



Minutes

Ordinary Meeting of Council

19 February 2026

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Table of Content

1 Declaration of Opening/Announcement of Visitors	3
2 Announcements from the Presiding Member	3
3 Attendance	3
4 Declaration of Interest	3
5 Response to Previous Public Questions Taken on Notice	3
5.1 Public Question Time	4
6 Confirmation of Minutes	5
7 Presentations, Petitions, Deputations	5
8 Delegates' Reports	7
9 Officers' Reports	9
9.1 Chief Executive Officer	
9.1.1 Council Decision Status Report 2026	9
9.1.2 Disposal of Council Assets - Lots 7, 8 and 10 Antares Steet, Southern Cross	11
9.1.3 Disposal of Land - Tesla Supercharger Site, Southern Cross	13
9.1.4 Lease Agreement - Tesla Supercharger Site, Southern Cross	22
9.1.5 Southern Cross Townsite Boundary Change	25
9.1.6 Proposed New Lease Over Lot 963 on Deposited Plan 93506	29
9.2 Executive Manager Corporate Services	
9.2.1 Financial Reports - December 2025	33
9.2.2 Financial Reports - January 2026	37
9.2.3 Accounts for Payment - December 2025	41
9.2.4 Accounts for Payment - January 2026	45
9.3 Executive Manager of Infrastructure	
9.3.1 Supply of One New Motor Grader (Plant Replacement Program)	49
9.3.2 Gating Mt Jackson Road	54
9.3.3 Bitumen Tender	60
10 Application for Leave of Absence	64
11 Motions for Which Previous Notice Has Been Given	64
12 New Business of an Urgent Nature Introduce by Decision of the Meeting	64
12.1 Acting Chief Executive Office Appointment	65
13 Meeting Closed to the Public - Confidential Items	69
13.1 CEO Recruitment - Appointment of Chief Executive Officer	69
14 Closure	71

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.03pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

3. ATTENDANCE

Members	Cr B Close	Shire President
	Cr G Guerini	Deputy Shire President
	Cr B Bradford	Councillor
	Cr L Granich	Councillor
	Cr D Newbury	Councillor
	Cr L Rose	Councillor
Council Officers	C Watson	Acting Chief Executive Officer
	G Brigg	Executive Manager Infrastructure
	K Chrisp	Asset and Projects Manager
	T Prue	Finance Manager
	T Beaton	Executive Assistant

Apologies:

Observers: Kaye Crafter, Kelly Smith, Kevin Dalgetty, Kent Broad, Kelly Pang, Joe Shackleton and Harry Broad

Leave of Absence:

4. DECLARATION OF INTEREST

Nil.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.1 PUBLIC QUESTION TIME

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

1. **Where Spica/Sirius Street and Antares Street converge, there is a barricade to stop drivers from taking a shortcut through the old road. Unfortunately, many people drive around the warning sign and whizz through without looking carefully. This is dangerous and could cause an accident at the conjunction of Rigel Street, Antares Street, and the end of Spica/Sirius Street.**

Can The Shire ensure that this road properly blocked off - maybe with large white rocks, cement curbing to delineate the edge of the road, plough it up, erect more substantial barricades or all the above.

The Shire President took this question on notice.

2. **When is Labyrinth going to be revamped?**

Glen responded with Labyrinth we are sort of labor. We have some glow in the dark tiles to go in there with some aggregate. When we get some labor, we are a bit short of people at the moment. We had a bloke that was going to do it, but he has recently left.

3. **Constellation Park is looking very bare where the shrubs are situated. Can there be mulch and curbs (plastic or rocks) placed around these sections. That means the bushes will be cool on their roots in the summer, warm in the winter and be more aesthetically pleasing to the eye. Even though they are natives, they still need water and moisture. Once the job is done, there will not be any reason to clean up the leaves because they are self-mulching. Win Win.**

Glen responded we actually have a horticulturalist on staff at the moment.

With no further questions the Shire President thanked Kaye Crafter for her time.

6. CONFIRMATION OF MINUTES

- 6.1 Ordinary Meeting of Council Minutes, Thursday, 18th December 2025 - (Minutes Attached)

1/2026

Moved Cr Bradford/Seconded Cr Rose

That the minutes from the Ordinary Council Meeting held on 18th December 2025 be confirmed as a true record of proceedings.

CARRIED (6/0)

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

Cr's Against: Nil

- 6.2 Yilgarn History Museum Advisory Committee Meeting, Wednesday, 4th February 2026 - (Minutes Attached)

2/2026

Moved Cr Granich/Seconded Cr Newbury

That the minutes from the Yilgarn History Museum Advisory Committee Meeting held on the 4th February 2026 be confirmed as a true record of proceedings.

CARRIED (6/0)

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

Cr's Against

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Outback Carbon representative Kent Broad (General Manger) attended Council to provide an update;

Southern Cross, Yilgarn North and South Carbon Project Update 2026

- What we said we were going to do
- What we said we were going to do and did not do well
- What we are doing in 2026

Cr Rose asked have the managers been trained for fire litigation?

Kent responded we have done basic training; we are in that process of working out do we get them trained to the standard where they can actually fight fires. At the moment they are trained enough to, as a land owner their obligation is to once FESA or whoever is the patrol or local bush fire is in control. If the fire is down, we are committed to staying and putting out any spot fires or anything that could get going again. Which is what happened with the pole top fire up at our Yuna property last year. So, as part of the discussion with the greater group and the other carbon developers we are very keen to get that in our repertoire. It is not just our fire's that the boys and girls can fight, it is also neighbours and other peoples in the district. I am wanting to stand here next year and say we have got a person here full time during the summer months ready to fight whatever fires in the district there are.

Cr Rose said just in saying that, the local fire station is holding a training course in the coming months.

Kent responded excellent, we will be there.

Cr Rose asked about the inter-rows?

Kent responded we are prepared to pay extra for the cropping to go in, put it that way. Whether it's a full crop or a share farm. I'm aware it's a leasing arrangement. As long as we break even, because we're mitigating weeds and fire. So we want the ground looking like that come October/November once the crops off, all the sheep have been in and grazed. We want the fire risk to be next to nothing. We want the carbon out of the trees, we don't want money out of the interrows. So really, as good neighbours, we're prepared to do that. It is because the setup of the machines, the 5 meters apart each time you do the twin rows and it's just too difficult we would be running over existing trees and I get what you're saying about lifting up as well, but it's technically pretty challenging, unfortunately. But I take your point and lots of variations of everything has been made for the trees to have the best chance when were planting new trees, we just got to a new scalp, it's really difficult to go back in the old scalp. For some reason, I don't know what that is. The seedlings themselves seem to enjoy being in fresh dirt.

Cr Rose asked have you had a percentage survival like this on your other properties?

Kent responded, no, this has been out toughest year for sure.

Cr Rose said, it was a tough year last year.

Kent responded with the rain like we've had, obviously with weeds we need to cleanup the area and deep ripping down. It was my fault, I just underestimated how that top 20cm's were, compared to elsewhere, where we've been. We got down sort of 20, we need to get a bit deeper than that. At least 25 if not 30cm's, to give those seedlings a chance. If we had a bit more rain, potentially they would have been ok. But unfortunately, as we know we did not.

Cr Rose asked so when would be your plans to put trees into the rest of the lots you have, you still have a lot that haven't been put in?

Kent responded, that's right, so the seedling numbers and seedling quality is what stopped us last year and the season. We were pretty nervous by the end of July; where the soil profile was not very wet. But, that is our attention for sure is just to replicate this model across so we can either crop in the future or graze those areas.

Cr Newbury asked how much are you going to put in this year?

Kent explained using the map presented, what the plan for this year would look like.

With no further questions the Shire President thanked Kent Broad for this time

Kent Broad, Kelly Pang, Joe Shackleton and Harry Broad left the chambers at 5:25pm.

8. DELEGATES' REPORTS

Cr Close

- Australia Day Breakfast and Awards - 26th January 2026
- Outback Carbon Meeting - 28th January 2026
- CEO Recruitment List - 29th January 2026
- SRRG Meeting (Council Chambers) - 9th February 2026
- CEO Interviews - 10th February 2026
- GEZED Meeting (Trayning) - 11th February 2026
- WEROC (Perth) - 16th February 2026
- CEACA (Perth) - 16th February 2026

Cr Guerini

- CEO Selection Panel Meeting - 29th January 2026
- CEO Farewell Dinner - 29th January 2026
- CEO Interviews - 10th February 2026

Cr Bradford

- Australia Day Breakfast and Awards - 26th January 2026
- Economic Development Committee Meeting - 29th January 2026
- Back to School Pool Disco - 7th February 2026
- Regional Road Group Meeting - 9th February 2026
- CEO Interviews - 10th February 2026

Cr Rose

- Australia Day Breakfast and Awards - 26th January 2026
- CEO Selection and Farewell dinner for Nic - 29th January 2026
- Volunteered at the Men's Bowling Day - 1st February 2026
- CEO Interviews - 10th February 2026

Cr Granich

- Economic Growth Strategy Meeting (via Zoom) - 29th January 2026
- Interview Selection Meeting (via Zoom) - 29th January 2026
- CEO Interviews (via Zoom) - 10th February 2026
- Economic Development Plan Meeting (prior to Council Meeting) - 19th February 2026

Cr Newbury

- Australia Day Breakfast and Awards - 26th January 2026
- CEO Interview Selection and Farewell Dinner for Nic - 29th January 2026
- Museum Committee Meeting - 4th February 2026
- Yilgarn Community Support Group - 18th February 2026

9.1 Officers Report - Chief Executive Officer

9.1.1 Council Decision Status Report 2026

File Reference	2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Nic Warren - Chief Executive Officer
Attachments	Council Decision Status Report 2026

Purpose of Report

Council to note the Council Decision Status Report 2026.

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	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

3/2026

Moved Cr Rose/Seconded Cr Bradford

That Council note the Council Decision Status Report 2026.

CARRIED (6/0)

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

Cr's Against: Nil

9.1 Officers Report - Chief Executive Officer

9.1.2 Disposal of Council Assets - Lots 7, 8 and 10 Antares Street, Southern Cross

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

Purpose of Report

For Council to consider the disposal of Lots 7, 8 and 10 Antares Street, Southern Cross.

Background

The Shire of Yilgarn is part of the Central East Accommodation and Care Alliance (CEACA), which has previously sought and received funding for a number of Independent Living Units throughout several Wheatbelt Shires.

Whilst originally focused on housing and care, given the increase in home care providers, CEACA's function has refocussed on seeking funding for additional housing.

The CEACA Expansion Project (the Project) has received support from the State Government and Federal Government via Housing Australia based on a commitment from the member Council's that land will be gifted to CEACA and a co-contribution will be provided.

The Shire originally sought two additional dwellings as part of the Project, with the estimated contribution per dwelling at 10% being approximately \$50,000, therefore the 2025/2026 Annual Budget has a \$100,000 provision.

After original nominations for additional dwellings, the Shire of Merredin has since advised CEACA they no longer seek additional units as part of the Project, as such, other member Shire's were afforded the opportunity to seek additional units from original nominations.

The Shire of Yilgarn tentatively earmarked one additional dwelling, on the provision land was available.

The Shire had already earmarked 7-8 / 50 Antares Street for the 2 additional dwellings and now Council has endorsed the purchase of Lots 10 and 12 50 Antares Street, it was proposed Lot 10 would be utilised for the additional third dwelling

At the November 2025 Ordinary Council Meeting, the following resolution was carried:

161/2025

Moved Cr Guerini/Seconded Cr Bradford

That Council endorse the Shire of Yilgarn receiving three dwelling as part of the Central East Accommodation and Care Alliance Inc's Housing Expansion Project.

And

That Council, as per section 3.58 of the Local Government Act 1995, endorse commencing the Local Public Notice for the disposal of Lots 7, 8 & 10 / 50 Antares Street, Southern Cross to the Central East Accommodation and Care Alliance Inc for nil consideration.

And

Council notes the valuation requirements for Section 3.58 and considers the Department of Communities valuation of Lots 10 and 12, which are the same in nature and location as Lots 7 and 8 are applicable to all Lots and is to be utilised for the purpose of this disposal notice. The valuation per Lot is \$8,500.

CARRIED (6/0)

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

Cr's Against: Nil

Shire administration had to wait until the purchase of Lot 10 50 Antares Street was finalised before advertising could commence.

Comment

As per Section 3.58 of the *Local Government Act 1995*, the proposed disposal was advertised via local public notice, detailed the following:

Property:	Lots 7, 8 and 10 Antares Street, Southern Cross
Buyer:	Central East Accommodation and Care Alliance Inc
Consideration:	Nil - As per expansion Project funding arrangements
Market Valuation:	\$25,500

Written submissions were sought via mail, in person or via email

Submissions were received up until 4:00 pm on 4 February 2026.

The notice was placed in the Kalgoorlie Miner newspaper on 22nd January 2026, as well as the Shire's website, Facebook page, and notice boards.

No submissions were received.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

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

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

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

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil return for disposal of land. Conveyancing costs will be incurred.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the Local Government Act and Council Policies.	Low (4)	Ensure disposals comply with legislation.
Reputational	Nil	Nil	Nil
Property	Lack of housing stock if needed	Moderate (6)	Replace with new housing stock in a timely manner.
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

4/2026

Moved Cr Bradford/Seconded Cr Guerini

That Council:

1. *Notes local public notice, compliant with Section 1.7 and 3.58 of the Local Government Act 1995 was undertaken, advising of the proposed disposal of Lots 7, 8 and 10 Antares Street, Southern Cross to Central East Accommodation and Care Alliance Inc for nil consideration as per agreement and with a market valuation of \$25,500*
2. *Notes no submissions were received for consideration;*
3. *Endorses the Shire of Yilgarn disposing of Lots 7, 8 and 10 Antares Street, Southern Cross to Central East Accommodation and Care Alliance Inc for nil consideration;*
4. *Endorses the Shire President and Acting Chief Executive Officer executing and applying the Shire's Common Seal to relevant paperwork associated with the sale.*

CARRIED (6/0)

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

Cr's Against

9.1 Officers Report - Chief Executive Officer

9.1.3 Disposal of Land - Tesla Supercharger Site, Southern Cross

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

Purpose of Report

For Council to endorse the disposal of land via lease to Tesla for the purpose of establishing a Supercharger site.

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 was identified as per image below, utilising a section of the Acheron Street and Altair Street Road reserves. 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.

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

179/2025

Moved Cr Granich/Seconded Cr Bradford

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 Telsa 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.

CARRIED (5/0)

Cr’s For: Close, Bradford, Rose, Newbury, Granich

Cr’s Against: Nil

The proposed disposal was advertised in the Kalgoorlie Miner newspaper on 22 January 2026 and on the Shire of Yilgarn website, Facebook, and notice boards on 20 January 2026.

At the closing of the public notice period, being 9 February 2026, Nil submissions were received.

It is proposed that Council endorse the disposal of land via lease to Tesla for a consideration of \$4.10 per square metre per annum under an agreement which is to cover ongoing responsibilities of both parties and includes rate adjustment provisions per each lease anniversary.

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
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Disposal of land in non-compliance with LG Act.	Moderate (6)	Public notice complies with requirement of disposal of land.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

5/2026

Moved Cr Bradford/Seconded Cr Guerini

That Council endorses the disposal via lease of a portion of Achernar Street and Altair Street Road Reserves in Southern Cross, to Telsa for a consideration of \$4.10/square metre per annum, for the purpose of establishing an electric vehicle “Supercharger” site.

Council note the local public notice period, conducted as per Section 3.58 of the Local Government Act, received nil responses.

Council note the disposal of land via lease is to be executed via an agreement that covers the exact lease area, ongoing responsibilities of both parties and includes rate adjustment provisions per each anniversary.

CARRIED (6/0)

Cr’s For: Close, Guerini, Bradford, Granich, Newbury, Rose

Cr’s Against: Nil

9.1 Officers Report - Chief Executive Officer

9.1.4 Lease Agreement - Tesla Supercharger Site, Southern Cross

File Reference	10.2.2.8
Disclosure of Interest	None
Voting Requirements	Simple Majority
Author	Nic Warren - Chief Executive Officer
Attachments	Propose Agreement

Purpose of Report

For Council to consider a proposed lease agreement for a portion of the Achernar Street and Altair Street road reserve, for the purpose of a Tesla Supercharger site.

Background

This item is to be considered only in the event Council support the disposal of land as per item 9.1.3 of this same agenda.

Item 9.1.3 seeks Council's decision on disposal of a portion of the Achernar Street and Altair Street road reserves to Tesla via a lease for the purpose of a Tesla Supercharger site.

Item 9.1.3 also seeks Council to "*note the disposal of land via lease is to be executed via an agreement that covers the exact lease area, ongoing responsibilities of both parties and includes rate adjustment provisions per each anniversary.*"

As such, in the event Council endorse the disposal of land, then to comply with the Officers recommendation, an agreement is to be executed.

Shire Executive staff have been liaising with Tesla representatives over the last few months to draft an agreement that covers the Shire of Yilgarn's desire that there is to be no costs incurred by Council as a result of this lease.

The draft agreement is provided as an attachment for Councillors reference.

Comment

The draft agreement covers the following:

- Provides a location within the Achernar Street and Altair Street road reserves for Tesla to establish a Supercharger site.
- The term of the agreement is five (5) years with a licensee right to twice extend the term for further period of 5 years on each occasion;
- Tesla are solely responsible for covering all associated costs for installation and operation of the supercharger site;
- A licence fee of \$4.10 per square metres of utilised space is to be applied upon the possession date (execution of licence);
- The licence fee is to be indexed by CPI annually;

- Tesla are required to remove all trade fixtures and infrastructure upon termination of lease and the Shire may undertake this work if Tesla default, and recoup costs;
- The Shire will provide two street bins, with Tesla paying the applicable annual rate.

Council are to note, Tesla seek to leave the transformer, required for the supercharger, in-situ after cessation of the lease, all other infrastructure will be returned to a suitable condition, commensurate with how the area looked prior to possession.

Statutory Environment

Nil.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Income paid to the Shire for lease.

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	Use of property under lease exposes Shire	Moderate (6)	Lease agreement ensures terms and conditions are applied to the lease arrangement.
Environment	Nil	Nil	Nil

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

Officer Recommendation

That Council endorses the agreement between the Shire of Yilgarn and Tesla Motors Australia Pty Ltd for the lease of a portion of Achernar Street and Altair Street road reserves for the purpose of installation by Tesla of a electric vehicle supercharger site, as presented.

Council Resolution

6/2026

Moved Cr Granich/Seconded Cr Bradford

That Council endorses the agreement between the Shire of Yilgarn and Tesla Motors Australia Pty Ltd for the lease of a portion of Achernar Street and Altair Street Road reserves for the purpose of installation by Tesla of an electric vehicle supercharger site. Subject to amendments requiring the removal of all electrical infrastructure components including transformers and site being returned to preexisting or agreed to state at the conclusion of the lease period.

CARRIED (6/0)

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

Cr's Against: Nil

Reason for Change

To ensure the site is returned to its pre-existing state as Tesla requested permission to leave electrical equipment on site at the conclusion of the lease.

9.1 Officers Report - Chief Executive Officer

9.1.5 Southern Cross Townsite Boundary Change

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

Purpose of Report

For Council to consider a request to the Department of Planning, Lands and Heritage to alter the Southern Cross townsite boundary.

Background

The Shire of Yilgarn has been approached by a landowner, querying the rating of their land, with individual lots separated and valued as rural and urban.

An investigation into the matter determined the Southern Cross townsite boundary intersected a number of the subject lots, creating an anomaly whereby the same lot was valued differently and rated separately.

A map over page, indicating the land parcels (yellow lines) and townsite boundary (red dotted line) shows Lot 8 on DP418424 and Lots 200 and 202 on DP017691 are intersected by the townsite boundary.

It also indicates Lot 55 on DP089831 is within the townsite boundary, however, as it is landlocked with no gazetted access route, it seems practicable to exclude this lot from the townsite boundary.

Statutory Environment

Land Administration Act 1997.

Strategic Implications

Nil.

Policy Implications

Nil.

Financial Implications

Possible cost of creating new Deposited Plan, to be confirmed by DPLH and Landgate.

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	Anomaly in land usage and rating, creating two rating categories for one assessment.	Moderate (6)	Adjustment to townsite boundary will address anomaly.
Environment	Nil	Nil	Nil

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

Officer Recommendation and Council Decision

7/2026

Moved Cr Bradford/Seconded Cr Granich

That Council endorse the removal of the following lots from the Southern Cross townsite boundary:

- *Lot 8 on DP 418424*
- *Lot 200 on DP 017691*
- *Lot 202 on DP 017691*
- *Lot 55 on DP 0898313*

And

Council advise the Department of Planning Lands and Heritage of the same.

CARRIED (6/0)

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

Cr's Against: Nil

9.1 Officers Report - Regulatory Services Officer

9.1.6 Proposed New Lease Over Lot 963 on Deposited Plan 93506

File Reference

Disclosure of Interest

Nil

Voting Requirements

Simple Majority

Author

Kelly Watts - Regulatory Services Office

Attachments

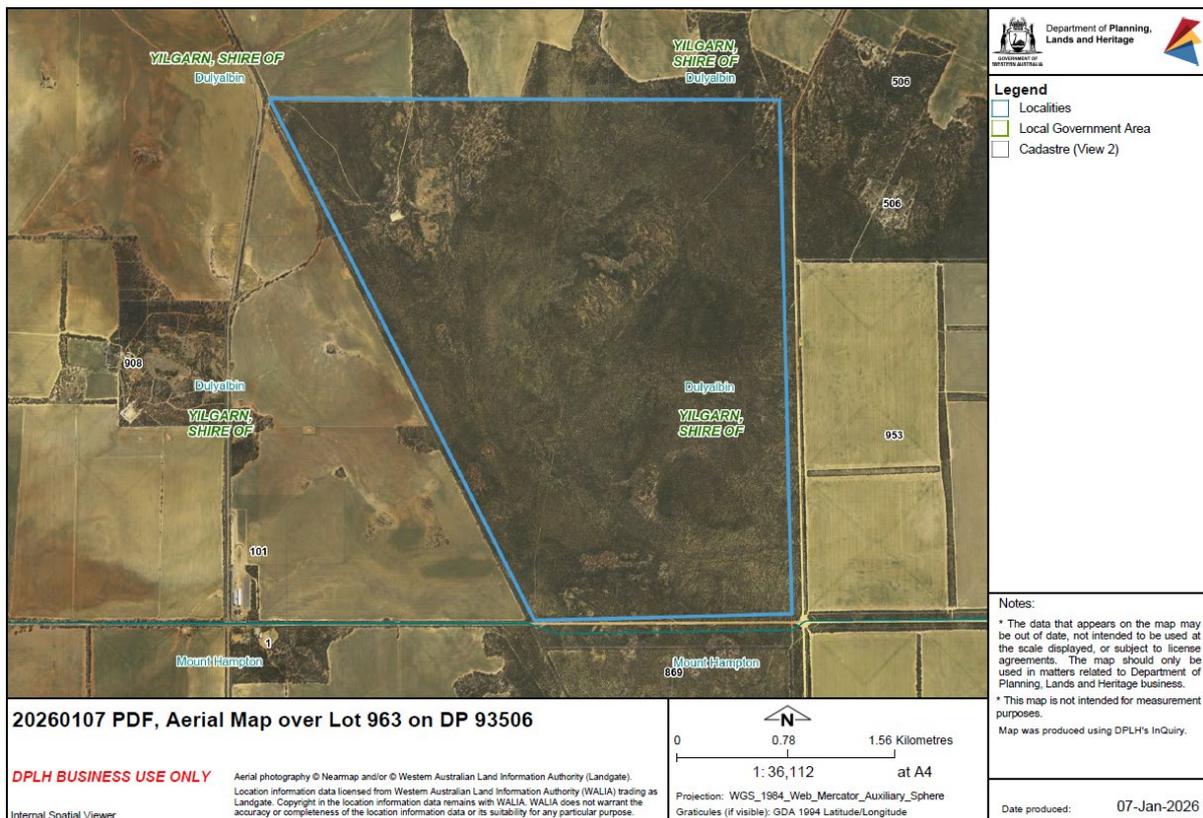
Aerial Tenure

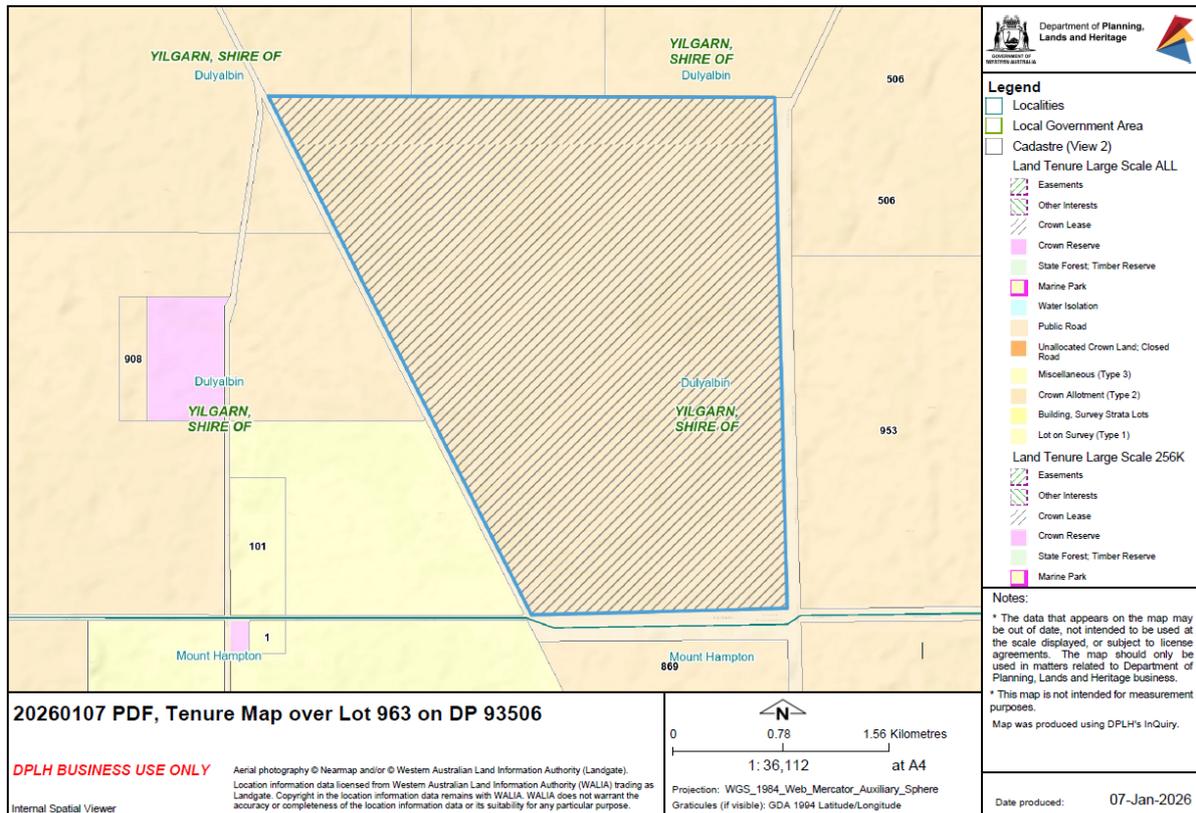
Purpose of Report

For Council to provide comment on the proposed new lease over Lot 963 on deposited plan 93506, the lease is proposed under section 79 of the Land Administration Act 1997 (LAA) for grazing purposes, with a term of 10 years commencing on 1 October 2025.

Background

Aerial and Tenure maps for your information and reference





Comment

Nil.

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	Spills & Leaks	4	Corrective actions to be taken to ensure no escape of water
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Spills & Leaks	4	Ensure controls are implanted to manage any potential impact to environment, Flora and Fauna, and groundwater.
Property	Nil	Nil	Nil
Environment	Spills & Leaks	4	Corrective actions to be taken to ensure no escape of water

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

Officer Recommendation and Council Decision

8/2026

Moved Cr Newbury/Seconded Cr Granich

That Council endorse the following proposed new lease request over Lot 963 on deposited plan 93506, the lease is proposed under section 79 of the Land Administration Act 1997 (LAA) for grazing purposes, with a term of 10 years commencing on 1 October 2025.

CARRIED (6/0)

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

Cr's Against: Nil

9.2 Reporting Officer - Executive Manager Corporate Services

9.2.1 Financial Reports - December 2025

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

Purpose of Report

To consider the Financial Reports.

Background

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

The following reports are attached and have been prepared as at the 31 December 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		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation and Council Decision

9/2026

Moved Cr Rose/Seconded Cr Guerini

That Council endorse the Financial Reports as presented for the period ending 31 December 2025.

CARRIED (6/0)

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

Cr's Against: Nil

9.2 Reporting Officer - Executive Manager Corporate Services

9.2.2 Financial Reports - January 2026

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

Purpose of Report

To consider the Financial Reports.

Background

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

The following reports are attached and have been prepared as at the 31 January 2026.

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

Officer Recommendation and Council Decision

10/2026

Moved Cr Rose/Seconded Cr Guerini

That Council endorse the Financial Reports as presented for the period ending 31 January 2026.

CARRIED (6/0)

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

Cr's Against: Nil

9.2 Reporting Officer - Executive Manager Corporate Services

9.2.3 Accounts for Payment - December 2025

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund - Cheque 41360 to 41361 totalling \$18,413.00
- Municipal Fund - EFT 17423 to 17537 totalling \$793,662.65
- Municipal Fund - Cheques 2751 to 2767 totalling \$436,550.31
- Municipal Fund - Direct Debit Numbers:
 - 20200.1 to 20200.14 totalling \$29,367.54
 - 20209.1 to 20209.15 totalling \$28,817.09
 - 20221.1 to 20221.15 totalling \$29,633.64

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

Comment

Nil.

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil.

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers.

Financial Implications

Drawdown of Bank funds.

Risk Implications

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

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

Officer Recommendation and Council Decision

11/2026

Moved Cr Bradford/Seconded Cr Granich

- *Municipal Fund - Cheque 41360 to 41361 totalling \$18,413.00*
- *Municipal Fund - EFT 17423 to 17537 totalling \$793,662.65*
- *Municipal Fund - Cheques 2751 to 2767 totalling \$436,550.31*
- *Municipal Fund - Direct Debit Numbers:*
 - *20200.1 to 20200.14 totalling \$29,367.54*
 - *20209.1 to 20209.15 totalling \$28,817.09*
 - *20221.1 to 20221.15 totalling \$29,633.64*

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

CARRIED (6/0)

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

9.2 Reporting Officer - Executive Manager Corporate Services

9.2.3 Accounts for Payment - January 2026

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

Purpose of Report

To consider the Accounts Paid under delegated authority.

Background

- Municipal Fund - Cheque 41362 to 41365 totalling \$1,344.65
- Municipal Fund - EFT 17538 to 17654 totalling \$898,168.97
- Municipal Fund - Cheques 2768 to 2784 totalling \$327,050.36
- Municipal Fund - Direct Debit Numbers:
 - 20260.1 to 20260.15 totalling \$28,879.93
 - 20281.1 to 20281.15 totalling \$29,517.27

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

Comment

Nil.

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* *Absolute majority required.*

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

Local Government (Financial Management) Regulations 1996

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

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

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

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

Strategic Implications

Nil.

Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers.

Financial Implications

Drawdown of Bank funds.

Risk Implications

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

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

Officer Recommendation and Council Decision

12/2026

Moved Cr Bradford/Seconded Cr Newbury

- *Municipal Fund - Cheque 41362 to 41365 totalling \$1,344.65*
- *Municipal Fund - EFT 17538 to 17654 totalling \$898,168.97*
- *Municipal Fund - Cheques 2768 to 2784 totalling \$327,050.36*
- *Municipal Fund - Direct Debit Numbers:*
 - *20260.1 to 20260.15 totalling \$28,879.93*
 - *20281.1 to 20281.15 totalling \$29,517.27*

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

CARRIED (6/0)

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

9.3 Reporting Officer - Executive Manager Infrastructure

9.3.1 Supply of One New Motor Grader (Plant Replacement Program)

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Glen Brigg - Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

For Council to consider tenders received through the WALGA Preferred Supplier Program (VendorPanel) for the supply of one new motor grader.

Background

The Shire's Plant Replacement Program provides for the planned replacement of critical plant to maintain operational reliability, safety and value for money over the asset lifecycle.

The existing grader has reached a stage where major components are approaching end of life, increasing the likelihood of extended downtime and unplanned maintenance costs. Replacement at this time is consistent with asset management best practice and reduces both operational and financial risk to the Shire.

Accordingly, the Shire issued a request through VendorPanel (VP490856) under the WALGA Preferred Supplier Program for the supply of one new motor grader suitable for rural road construction and maintenance across the Shire's road network. The request opened on 10 December 2025 and closed on 5 January 2026.

The following preferred suppliers were invited to submit tenders:

- Hitachi Construction Machinery (Australia) Pty Ltd
- AFGRI Equipment Australia Pty Ltd
- Komatsu Australia Pty Ltd
- WesTrac Pty Ltd
- CJD Equipment Pty Ltd.

Conforming submissions were received from:

- WesTrac Pty Ltd
- AFGRI Equipment Australia Pty Ltd

Comment

The Shire manages its plant and equipment in accordance with recognised asset management best practice, with decisions based on whole of life cost, risk and service reliability, rather than reactive replacement.

A structured 10-year Plant Replacement Program allows the Shire to plan capital expenditure in advance, replace plant before major component failure, and dispose of assets while they retain reasonable residual value. This reduces unplanned downtime, budget pressure and safety risk, while providing operational certainty. Without planned replacement, plant is typically run to failure, resulting in higher lifecycle costs and service disruption.

Asset Management Plans (AMPs) support this approach by defining expected service life, renewal timing and performance standards, ensuring replacement decisions are transparent, justified and aligned with the Shire's financial capacity and operational needs.

The proposed replacement of the grader is consistent with the Shire's adopted plant replacement program and is based on asset age, utilisation and increasing risk of major component failure, rather than any single mechanical issue.

Two conforming tenders were received, both offering machines that are fit for purpose and widely used within Australian local governments for rural road construction and maintenance.

Item	Caterpillar 140 (WesTrac Pty Ltd)	John Deere 620P-Tier (AFGRI Equipment Australia)
Machine offered	Caterpillar 140 Motor Grader (2D Cross Slope)	John Deere 620P-Tier Motor Grader
Suitability	Well suited to remote and high-temperature environments	Technically compliant
Local government use	Widely used across WA local governments	Widely used
Fleet alignment	Aligns with existing Caterpillar fleet	New platform for the Shire
Total purchase price	\$472,519.79	\$486,000.00
Extended warranty	Included	Optional
Dealer support	Strong Goldfields service presence	Regional support (Merredin)
Value for money	Stronger whole of life position	Higher purchase price

Total Purchase Price breakdown Caterpillar 140

Component	Amount
Base purchase price	\$443,500.00
Automatic greasing system (NLS 8kg)	\$20,137.50
Spare rim and tyre	\$5,185.33
Extended warranty - 36 months / 6,000 hours	\$3,696.96
Total purchase price (ex GST)	\$472,519.79

The total purchase price above reflects the base machine together with the recommended optional items to support reliability and whole of life value. Trade-in values have not been included, as Council is proposing to dispose of the existing grader by public auction.

AFGRI submitted multiple configuration options, all of which were technically compliant. Assessment focused on the configuration most closely aligned with the Shire's operational requirements. Higher specification options were reviewed but did not provide improved value for money and did not change the assessment outcome.

The Caterpillar 140 aligns with the Shire's existing fleet, delivering benefits through fleet standardisation, operator familiarity and reduced downtime. While the John Deere option is technically compliant, its higher purchase price reduces its value-for-money position when assessed on a whole of life basis.

In assessing the tenders, consideration has been given to whole-of-life cost, service reliability, dealer support and fleet compatibility, not solely the upfront purchase price. Council is not bound to accept the lowest or any tender.

Statutory Environment

This procurement has been undertaken in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996, using the WALGA Preferred Supplier Program (VendorPanel).

The proposed disposal of the existing grader will be undertaken in accordance with section 3.58 of the Local Government Act 1995, which requires public advertising for the disposal of property valued above the statutory threshold.

Strategic Implications

The proposed purchase supports the objectives of the Shire's Strategic Community Plan, in particular:

- 2.5 Safety and quality of transport networks are maintained and improved; and
- 2.5.1 Continue to maintain and upgrade the road network.

The replacement of ageing plant also supports effective service delivery, reduced operational risk, and improved reliability of road maintenance activities across the Shire.

Policy Implications

The procurement and proposed disposal are consistent with the Shire's:

- Finance Policy Purchasing and Tendering;
- Plant Replacement Program; and
- Asset Management Framework and Asset Management Plans.

Financial Implications

The 2025/26 budget makes provision for the replacement of the grader under the Plant Replacement Program.

The gross purchase price of the recommended grader, including approved optional extras, is within the approved budget allocation.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Continued operation of ageing plant increases risk of mechanical failure and operator safety incidents.	Moderate	Replacement with new plant incorporating current safety standards and warranty.
Financial Impact	Risk of increased unplanned maintenance and major component failure if replacement is deferred.	Moderate	Planned replacement within the approved Plant Replacement Program and budget allocation.
Service Interruption	Potential for extended downtime impacting road maintenance and construction activities.	Moderate	Improved reliability through new plant and ongoing dealer support, reducing likelihood of service disruption.
Compliance	Nil		Nil
Reputational	Nil		Nil
Property	Nil		Nil
Environment	Nil		Nil

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

Officer Recommendation and Council Decision

13/2026

Moved Cr Rose/Seconded Cr Guerini

That Council, by Absolute Majority in accordance with section 3.57 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996:

1. *Accepts the tender submitted by WesTrac Pty Ltd for the supply of one new Caterpillar 140 motor grader, at a gross purchase price of \$472,519.79 (ex GST);*
2. *Approves the disposal of the existing grader by public auction in accordance with section 3.58 of the Local Government Act 1995; and*
3. *Authorises the Chief Executive Officer to execute all documentation and take all actions necessary to give effect to this decision.*

CARRIED (6/0)

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

Cr's Against

9.3 Reporting Officer - Executive Manager Infrastructure

9.3.2 Gating Mt Jackson Road

File Reference

Disclosure of Interest

Nil

Voting Requirements

Simple Majority

Author

Glen Brigg - Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

To seek Council endorsement to install an unlocked gate and advisory signage on Mt Jackson Road at the intersection with Bullfinch Evanston Road and north of the Radio Gold Mine turnoff, to improve safety, reduce asset damage, and clarify vehicle suitability while retaining lawful access.

Background

Mt Jackson Road is a remote unsealed local road providing access to pastoral land, mining tenure, DBCA managed reserves and recreational heritage areas.

Over recent years, the Shire has experienced:

- Unauthorised access during wet conditions;
- Road damage resulting in increased maintenance costs;
- Vehicles becoming stranded due to unsuitable vehicle type;
- Closure signage being ignored; and
- Elevated duty of care exposure.

On 22 October 2025, the Shire publicly advertised a proposal to gate Mt Jackson Road and invited submissions from stakeholders and the broader public.

Consultation included:

- Direct correspondence to adjoining landholders;
- Mining tenure holders;
- DBCA: Department of Biodiversity, Conservation and Attractions (Western Australia);
- DMPE: Department of Mines, Petroleum and Exploration (Western Australia);
- DWER: Department of Water and Environmental Regulation (Western Australia);
- Public advertisement via the Shire website.

Submissions closed in November 2025. A total of seven submissions were received.

Comment

Mt Jackson Road is a remote unsealed local road that services pastoral interests, mining tenure, DBCA-managed reserves and recreational users accessing heritage and environmental sites. While the road remains legally open, its classification and condition are consistent with a remote, unformed track rather than a maintained rural access road suitable for general traffic.

Over recent years, the Shire has experienced increasing issues associated with the road, including:

- Unauthorised access during wet conditions;
- Road damage resulting in increased maintenance demand;
- Vehicles becoming stranded due to unsuitable vehicle type;
- Closure signage being ignored; and
- Elevated duty of care exposure where known hazards exist.

Council previously resolved to undertake public consultation regarding the installation of gates as a potential access management tool.

A public notice was advertised on 22 October 2025 and direct correspondence was issued to affected stakeholders including pastoralists, mining operators and relevant State agencies. Submissions were invited to ensure Council considered operational, statutory and recreational interests before determining a way forward.

The consultation process identified a clear distinction between stakeholder groups. Pastoral and mining stakeholders generally supported gating, provided their operational access is not restricted. They requested that the gate location allow heavy vehicles to move freely and that adequate turning space, clear signage and practical access arrangements be provided.

DBCA indicated support for the proposal subject to emergency and fire access being maintained. DMPE raised considerations regarding access for mining tenure holders and Miner's Rights holders, particularly where access may be time sensitive. DWER provided no objection.

Recreational submissions expressed concern that gating may result in a perceived permanent closure and reduce regional access for 4WD tourism and heritage visitation. Concerns were also raised regarding the adequacy of consultation and broader implications for remote access across the Goldfields region.

Importantly, the officer recommendation does not propose permanent closure. The proposal is to install an unlocked gate with advisory signage to clarify road suitability and improve safety while retaining lawful access.

The installation of an unlocked gate at:

- The intersection of Bullfinch Evanston Road and Mt Jackson Road; and
- North of the Radio Gold Mine turnout

will serve to physically signal entry into a remote high risk road environment. Advisory signage will state:

- High Clearance 4WD Only
- Not Suitable for 2WD Vehicles
- Use at Own Risk
- Road Subject to Closure in Wet Conditions

This approach:

- Retains access for legitimate users;
- Strengthens the Shire's risk management position;
- Reduces inappropriate 2WD entry;
- Improves legal defensibility;
- Clarifies Council's management intent.

It represents a balanced outcome between unrestricted access and permanent closure.

Stakeholder	Position	Key Matters Raised	Officer Response
Golden Valley Pastoral	Support (conditional)	Gate location; heavy vehicle turning; access for legitimate users	Gate located north of Radio Gold Mine turnoff; unlocked design retains access
WIN Metals Ltd	Support (conditional)	Operational access; signage; enforcement	Unlocked gate; advisory signage; no operational restriction
DBCA	Support (conditional)	Emergency/fire access required	Access maintained; gate unlocked
DMPE / Land Use Planning	Conditional	Mining tenure access must remain	Access retained; no permanent closure
DMPE / Resource Tenure Division	Concern	Miner's Rights time sensitive access	Unlocked gate; lawful access retained
DWER	No objection	Nil	No action required
Recreational submissions	Opposed	Tourism access; perceived closure; consultation concerns	Road remains legally open; signage clarifies risk

Statutory Environment

Under the Local Government Act 1995 (WA):

- Council controls and manages local roads.
- Council may regulate access for safety and asset protection.
- An unlocked gate does not constitute permanent road closure.

No Ministerial approval, Gazette closure, or Landgate action is required provided:

- The road remains legally open;
- Access is not extinguished.

The gate will be located within the road reserve at:

- The intersection of Bullfinch Evanston Road and Mt Jackson Road; and
- North of the Radio Gold Mine turnoff.

Relevant stakeholders will be formally notified prior to installation.

Strategic Implications

The proposal aligns with:

- Asset Management principles (risk-based prioritisation);
- Road Safety and Duty of Care obligations;
- Sustainable infrastructure management;
- Risk mitigation under limited funding capacity.

Policy Implications

Consistent with:

- Shire Asset Management Strategy;
- Risk Management Framework;
- Road Closure and Wet Weather Protocol practices.

Financial Implications

Estimated costs:

- Gate supply and installation: \$3,000
- Signage package: \$2000
- Minor earthworks / turning area (if required): \$500
- Total of \$5,500

Costs can be accommodated within the Roads operational budget.

- Long-term impact:
- Reduced reactive maintenance;
- Reduced recovery costs;
- Reduced liability exposure.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health / People	Stranded motorists; inappropriate vehicle access	Moderate	Gate + advisory signage
Financial Impact	Ongoing road damage from uncontrolled access	Moderate	Controlled entry + wet weather protocol
Service Interruption	Temporary access disruption during works	Low	Advance notice
Compliance	Failure to manage known hazard	High if unmanaged	Formalised access control
Reputational	Perception of closure	Moderate	Clear communication strategy
Property	Infrastructure deterioration	Moderate	Physical deterrent

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

Officer Recommendation and Council Decision

14/2026

Moved Cr Bradford/Seconded Cr Rose

That Council pursuant to Sections 3.18 and 3.50 of the Local Government Act 1995 (WA):

1. *Approves the installation of an unlocked gate on Mt Jackson Road*

- *The intersection of Bullfinch Evanston Road and Mt Jackson Road; and*
- *North of the Radio Gold Mine turnoff.*

2. *Approves installation of advisory signage stating:*

**HIGH CLEARANCE 4WD ONLY
NOT SUITABLE FOR 2WD VEHICLES
USE AT OWN RISK
ROAD SUBJECT TO CLOSURE IN WET CONDITIONS
CHECK ROAD CONDITIONS: www.yilgarn.wa.gov.au
SHIRE OF YILGARN HOTLINE (08) 94878777**

3. *Notes the gate will remain unlocked under normal conditions but may be temporarily secured during declared wet weather closures or emergency events.*

4. *Authorises the Chief Executive Officer to notify relevant agencies and stakeholders of Council's decision.*

CARRIED (6/0)

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

Cr's Against

9.3 Reporting Officer - Executive Manager Infrastructure

9.3.3 Bitumen Tender

File Reference

Disclosure of Interest

Nil

Voting Requirements

Simple Majority

Author

Glen Brigg - Executive Manager Infrastructure

Attachments

Nil

Purpose of Report

To seek Council approval to accept pricing under the WALGA Preferred Supplier Panel for the supply and spray of bitumen and associated works for sealing Cramphorne Road from SLK 9.90 to 18.00 (8.10 km), delivered under the 2025/2026 RRG Program including the brought forward allocation.

Background

Council previously endorsed the delivery of sealing works on Cramphorne Road as part of the Regional Road Group (RRG) Program. The works now incorporate both the 2025/2026 approved RRG allocation and the 2026/2027 RRG project brought forward, following the increase in RRG funding allocated to the Shire in 2025/2026.

The combined program enables the sealing of approximately 58,000 m² of prepared pavement between SLK 9.90 and 18.00.

Pricing has been sourced through the WALGA Preferred Supplier Panel in accordance with the Shire's Purchasing Policy.

Suppliers invited via the panel were:

- Bitumen Surfacing
- Bitutek Pty Ltd
- Fulton Hogan Industries Pty Ltd
- Boral Resources (WA) Ltd

Responses were received from Bitutek Pty Ltd and Boral Resources (WA) Ltd. Fulton Hogan declined to respond, and Bitumen Surfacing did not submit pricing.

Comment

The consolidation of the 2025/2026 RRG allocation with the 2026/2027 project brought forward provides operational and financial efficiencies. Delivering works in a single construction program reduces mobilisation costs, minimises disruption, and ensures continuity of treatment across the programmed section of Cramphorne Road.

The increase in RRG funding allocated to the Shire in 2025/2026 created the opportunity to accelerate the 2026/2027 component. Bringing the project forward avoids staged delivery over two separate financial years, which would otherwise result in duplicated establishment costs and exposure to further bitumen price escalation.

Cramphorne Road forms part of the Shire's regional freight network and has been progressively upgraded in recent years. Sealing the section between SLK 9.90 and 18.00 completes a logical construction stage and supports network resilience, safety and whole-of-life asset management outcomes.

Procurement has been undertaken through the WALGA Preferred Supplier Panel to ensure compliance with the Local Government Act 1995 and the Shire's Purchasing Policy. The panel arrangement provides competitive pricing while avoiding the time and cost associated with a separate public tender process.

The total estimated cost of \$264,000 (inc GST) remains within the combined RRG allocation and Shire contribution. The estimated area of 58,000 m² has been adopted for quotation and budgeting purposes only. The final sealed area will be confirmed upon completion of the works, and actual costs will be adjusted accordingly based on measured quantities and applicable rise and fall provisions.

Aggregate is supplied by the Shire.

Company	Bitumen (\$/L)	Spreader truck (\$/day)	Precoat (\$/t)	Total (incl. GST)	Total (ex. GST)
Bitutek Pty Ltd	1.51	1,900	12.50	264,000	240,000
Boral Resources (WA) Ltd	(as quoted)	(as quoted)	(as quoted)	282,633	256,939

Statutory Environment

Procurement has been undertaken through the WALGA Preferred Supplier Panel in accordance with Section 3.57 of the Local Government Act 1995 and Regulation 11(2) of the Local Government (Functions and General) Regulations 1996. The panel was established through a compliant public tender process, and therefore no separate public tender is required.

Strategic Implications

The works align with the Shire's Asset Management objectives and the long-term Roads and Transport Program. Delivering the construction and sealing of this section of Cramphorne Road improves pavement standard, increases structural capacity, and enhances safety and reliability for freight and local traffic movements.

The project forms part of the progressive upgrade of Cramphorne Road to a sealed standard, reducing ongoing maintenance demand and improving whole of life asset performance.

Bringing forward the 2026/2027 RRG allocation into 2025/2026 improves delivery efficiency, reduces duplication of establishment costs, and limits exposure to future cost escalation in materials and contractor availability.

Policy Implications

The project is consistent with:

- The Shire's Purchasing Policy, with procurement undertaken via the WALGA Preferred Supplier Panel in accordance with statutory requirements.
- The Shire's Roads and Transport Asset Management Plan, which identifies the progressive upgrading of key freight routes to improve network resilience and reduce long-term maintenance demand.
- The adopted 10-Year and emerging 15-Year Road Program, which prioritises strategic upgrades based on condition, traffic usage, and whole of life costing principles.
- Regional Road Group (RRG) funding guidelines, including the 2/3 RRG and 1/3 local government contribution framework.
- The Shire's broader Long-Term Financial Plan, ensuring infrastructure investment remains within sustainable funding parameters.

Financial Implications

The total estimated cost of \$264,000 (incl. GST) remains within the combined 2025/2026 RRG allocation and the brought-forward 2026/2027 RRG funding, together with the Shire's required contribution.

The estimated area of 58,000 m² has been adopted for quotation and budgeting purposes only. Final quantities will be confirmed on completion of the works and costs adjusted based on actual measured area and applicable rise and fall provisions.

Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People			
Financial Impact	Risk of increased pavement deterioration and higher reconstruction costs if reseal is delayed	Moderate	Project funded and scheduled within current financial year
Service Interruption	Temporary traffic delays during sealing works	Low	Traffic management and staged delivery
Compliance	Non-compliance with procurement requirements	Low	Procurement undertaken via WALGA Panel
Reputational	Community concern if road condition declines	Low	Proactive asset preservation strategy
Property	Nil		Nil
Environment	Nil		Nil

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

Officer Recommendation and Council Decision

15/2026

Moved Cr Bradford/Seconded Cr Rose

That Council accept the quotation from Bitutek Pty Ltd under the WALGA Preferred Supplier Panel for the supply and spray of bitumen for construction and sealing works on Cramphorne Road (SLK 9.90 to 18.00) at a total cost of \$264,000 (incl. GST).

CARRIED (6/0)

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

Cr's Against

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

16/2026

Moved Cr Guerini/Seconded Cr Bradford

That by decision of Council the new business of an urgent nature be accepted for consideration.

CARRIED (6/0)

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

Cr's Against: Nil

12 Reporting Officer - Acting Chief Executive Officer

12.1 Acting Chief Executive Officer Appointment

File Reference	1.1.1.1
Disclosure of Interest	None
Voting Requirements	Absolute Majority
Author	Cameron Watson - Acting Chief Executive Officer
Attachments	Nil

Purpose of Report

For Council to endorse an Acting Chief Executive Officer to commence as of 9th March 2026

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 is currently underway, in following due process under the *Local Government Act 1995* (the Act), there will be a period from 2 February 2026 where interim measures will be required.

The Executive Manager Corporate Services will have undertaken the Acting Chief Executive roll for the period commencing 2nd February 2026, however there will be a need for him to finalise this arrangement in March 2026 due to commitments relating to implementing and adopting the 2026/2027 budget.

Comment

Mr Peter Clarke is a previous Shire of Yilgarn Chief Executive Officer and has extensive experience in the role with this and other Councils. As per Council Policy 5.10: Acting Chief Executive Officer Appointment and Senior Employees, this appointment needs to be endorsed by Council.

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.

It will be proposed to appoint Mr Peter Clarke to the role of Acting Chief Executive Officer for the period commencing 9th March until the commencement of the preferred candidate identified during the CEO recruitment process. It is intended that Mr Clarke be appointed with the same entitlements of Housing/Utilities, Vehicle, Superannuation and rates of pay and entitlements as the previous permanent incumbent.

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

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

Officer Recommendation and Council Decision

17/2026

***Moved Cr Guerini/Seconded Cr Bradford
That Council by absolute majority***

- 1. endorse Mr Peter Clarke as Acting Chief Executive Officer for the Shire of Yilgarn commencing 9th March 2026 until the appointment and commencement of the preferred candidate as permanent Chief Executive Officer;***
- 2. agree that Mr Clarke's remuneration be the same as the previous permanent Chief Executive Officers salary whilst engaged as Acting Chief Executive Officer; and***
- 3. note, as per Section 5.39(1a)(a) a contract is not required for this engagement of Acting Chief Executive Officer.***

CARRIED (6/0)

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

13 MEETING CLOSED TO THE PUBLIC - CONFIDENTIAL ITEMS

CONFIDENTIAL

18/2026

Moved Cr Guerini/Seconded Cr Newbury

That the Ordinary Meeting of Council be close to the public under the Local Government Act 1995 Section 5.23 (2) (c).

CARRIED (6/0)

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

Cr's Against: Nil

Kim Chrisp, Glen Briggs, Travis Prue, Kaye Crafter, Kelly Smith, and Kevin Dalgetty left the chambers at 6:00pm.

13 Officers Report - Shire President

13.1 CEO Recruitment - Appointment of Chief Executive Officer

File Reference

Disclosure of Interest

Nil

Voting Requirements

Absolute Majority

Author

Darren Mollenoyux - 150Square

Attachments

1. Confidential - CEO Recruitment - Interviews and Recommend Candidate Report

2. Confidential - DRAFT CEO Contract of Employment

Purpose of Report

To present Council with the recommendation of the CEO Recruitment and Selection Panel and to seek Council's endorsement of the preferred candidate and proposed Contract of Employment for the position of Chief Executive Officer.

Officer Recommendation and Council Decision

19/2026

Moved Cr Bradford/Seconded Cr Granich

That Council:

- 1. Receives the CEO Selection and Recruitment Panel's assessment report and recommendation, as contained in Confidential Attachment 1, as to the recommended Chief Executive Officer for the Shire of Yilgarn;*
- 2. Agrees that the preferred candidate is suitably qualified for the position of Chief Executive Officer in accordance with section 5.36 (2)(a) of the Local Government Act 1995, and notes that the preferred candidate's character, work history, competencies,*

- performance, reference checks and any other claims made by the applicant have been verified; and*
- 3. Approves the Contract of Employment contained in Confidential Attachment 2 for the preferred candidate in accordance with section 5.36(2)(b) of the Local Government Act 1995;*
 - 4. Authorises the Shire President and Acting/Temporary Chief Executive Officer to execute the Contract of Employment and affix the Common Seal in accordance with section 9.49A(1) of the Local Government Act 1995;*
 - a) authorises the Shire President to finalise the contract negotiations within the parameters of the total remuneration package is within the Salaries and Allowances Tribunal's Local Government Chief Executive Officers and Elected Members Determination No 1 of 2025 (SAT Determination) for a Band 3 Local Government;*
 - 5. Maintains confidentiality of the preferred candidate's identity until the Contract of Employment has been executed and a public announcement is made; and*
 - 6. Subject to execution of the Contract, confirms compliance with the Shire's adopted CEO Recruitment, Performance Review and Termination Standards and provides written confirmation of the resolution to the Department of Local Government, Sport and Cultural Industries within 14 days in accordance with section 5.39B(7) of the Act and Regulation 18FB of the Local Government (Administration) Regulations 1996.*

CARRIED (6/0)

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

Cr's Against: Nil

Council Decision

20/2026

Moved Cr Bradford/Seconded Cr Newbury

That the Ordinary Meeting of Council be re-opened to the public.

CARRIED (6/0)

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

Cr's Against: Nil

Kim Chrisp, Glen Briggs, Travis Prue, Kaye Crafter, Kelly Smith, and Kevin Dalgetty returned to the chambers at 6:14pm.

Council Decision

21/2026

Moved Cr Bradford/Seconded Cr Newbury

That the motion carried during confidential session was endorsed as presented.

CARRIED (6/0)

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

Cr's Against: Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 6:15pm.

I, Bryan Close, confirm the above Minutes of the Meeting held on Thursday 19 February 2026, are confirmed on Thursday 19 March 2026 as true and correct record of the February 2026 Ordinary Meeting of Council.



Cr Bryan Close
SHIRE PRESIDENT