LG Act.	Moderate (6)	Public notice complies with requirement of disposal of land.
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

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

#### Officer Recommendation

*That Council endorses the Chief Executive Officer commencing the public notice period as per Section 3.58(3) of the Local Government Act 1995 for the disposal via lease of a portion of Achernar Street, Southern Cross to Tesla for a consideration of \$4/square metre per annum, for the purpose of establishing an electric vehicle “Supercharger” site.*

*Council note the public notice period will not commence until such time as Tesla agree to cover the costs of advertising.*

*Council note the matter will be referred back to Council for a decision on executing the disposal after consideration of submissions received, if any.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.7 Extraordinary Council Elections 2026

<b>File Reference</b>	<b>2.2.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>WAEC Written Agreement</b>

#### Purpose of Report

For Council to endorse the Western Australian Electoral Commissions written agreement for undertaking the 2026 Extraordinary Council Elections.

#### Background

At the September Ordinary Council meeting, the following resolution was carried:

**116/2025**

**Moved Cr Newbury/Seconded Cr Rose**

**That Council:**

- 1. Note the 2025 Ordinary Council Election results and congratulate Councillors Close, Granich and Guerini or being re-elected unopposed;**
- 2. Note the requirement to hold an extraordinary election due to one (1) remaining vacancy;**
- 3. Endorse the Chief Executive Officer to engage the Western Australian Electoral Commission to manage the Extraordinary Election;**
- 4. Note the Western Australian Electoral Commission will set a date for the polling day that allows enough time for the electoral requirements to be complied with and is no more than four (4) months after the date the vacancy occurs; and**
- 5. Endorses a Special Council Meeting for the purpose of swearing in elected members and determining Shire and External Committee representatives be set for Tuesday 21 October 2025 at 5:00 pm.**

**CARRIED (6/0)**

*Cr's For: Della Bosca, Bradford, Guerini, Newbury, Rose, Granich*

*Cr's Against: Nil*

The Western Australian Electoral Commission (WAEC) has since contacted the Shire of Yilgarn and provided a written agreement (attached) detailing the WAEC will conduct the extraordinary election on behalf of the Shire of Yilgarn

## Comment

The written agreement states:

In order to finalise this agreement, please submit the following motions to Council for a postal election as required under the Local Government Act 1995:

1. declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required;
2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

## Statutory Environment

### *Local Government Act 1995*

#### ***4.20. CEO to be returning officer unless other arrangements made***

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

*\* Absolute majority required.*

#### ***4.61. Choice of methods of conducting election***

- (2) *The local government may decide\* to conduct the election as a postal election.*

*\* Absolute majority required.*

## Strategic Implications

Shire of Yilgarn Strategic Community Plan 2024-2034  
GOAL 14 - Strong leadership and a high standard of governance

## Policy Implications

Nil.

### Financial Implications

Costs associated with WAEC managing an extraordinary election via postal vote to be taken from 2025/2026 governance budget.

### 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	Failure to comply with statutory requirements	Moderate (9)	Compliance with LG Act 1995
Reputational	Reputational damage from nomination and election process	Moderate (6)	Compliance with LG Act 1995
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 absolute majority:*

- 1. declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required;*
- 2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.8 Waiver of Fees and Charges - Amity Health

<b>File Reference</b>	<b>8.2.6.27</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Author</b>	<b>Nic Warren - CEO</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

To submit to Council a request from Amity Health for the waiving of fees associated with use of the Seniors Centre.

#### Background

The Shire has received a request from Amity Health to utilise the seniors centre on a regular and ongoing basis. Amity Health have stated:

*“to accommodate local client preferences and privacy needs removing barriers to accessibility of specialised mental health care – Amity Health are requesting use of the Southern Cross Senior Citizens Centre for 1 hour per fortnight”*

Amity Health state:

*“Amity Health is a non-for-profit organisation, providing country people with the best possible access to health services.*

*We work in partnership with government and non-government agencies, and health and service providers to offer primary health care in the Wheatbelt, Great Southern, Midwest, South-East Coastal Goldfields, Southwest regions.*

*Amity Health has been servicing the Yilgarn Shire for several years offering a range of Commonwealth government funded health services at no cost to the community. Services have included chronic disease care coordination, diabetes education and a visiting mental health service to the Southern Cross Hospital that is accredited with the National Standards for Mental Health Services.”*

#### Comment

The Shire’s Fees and Charges sets a maximum charge for use of the Seniors Centre at \$350 for a “private and corporate function” and also permits the CEO to hire and charge for use of the Seniors Centre at their discretion. The precedence for an hourly rate for use of the senior’s centre is \$40 as per CEO discretion.

The Shire’s Delegation Register “LGA 14 Donations and Waiver of Hire Fees” permits the CEO to waive fees to local community organisations up to a value of \$500. As this use is

proposed to be ongoing, it will eventually exceed the \$500 limit, and as such the CEO has tabled with Council for decision.

The amount to be waived is \$40 per visit (1 per fortnight) which over the space of 12 months will equate to \$1,040.

## Statutory Environment

### Delegation Register

#### LGA14 Donations and Waiver of Hire Fees

<b><i>Date Adopted:</i></b>	17 March 2016
<b><i>Document Control:</i></b>	Reviewed - 17 April 2025 Reviewed - 18 April 2024 - <a href="#">Link</a> Amended - 20 April 2023 - <a href="#">Link</a> Amended - 21 April 2022 - <a href="#">Link</a> Amended - 21 February 2019 - <a href="#">Link</a> Adopted - 17 March 2016 - <a href="#">Link</a>
<b><i>Policy Reference:</i></b>	
<b><i>Delegate:</i></b>	CEO
<b><i>Sub-Delegated:</i></b>	No
<b><i>Chief Executive Instruction/Procedure:</i></b>	N/A
<b><i>History:</i></b>	Previously LGA30

#### Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

#### Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

### Extent of Delegation:

Council delegates its authority and power to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
  - a. less than \$500
  - b. for a non-profit group that is located in the Shire of Yilgarn

- c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

**Conditions Imposed:**

Nil

**Legislation:**

***Local Government Act 1995***

***6.12. Power to defer, grant discounts, waive or write off debts***

- (1) *Subject to subsection (2) and any other written law, a local government may —*
  - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*
- \* *Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

**Strategic Implications**

Shire of Yilgarn Strategic Community Plan:

- 2.4 Facilitate and advocate to retain and improve local health services, including investigating opportunities for additional ancillary visiting services

**Policy Implications**

Nil.

**Financial Implications**

Requested Donation/Waiving of Hire Fees for the Seniors Centre at Approximately \$1040 per annum for 3 years.

## Risk Implications

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

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

## Recommendation

*That Council waives the fees associated with hiring the seniors centre once per fortnight for an hour by Amity Health on the following conditions:*

- 1. Cost to be waived is \$40 per hour;*
- 2. The waiver applies for three years, after which Council must redetermine the arrangements.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.9 Programme of Works - Cygnet Gold

<b>File Reference</b>	<b>3.2.1.17</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>POW - Plans</b> <b>POW - Application</b>

#### Purpose of Report

For Council to consider a request for comment relating to a proposed drilling programme of works by Cygnet Gold Pty Ltd at the Corinthia Gold Mine.

#### Background

The Shire has been contacted by Cygnet Gold Pty Ltd (Cygnet) advising they have lodged an application for a Programme of Works (POW) for a drilling program at the Corinthia Gold mine north of Southern Cross.

Whilst normally Shire comments would be provided via the relevant state agent, Cygnet have stated *“As the PoW application covers part of the historical townsite, it will need approval from the Yilgarn Shire”*.

#### Comment

The POW Plans and application documents have been provided as attachments.

Cygnet have advised:

*“the application is to conduct a geotechnical drilling programs on the proposed location for Corinthia processing plant. It is required in the feasibility studies.*

*...we propose to conduct 10 holes (including diamond and Cone Penetrometer probes), including geotech holes and monitoring bore holes for the proposed TSF. Apart from that, we will also need to do test pits for investigation of the top soil characteristics.”*

#### Statutory Environment

Nil.

#### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

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

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

### **Officer Recommendation**

*That Council endorse the following response to Cygnet Gold Pty Ltd:*

*In response to your request for comments in relation to a proposed Programme of Works for Corinthia Gold Mine (Reference 205317) on mining tenement M 77/534, the Shire of Yilgarn have no objections on the following conditions:*

- 1. Cygnet Gold Pty Ltd are to comply with all applicable legislative requirements and instructions from relevant state agencies;*
- 2. Cygnet Gold Pty Ltd are not to disturb the old school site; and*
- 3. Cygnet Gold Pty Ltd are to ensure any damage to roads caused by drilling works or crews is to be repaired or costs incurred by Shire refunded.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.10 Request for Comment - Lease of Crown Lots 307 and 308

<b>File Reference</b>	<b>1.6.37.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Kelly Watts - Regulatory Services Officer</b>
<b>Attachments</b>	

#### Purpose of Report

For Council to provide comment on Thomson Drilling Pty Ltd to lease Crown Lots 307 and 308 on Deposited Plan 223124, located in Southern Cross within the Shire of Yilgarn

#### Background

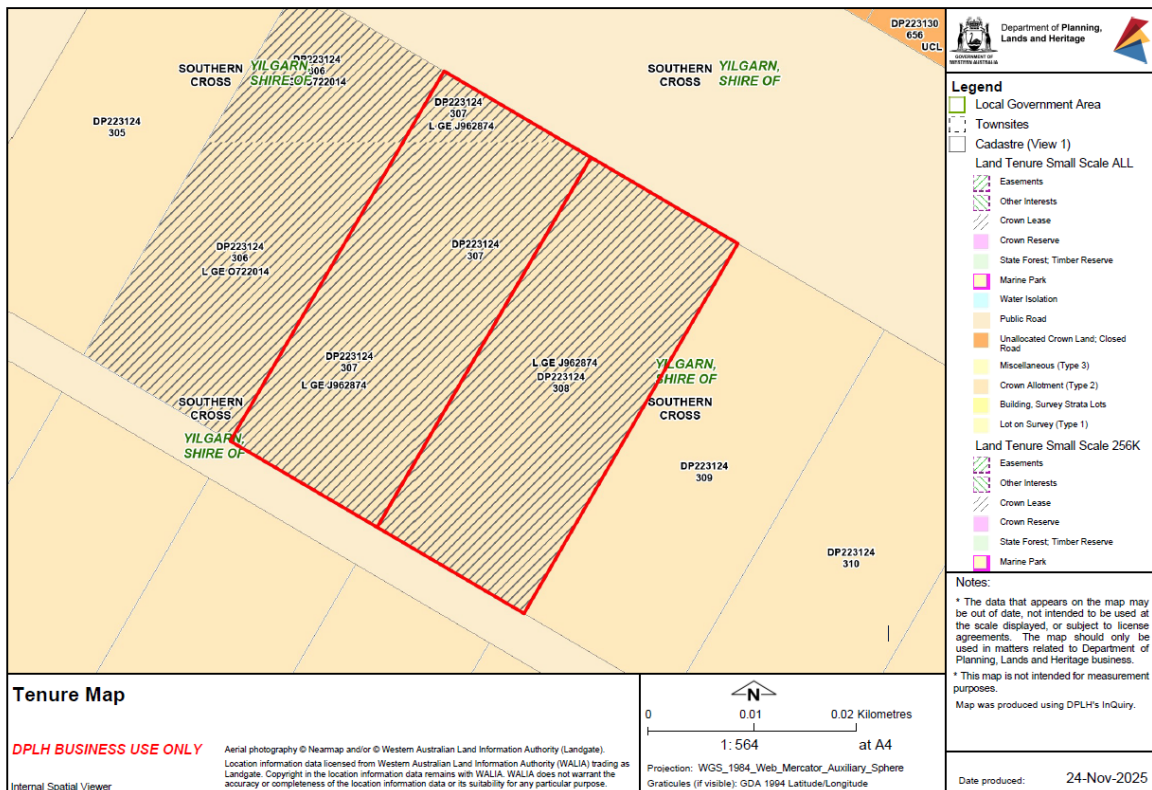
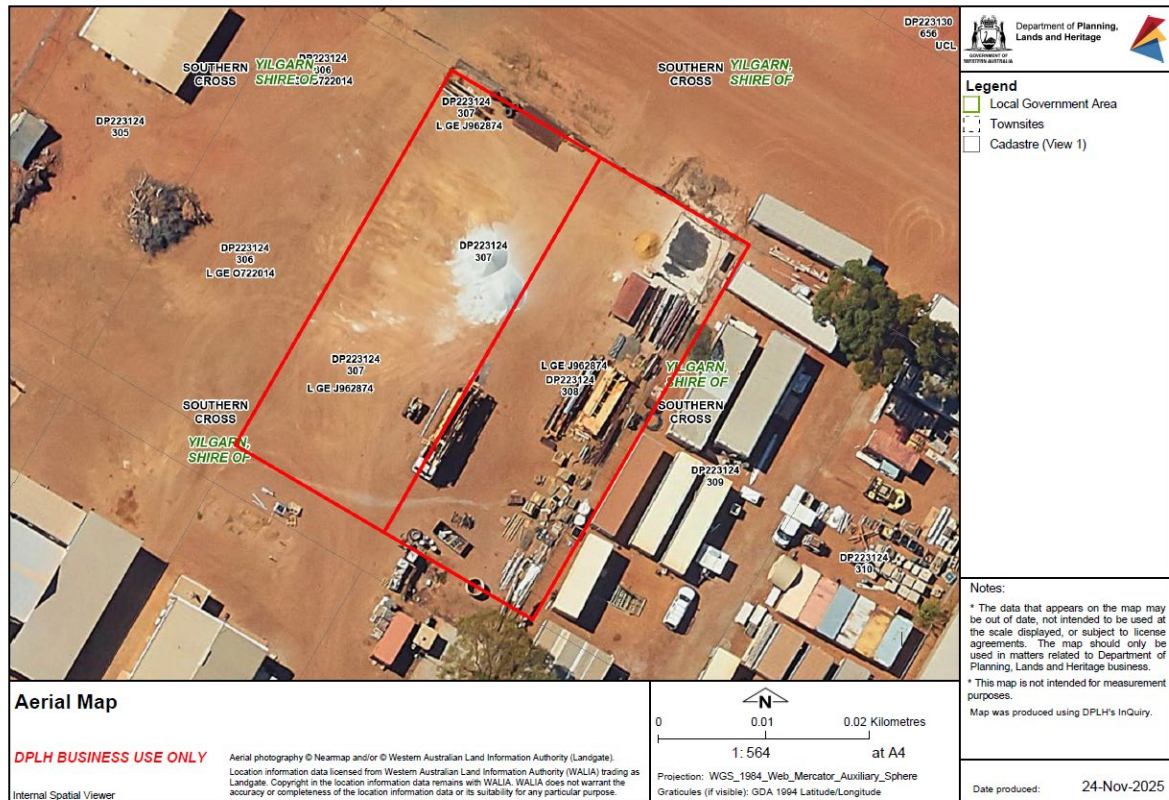
The Department of Planning Lands and Heritage have sought comment from the Shire of Yilgarn in relation to an application they have received from Thomson Drilling Pty Ltd to lease Crown Lots 307 and 308 on Deposited Plan 223124, located in Southern Cross.

Thomson Drilling intends to use the land for the purpose of “Storage of Plant and Machinery.”

The current lessee (J962874), Mr Leon James Marsh, has provided written confirmation that he will not be renewing his lease and supports the granting of a new lease to Thomson Drilling.

As the land is subject to the Marlinyu Ghoorlie Native Title Claim, Thomson Drilling will need to enter into an Indigenous Land Use Agreement (ILUA). Marlinyu Ghoorlie has provided in-principle support for Thomson Drilling to negotiate an ILUA.

The Aerial and tenure map are provided over-page.



### Comment

Council are asked to endorse a comment to the Department of Planning Lands and Heritage of no objection.

### 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	Failure to support local industries	Moderate (6)	No objection to the application support local industries.
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 endorse the following response to the Department of Planning Lands and Heritage:*

*In relation to the request for comment pertaining to the application from Thomson Drilling Ptyt Ltd to lease Crown Lots 307 and 308 on Deposited Plan 223124, located in Southern Cross, the Shire has no objections.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.11 Deed of Renewal of Lease - 18 Lenneberg Street, Marvel Loch, WA

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

#### Purpose of Report

For Council to endorse the renewal of lease for Ampitel Pty Ltd to utilise a portion of 18 Lenneberg Street, Marvel Loch for a telecommunications facility.

#### Background

On 1 July 2016, the Shire entered into a lease agreement with Telstra for use of 18 Lenneberg Street, Marvel Loch for a telecommunication facility.

The terms of the original agreement stated a term on 10 years, and as such the agreement is due to renewal by 1 July 2026.

Telstra have assigned their interest in the original lease to Ampitel Pty Ltd, who are now the lessee.

The proposed deed of renewal term is 5 years as per original lease, which provided two (2) further terms of five (5) years.

#### Comment

The deed of renewal is attached for Councillors perusal and is not immaterially different to the original agreement.

#### Statutory Environment

Nil.

#### Strategic Implications

Nil.

#### Policy Implications

Nil.

### Financial Implications

\$2,048.14 per annum (exclusive of GST) subject to ongoing review.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Failure to agree to lease may see interruptions to telecommunications	Moderate (6)	Renewal of lease will see telecommunications continue in the area.
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### Officer Recommendation

*That Council endorse the deed of renewal of lease, as presented, between the Shire of Yilgarn and Ampitel Pty Ltd for 18 Lenneberg Street, Marvel Loch.*

*Council endorse the Shire President and Chief Executive Officer executing the deed on behalf of Council and applying the Shire of Yilgarn common seal.*

## 9.2 Reporting Officer - Executive Manager Corporate Services

### 9.2.1 Financial Reports - November 2025

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

#### Purpose of Report

To consider the Financial Reports

#### Background

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

The following reports are attached and have been prepared as at the 30 November 2025.

- 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	LG (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 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 endorse the various Financial Reports as presented for the period ending 30 November 2025.*

## 9.2 Reporting Officer - Executive Manager Corporate Services

### 9.2.2 Accounts for Payment - November 2025

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

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund - Cheque 41358 to 41359 totalling \$2,094.50
- Municipal Fund - EFT 17288 to 17422 totalling \$1,168,245.94
- Municipal Fund - Cheques 2733 to 2750 totalling \$291,089.98
- Municipal Fund - Direct Debit Numbers:
  - 20147.1 to 20147.15 totalling \$28,744.63
  - 20160.1 to 20160.14 totalling \$28,051.51

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

#### Comment

Nil.

#### Statutory Environment

##### Local Government Act 1995

#### 5.42. Delegation of some powers and duties to CEO

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

\* *Absolute majority required.*

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

##### Local Government (Financial Management) Regulations 1996

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

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

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

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

**Strategic Implications**

Nil.

**Policy Implications**

Council Policy 3.11 - Timely Payment of Suppliers.

**Financial Implications**

Drawdown of Bank funds.

## Risk Implications

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

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

### Officer Recommendation

- *Municipal Fund - Cheque 41358 to 41359 totalling \$2,094.50*
- *Municipal Fund - EFT 17288 to 17422 totalling \$1,168,245.94*
- *Municipal Fund - Cheques 2733 to 2750 totalling \$291,089.98*
- *Municipal Fund - Direct Debit Numbers:*
  - *20147.1 to 20147.15 totalling \$28,744.63*
  - *20160.1 to 20160.14 totalling \$28,051.51*

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

## 9.2 Reporting Officer - Executive Manager Corporate Services

### 9.2.3 Request for Waiver - Interest on Assessment A4040

<b>File Reference</b>	<b>8.1.1.6 &amp; A4040</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson - Executive Manager Corporate Service</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

This report seeks Council's decision on a request received from a ratepayer for the waiver of future accrued overdue rates interest.

#### Background

In September 2025, following a lengthy email exchange with Councils Rates/Debtors Officer, the following ratepayer request was received:

*Hi Lisa,*

*Thanks for your email.*

*Just to let you know, 2 Altair St has been sold on 1st Sept 25 and all outstanding amount (\$5480) has been paid.*

*The reason we would like the interest waived is due to horrible tenants in the area (criminals) causing damages to our houses and a colossal amount of funds to recoup the loss.*

*I will set up payment plan for 15A Taurus now and send you receipt.*

*Thanks heaps for your patience.*

*Regards,  
###*

This request for a waiver of accrued penalty interest relates to Assessment A4040 – 15A Taurus St Southern Cross

#### Comment

The assessment in question is GRV rated and is located within the Southern Cross Townsite. The assessment has a rateable GRV valuation of \$12,220.

The assessments financial information as at 10 December 2025 is as follows:

Levies	Receipts	Balance	C/A	Description
1091.14	0.00	1091.14	C	Rates
1105.05	228.77	876.28	A	Rates
297.00	297.00	0.00	C	Interest
340.00	0.00	340.00	C	DOMESTIC - RUBBISH
340.00	340.00	0.00	A	DOMESTIC - RUBBISH
7.48	7.48	0.00	C	ESL PENALTY
7.19	7.19	0.00	A	ESL PENALTY
108.00	0.00	108.00	C	EMERGENCY SERVICE LEVY
103.00	103.00	0.00	A	EMERGENCY SERVICE LEVY
892.06	0.00	892.06	C	SX SEWERAGE RES
616.56	616.56	0.00	A	SX SEWERAGE RES
				=====
4907.48	1600.00	3307.48		*** TOTALS ***

The last time this assessment was fully paid was in May 2022, since then there have been irregular payments of ~\$200 being received. The ratepayer has currently agreed to pay \$200 per month.

There has been no request for relief due to financial hardship/inability to pay received, just a vague claim of *“horrible tenants in the area (criminals) causing damages to our houses and a colossal amount of funds to recoup the loss.”*

This sort of issue with the ratepayers’ tenants would best be referred to their rental insurance providers and not Council. The *“criminal”* aspects of the correspondence is a matter for the WA Police.

In the end, the ongoing interest that the ratepayer is requesting to be waived is wholly due to the ratepayer’s inability to pay their rates in a timely manner and not due to any actions or omissions of Council.

## Statutory Environment

### Local Government Act 1995

#### **6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,
 which is owed to the local government.

\* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

*[Section 6.12 amended: No. 64 of 1998 s. 39.]*

### 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 Council was to accept the request to waive future overdue rates interest, then ~\$550.00 would be lost from legitimately accrued interest income.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of interest income and recoverable expenditure	High (15)	Decline accepting proposal
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Significant precedent set for Ratepayers to decline to pay	High (12)	Decline accepting proposal
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 declines the request for the waiver of future overdue interest accruing on the outstanding rates and charges associated assessment A4040.*

## 9.2 Reporting Officer - Executive Manager Corporate Services

### 9.2.4 Write Off of Uncollectable Rate Debt

<b>File Reference</b>	<b>8.2.1.5 &amp; A101412</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Cameron Watson - Exec Manager Corporate Services</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

This report seeks Councils approval for the write off of an outstanding but uncollectable rates debt.

#### Background

Tenement E77/02470 was first granted effective 31<sup>st</sup> August 2018 to Classic Minerals Ltd.

Full payment for the rates and accrued interest from August 2018 to August 2022 was received on the 16<sup>th</sup> September 2022. No payment has been received since.

Tenement death was notified in Landgate's Mining Schedule M2024/04 with an effective date of 21<sup>st</sup> March 2024.

#### Comment

The following amounts are outstanding for Assessment A101412, as at 10<sup>th</sup> December 2025:

Levies			C/A	Description
	Receipts	Balance		
324.59	0.00	324.59	A	Rates
84.70	0.00	84.70	C	Interest
				=====
409.29	0.00	409.29		*** TOTALS ***

As the amount outstanding is minimal, debt collection on this assessment has not been initiated as the costs associated would be larger than the amount outstanding with little prospect of collecting.

#### Statutory Environment

##### Local Government Act 1995

#### 6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

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

### Policy Implications

#### Council Policy

3.8 - Rates and Charges Recovery Policy (Including Financial Hardship Provisions)

### Financial Implications

Write-off of \$324.59 in uncollectable Rates revenue and \$84.70 in uncollectable interest.

The 2025/2026 budget has an inclusion of \$45,000 in Account E03118 – Debtors Written Off of which \$9.09 has been utilised.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Loss of Rate Revenue	Low (2)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure rate write-offs are endorsed by Council.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

### Officer Recommendation

*That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, approve the write-off of the amount of \$409.29 in outstanding Rates and Interest for Assessment A101412.*

### 9.3 Reporting Officer - Executive Manager Infrastructure

#### 9.3.1 Disposal of Three Light Vehicles (YL 1, YL 38, YL 5067)

##### File Reference

##### Disclosure of Interest

Nil

##### Voting Requirements

Absolute Majority

##### Attachments

Nil

#### Purpose of Report

To seek Council approval to dispose of three existing Shire vehicles, 2023 Toyota Prado (YL 1), 2023 Toyota Landcruiser 79 Series (YL 38), and 2023 Toyota Landcruiser 79 Series (YL 5067) in accordance with Section 3.58 of the *Local Government Act 1995* (WA).

#### Background

The Shire has ordered the replacement vehicles for the 2025/2026 financial year, being:

- One (1) replacement Toyota Prado, and
- Two (2) Ford Ranger Super Duty.

These orders were placed as part of the approved 2025/2026 Plant Replacement Program.

Given the value of the vehicles being disposed of, and because the combined consideration of the associated purchases exceeds the \$75,000 trade-in exemption threshold under Regulation 30(3)(b) of the Local Government (Functions and General) Regulations 1996, the Shire cannot dispose of the vehicles by trade-in and is required to follow Section 3.58 of the *Local Government Act 1995* (WA).

As a result, all three vehicles must be disposed of via public auction, public tender, or public notice under s.3.58(3).

#### Comment

The three vehicles proposed for disposal are:

Vehicle	Year	Registration	Notes
Toyota Prado	2023	YL 1	CEO Vehicle
Toyota Landcruiser 79 Series	2023	YL 38	Works / Construction
Toyota Landcruiser 79 Series	2023	YL 5067	Works / Construction

The Shire has confirmed with WALGA Governance that the total consideration for the new Prado and the two Ford Super Duty vehicles exceeds \$75,000 each, therefore no trade-in

exemption can be applied. All three vehicles must therefore be advertised for disposal through the statutory process.

It is proposed that the vehicles be disposed of through a public auction service, such as Pickles, Grays, or another approved agent. This method meets the requirements of s.3.58(2)(a) of the *Local Government Act 1995* (WA) and provides transparent market, based pricing.

### Statutory Environment

#### Local Government Act 1995 (WA)

Section 3.58: Disposing of Property  
Requires that disposal of local government property must occur by public auction or public tender, or by giving local public notice of the proposed disposition, unless an exemption under the Regulations applies.

#### Local Government (Functions and General) Regulations 1996

Regulation 30: Dispositions Not Requiring Public Notice  
Provides exemptions to the public notice requirements in s.3.58. However, Regulation 30(3)(b) states that an exemption does not apply where the combined consideration of the trade-in value and the amount paid for the replacement vehicle exceeds \$75,000.

For the proposed disposal of the 2023 Toyota Prado (YL1), 2023 Toyota LandCruiser (YL38), and 2023 Toyota LandCruiser (YL5067), the total consideration exceeds \$75,000, and therefore the exemption does not apply. The vehicles must be disposed of in accordance with s.3.58(2) via public auction or public tender.

### Strategic Implications

The disposal is consistent with the Shire's long-term approach to plant renewal, ensuring the fleet remains reliable, fit for purpose, and cost effective.

### Policy Implications

The disposal of these vehicles aligns with the Shire's Plant Replacement Policy, which sets the expected replacement cycles, purchasing process, and disposal requirements for light and heavy fleet assets.

The proposed disposal method (public auction) is consistent with the policy's intent to achieve best value for the Shire through transparent market-based mechanisms.

### Financial Implications

It is proposed that a reserve be set near the trade-in value previously offered by the dealership for each vehicle. This ensures the Shire obtains no less than the value that would have been achieved had a trade-in exemption applied under Regulation 30(3)(b). Any amount received above the reserve will be returned to the 2025/2026 budget as disposal income.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health / People	Nil		Nil
Financial Impact	Risk of reduced sale values if not publicly advertised	Low	Use reputable national auction platform
Service Interruption			
Compliance	Non-compliance with s.3.58 if disposal not approved by Council	Moderate	Obtain Council approval and follow statutory process
Reputational	Transparency risk if disposal not undertaken via public auction	Low	Use public auction
Property	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 Absolute Majority:*

- 1. Approves the disposal of the following Shire vehicles in accordance with Section 3.58 of the Local Government Act 1995 (WA)*
  - *2023 Toyota Prado YL 1*
  - *2023 Toyota Landcruiser YL 38*
  - *2023 Toyota Landcruiser YL 5067*
- 2. Endorses the disposal of the vehicles by public auction, in accordance with s.3.58(2)(a) of the Act, via a reputable public auction house.*
- 3. Requires a suitable reserve to be applied to each sale by auction with the value to be determined by the Executive Manager of Infrastructure.*

## 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

### 12 Reporting Officer - Executive Manager Infrastructure

#### 12.1 Tender and Undertake Market Testing, Cement Stabilisation and Sealing Works, Emu Fence Road

##### File Reference

##### Disclosure of Interest

Nil

##### Voting Requirements

Absolute Majority

##### Author:

Glen Brigg - Executive Manager of Infrastructure

##### Attachments

### Purpose of Report

For Council to consider the outcome of the tender process for cement stabilisation and sealing works on Emu Fence Road, and to authorise officers to undertake open market pricing for benchmarking purposes in support of finalising Mineral Resources Limited's (MRL) Road User Agreement make good obligations.

### Background

Emu Fence Road is a strategic sealed local road located approximately 15 km east of the Southern Cross townsite, extending from:

- SLK 39.22 - Intersection with Great Eastern Highway; to
- SLK 75.94 - Intersection with Parker Range Road.

The road has a typical 10-11 m pavement width with an 8 m seal, with centreline marking on hills and crests. Heavy vehicle traffic associated with mining operations has contributed to pavement deterioration, requiring targeted cement stabilisation and resealing to restore structural capacity and serviceability.

Under the Road User Agreement with Mineral Resources Limited (MRL), MRL is required to make good Emu Fence Road and return it to a safe and serviceable condition at the conclusion of haulage activities. To support this obligation, the Shire developed a scope of works identifying multiple distinct pavement failure sites requiring stabilisation.

The Shire invited tenders for these works to:

- Define a clear scope and cost envelope; and

- Test prevailing market rates against the Shire's indicative internal pricing and alternative delivery options proposed by Mineral Resources Limited, to inform a value for money assessment.

The tender documents identified a minimum stabilisation area of 32,000 m<sup>2</sup>, across several sites between SLK 39.22 and SLK 75.94, noting that the final area may increase subject to site conditions.

Key scope elements included:

- Full-service delivery by the contractor;
- Cement stabilisation at 2% cement content;
- Use of Main Roads gravel pits within the project corridor;
- All mobilisation, demobilisation, accommodation, and traffic management;
- Two coat bitumen sealing (14 mm first seal, 10 mm second seal);
- Contractor designed seal treatment; and
- Reinstatement of all line marking.

Tender: Pavement Cement Stabilisation Repairs Emu Fence Road  
Tender Closing Date: 10 December 2025

<b>Tenderer</b>	<b>Tender Response</b>
WCP Civil Pty Ltd	Tender submitted
Stabilised Pavements of Australia Pty Ltd	No tender submitted
Western Stabilisers Pty Ltd	No tender submitted
Supercivil Pty Ltd	No tender submitted
Stabilco Pty Ltd	No tender submitted
West Coast Stabilisers	No tender submitted

The tender process resulted in one submission only.

During clarification, the tenderer identified multiple material exclusions and assumptions, including but not limited to:

- No allowance for service relocations, vacuum excavation, or hand excavation;
- No allowance for removal of existing seal;
- No allowance for shoulder works, drainage works, vegetation clearing, or guideposts;
- No allowance for material conformance testing or improvement; and
- No allowance for survey or construction testing.

These exclusions materially alter the risk profile of the works and would likely result in post award variations, cost escalation, and scope uncertainty.

## Comment

While the tender process was conducted in accordance with procurement requirements, the receipt of a single tender with significant exclusions does not provide a reliable or competitive basis to demonstrate value for money.

Importantly, this procurement exercise was undertaken primarily to test the market, not to guarantee award of a contract. Mineral Resources Limited has requested independent market pricing to benchmark against the Shire's indicative internal delivery rates to determine whether alternative delivery arrangements represent better value.

Accepting the sole tender in its current form would:

- Weaken the Shire's commercial and governance position;
- Increase exposure to uncontrolled variations; and
- Reduce leverage in finalising MRL's make-good obligations.

Declining the tender and proceeding to open market pricing will allow officers to:

- Obtain broader pricing intelligence;
- Clarify scope and risk allocation; and
- Ensure any works ultimately undertaken meet the intent of the Road User Agreement.

Council is therefore not being asked to commit to delivery of the works at this stage, but rather to support robust market testing to protect the Shire's interests.

## Statutory Environment

*Local Government Act 1995 (WA)*

Section 3.57 - Tenders for supply of goods or services

Provides the legislative framework under which local governments invite, receive, and deal with tenders. It enables Council to accept or decline tenders and to determine how procurement is progressed in accordance with policy.

## Strategic Implications

This matter supports the Shire's strategic objectives relating to asset sustainability, financial management, and governance.

Declining the sole tender and undertaking further market testing ensures the Shire:

- Protects the long-term structural integrity of Emu Fence Road, a key freight and community access route;
- Enforces Mineral Resources Limited's contractual make good obligations, ensuring the road is returned to a safe and serviceable condition without transferring cost or risk to ratepayers;

- Demonstrates sensible financial management by validating value for money before committing to any delivery approach;
- Maintains strong governance and integrity by avoiding reliance on a single, non-competitive tender with material scope exclusions; and
- Retains flexibility in delivery methods, allowing outcomes to be prioritised over the method of construction.

This approach aligns with the Shire's Asset Management Framework, Long-Term Financial Planning principles, and strategic objective to ensure infrastructure impacted by third party use is reinstated to appropriate standards at the user's cost.

### Policy Implications

All procurement will be undertaken in accordance with the Shire's Purchasing Policy and the principles of value for money, transparency, and risk management.

### Financial Implications

Funding for the works is provided for within the 2025/26 Road Works Program and is aligned with MRL's obligations under the Road User Agreement to return Emu Fence Road to a safe and serviceable condition.

The procurement process is being used to benchmark market pricing against the Shire's indicative internal rates at MRL's request. As a result, the works may not proceed under this procurement process, depending on the outcome of market testing and MRL's delivery approach.

Declining the sole tender received has no adverse budget impact. Proceeding to open market pricing improves cost transparency, supports value-for-money assessment, and strengthens the Shire's position in enforcing compliance with the Road User Agreement.

### Risk Implications

Risk Category	Description	Rating	Mitigation Action
<b>Financial Impact</b>	Risk of accepting a non-competitive tender leading to inflated costs, variations, or cost transfer to the Shire rather than being recovered under the MRL Road User Agreement.	Medium	Decline the sole tender, undertake open market benchmarking, ensure all costs align with MRL make good obligations before committing to any delivery method.
<b>Service Interruption</b>	Delay in stabilisation works	Low	Continue routine maintenance and

	could result in ongoing pavement deterioration and reduced serviceability of Emu Fence Road if make good works are deferred.		monitoring, progress market testing promptly to enable timely delivery once pricing and responsibilities are confirmed.
<b>Compliance</b>	Risk of procurement challenge or audit finding if works are awarded without competitive tension or with unclear scope and exclusions.	Medium	Decline tender, document market testing rationale, follow Purchasing Policy and Local Government Act requirements for subsequent procurement steps.
<b>Reputational</b>	Nil		Nil
<b>Property</b>	Ongoing pavement distress may accelerate asset degradation if stabilisation is not undertaken in a timely and controlled manner.	Low	Enforce Road User Agreement make good requirements; ensure final scope restores the road to a safe and serviceable condition.
<b>Environment</b>	Nil		Nil

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

### Officer Recommendation

***That Council:***

- 1. Declines the sole tender received for cement stabilisation and sealing works on Emu Fence Road; and***
- 2. Authorises the Chief Executive Officer to undertake open market pricing to benchmark costs and finalise arrangements associated with Mineral Resources Limited's Road User Agreement make good obligations.***

## 13 MEETING CLOSED TO THE PUBLIC - CONFIDENTIAL ITEMS

### CONFIDENTIAL

## 13 Officers Report - Chief Executive Officer

### 13.1 Employee Pulse Survey Report

<b>File Reference</b>	<b>1.1.1</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Nic Warren - Chief Executive Officer</b>
<b>Attachments</b>	<b>CONFIDENTIAL - Employee Pulse Survey Report - Provided Separately by CEO</b>

#### Purpose of Report

For Council to receive the Employee Pulse Survey report.

#### Background

In the Chief Executive Officers 2024 annual review process, Council sought the CEO to conduct an employee pulse survey and report the high-level outcomes to Council.

An employee pulse survey was undertaken in October 2025.

#### Comment

As required, a high-level outcomes report is tabled with Council as a confidential attachment.

#### Statutory Environment

Nil.

#### Strategic Implications

Nil.

#### Policy Implications

Nil.

#### Financial Implications

Nil.

### Risk Implications

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

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

### Officer Recommendation

*That Council receive the Shire of Yilgarn Employee Pulse Survey report, as presented.*

### 14 CLOSURE